



OIA assessment

Date: 8 March 2023

Security Level: IN-CONFIDENCE

To: Official and Parliamentary Information Team

Official Information Act Request: O'Riley, Lance (FYI Website) - Information relating to 52-week income summary and overpayments including internal processes, data pulls for last 15 years broken down by region, age range, benefit type and ethnicity. [CE]

The Ministry of Social Development has received a request for information under the Official Information Act 1982. Your business unit holds information relevant to the request. The request is for:

1a: All Internal correspondence including emails regarding requesting a 52 Week income summary

1b: Official processes and guidelines for requesting a 52 week income summary

1c: All internal documentation about why a 52 week income summary should be requested

2a: What is the internal process for calculating the amount of an overpayment

2b: What circumstances can an overpayment be written off when it results from a genuine oversight or error from a client rather than an intentional act.

For Questions 3a onwards please provide this data by month for the last 15 years and broken down by region, age range, benefit type and ethnicity.

(Age range can be interpreted anyway you chose, so long as it is reasonable and in line with commonly used age brackets)

3a: The number of times a 52 week income summary has been requested

3b: The number of times a 52 week income summary has resulted in an underpayment

3c: The number of times a 52 week income summary has resulted in an overpayment

- 3d: How many times was a 52 week income summary requested when a client was self-disclosing a possible overpayment.*
- 4a: For all underpayments, what is the average amount that has been underpaid*
4b: For all overpayments, what is the average amount that has been overpaid
4c: For all overpayments, how was this amount calculated
4d: For all overpayments, how many have had a review of decision requested
4e: For all review of decisions, how many resulted in the overpayment amount being found to be an error
4f: For all overpayments being found to be an error, what was the average amount that was calculated incorrectly.
4g: For all overpayments being found to be an error, what is the reason for the error
4h: For all overpayments being found to be an error, how many were written off as a result of said error
- 5a: For all overpayments, how many were found to be intentional and/or fraudulent*
5b: For all overpayments, how many were found to be non-intentional
5c: For all overpayments found to be non-intentional, how many were written off under section 208
5d: For all overpayments found to be non-intentional, and were later repaid, why were these not written off as per Section 208
- 6a: For interpreting the criteria noted in Section 208, please provide internal documentation discussing this, including emails and policy guidelines.*

File ref: //OIA//06/22-15650


Recommended actions

It is recommended that you:

- 1 **Note** the contents of this OIA assessment.
- 2 **Sign** the attached letter to Lance O’Riley.

Note that the response letter will be published on the Ministry’s website.

Bridget Saunders
Manager Issue Resolution
Service Delivery

p.p. 

Sarah Quigan
Manager
Official Information

Insert DATE

Date

7/3/23

Date

Due Date

- 1 The response to the requestor was initially due on 8 February 2023. The time required to make a decision has been extended. A decision is now due on or before 8 March 2023.

Background

- 2 This is the requestor's second request for official information from the Ministry.
- 3 The first OIA request from the Ministry was regarding Emergency Housing:
 - 3.1 [O'Riley, Lance \(Individual - FYI Website\) - Request to know the numbers of people who have been placed in emergency housing in the wider Wellington city area since 2010 \[CE\] \(qA687107\)](#)
- 4 The requestor has had numerous OIA requests to other agencies.
- 5 The requestor has had his comments published and has been quoted in news articles:
 - 5.1 <https://www.nzherald.co.nz/nz/anti-vaccine-billboard-near-middlemore-hospital-removed-after-raft-of-complaints/3J7OXHZ4VQLWXXBKSTOQX3VURQ/>
- 6 The requestor may be a previous client of the Ministry who was deemed to receive an overpayment, though this cannot be confirmed as the requestor has not provided further identifying details.

