



11 OCT 2017

Ms Katherine Raue
fyi-request-6583-7d1f17f2@requests.fyi.org.nz

Dear Ms Raue

On 22 September 2017, you emailed the Ministry requesting, under the Official Information Act 1982, information regarding the statement made by Brendan Boyle, Chief Executive of the Ministry of Social Development, that *'I refute any claim that a personal undertaking was given to discontinue the use of pseudonyms. The documents will show that.'* Specifically, you requested the following:

- *all information regarding the documents the Chief Executive claims refute the statement that such an undertaking was given, and all other information regarding the action taken as a result of the concern and disapproval expressed by the Authority in 2015 regarding this repugnant and unlawful practise - this information should have been provided in response to my request made in April*

In the Social Security Appeal Authority's (the Authority) interlocutory decision [2017] NZSSAA 52 (15 September 2017), the Authority alleges that, in a memorandum delivered to the Authority on 14 June 2016, Mr Boyle *'gave his personal undertaking that members of Benefits Review Committees would disclose their true identity.'* Mr Boyle refutes this claim, and the Ministry is challenging the Authority's interlocutory decision. As the matter will now be decided in the High Court, the Ministry is unable to make any further comment.

The memorandum delivered to the Authority on 14 June 2016 was filed in a proceeding before the Authority and therefore is part of those proceedings. As such your request for this document is refused under section 18(c)(i) of the Act, as sittings of the Authority are private and making available the information requested would be contrary to section 12N(4) of the Social Security Act 1964, which states that "[i]t shall not be lawful to publish any part of the proceedings before the Appeal Authority unless in any case the Authority orders otherwise".

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 this response, 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.

Yours sincerely

Nadine Kilmister
Director, Office of the Chief Executive