



4 September 2024

Tēnā koe

Official Information Act request

Thank you for your email of 22 July 2024, requesting information about the Ministry of Social Development (the Ministry) requiring bank statements from clients and from their banking institutions.

I note your email of 18 August 2024 in which you clarified that your request is in relation to an applicant applying for hardship assistance.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on your request set out separately below.

I will address the part of question 2 that refers to the Ministry requiring bank statements which are considered to be privileged together with question 4 of your request.

- 1. What section within the social security act 2018 allows msd to require a beneficiary to provide financial details in the form of a bank statement despite being privileged information in a court of law*
- 2. What section of the social security act 2018 allows msd or any of its employees to seek or require a banking financial institution to provide banking financial statements for eg a bank statement directly to msd about a particular client of msd whom is the reciever of a benefit that would otherwise be privileged information in a court of law*
- 3. Does applying for a benefit and upon successful application under the terms and conditions of a benefit allow and or grant msd the exclusive right or consent to seek banking financial information either directly or indirectly in accordance with the social security act 2018 by or pursuant by law*

To qualify for hardship assistance such as Special Needs Grant (SNG), Recoverable Assistance Payment (RAP) and Advance Payment of Benefit (ADV), a client and their partner (if any) must meet the eligibility criteria, including an income and cash asset test. To determine whether a client meets the eligibility criteria for the assistance they are applying for, the Ministry may request verification from the client if needed. Verification of income and cash assets may be required in various forms. For income verification, the Ministry may verify these using payslips, or a letter from an employer. For asset verification, the Ministry may verify this through a bank statement or term deposit statements. To verify assets, bank statements only require to show the amount in any bank account(s).

Further information about the eligibility criteria for SNG, RAP and ADV can be found at the following links:

- www.workandincome.govt.nz/map/income-support/extra-help/special-needs-grant/qualifications.html
- www.workandincome.govt.nz/map/income-support/extra-help/recoverable-assistance-payment/qualifications.html
- www.workandincome.govt.nz/map/income-support/extra-help/advance-payment-of-benefit/qualifications.html

4. *Does msd require a court order to seek banking financial information ie a bank statement that would ordinarily be privileged information by or pursuant by law*

The Ministry does not directly request bank statements from a client's banking institute in order to verify their income, and cash assets, as part of a hardship application. Clients have the onus of providing relevant verification of income and cash assets required to qualify for hardship assistance. Failure to do so may result in an application being declined.

In regard to your questions related to privileged information, the Ministry cannot give you legal advice on this issue.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

pp. 

Magnus O'Neill
General Manager
Ministerial and Executive Services