Suggested Response

- 7 Please see the **Appendix** at the bottom of this report for a list of each question and whether it is refused or granted, for reference.
- 8 The questions have been answered in the following categories: policy and guidelines for requesting an income summary, overpayments, underpayments and the debt write-off criteria.
- 9 The People Group advised that there are no modules specific to the request in the Learning Management System.
- 10 *Requesting an income summary*
 - 10.1 Question 1a is refused under section 18(f) of the Act as it would require substantial manual collation to locate and assess all correspondence in scope of this request.
 - 10.1.1 I have considered the Ministry's obligations under section 18A and 18B of the Act, and have determined that either consulting with the requestor, extending for a further period, or fixing a charge would not remove the reason for refusal.
 - 10.2 Questions 1b and 1c have been interpreted as documents specifically regarding income summaries. As such, these questions are answered with links to the public MAP website and copies of the following Doogle pages:

10.2.1 *Income and Asset Details*

10.2.2 *Review of Annual Income*

10.2.3 *Review of Annual Income – client groups*

10.3 Question 3a is refused under section 18(f) of the Act as it would require substantial manual collation to manually review individual case files to find information about how many times a 52-week income summary is requested, as this information is not centrally recorded.

10.3.1 I have considered the Ministry's obligations under section 18A and 18B of the Act, and have determined that either consulting with the requestor, extending for a further period, or fixing a charge would not remove the reason for refusal.

11 *Overpayments*

11.1 Questions 2a and 4c are answered by providing an explanation of how overpayments are calculated, and links to a relevant public MAP page and legislation.

11.2 Questions 3c, 3d, 4b, 4f, 4g, 4h, 5a, 5b, 5c, 5d are refused under section 18(f) of the Act as it would require substantial manual collation to manually review individual case files to find information about the amount overpaid, the cause of the overpayment itself, whether a debt write-off was the result of an error, and how many overpayments were or were not written off under Section 208, as this information is not centrally recorded.

11.2.1 I have considered the Ministry's obligations under section 18A and 18B of the Act, and have determined that either consulting with the requestor, extending for a further period, or fixing a charge would not remove the reason for refusal.

11.3 Question 4d is responded to with five data tables as follows:

11.3.1 **Table 1:** The number of Review of Decisions lodged with the Benefit Review Committee where action reviewed relates to Overpayments from 1 July 2006 to 30 June 2022, by financial year ending June and action reviewed

11.3.2 **Table 2:** The number of Reviews of Decisions received by the Ministry for an overpayment of financial assistance for the period 2007 to 2022, broken down by age group and financial year

11.3.3 **Table 3:** The number of Reviews of Decisions received by the Ministry for an overpayment of financial assistance for the period 2007 to 2022, broken down by benefit type and financial year

11.3.4 **Table 4:** The number of Reviews of Decisions received by the Ministry for an overpayment of financial assistance for the period 2007 to 2022, broken down by reported ethnicity and financial year

11.3.5 **Table 5a - 5g:** The number of Review of Decisions lodged with the Benefit Review Committee where action reviewed relates to Overpayments from 1 July 2008 to 30 June 2022, by financial year ending June, and total

response ethnicity

11.4 Question 4e is refused under section 18(f) of the Act as it would require substantial manual collation to manually review individual case files to find information about whether a ROD received because of an overpayment was found to be an error, as this information is not centrally recorded.

11.4.1 I have considered the Ministry's obligations under section 18A and 18B of the Act, and have determined that either consulting with the requestor, extending for a further period, or fixing a charge would not remove the reason for refusal.

12 *Underpayments*

12.1 Questions 3b and 4a are refused under section 18(f) of the Act as it would require substantial manual collation to manually review individual case files to find information about the average amount underpaid and the reason for an underpayment, as this information is not centrally recorded.

12.1.1 I have considered the Ministry's obligations under section 18A and 18B of the Act, and have determined that either consulting with the requestor, extending for a further period, or fixing a charge would not remove the reason for refusal.

13 *Debt write-off criteria*

13.1 Question 2b is answered by providing a link to public MAP about debt write-off criteria, which includes information about overpayments established because of client error.

13.2 Question 6a is answered in part:

13.3 The requestor is provided with policy guidelines including links to public MAP, and an excerpt of the following Google pages, as the rest of the document is outside of the scope of the request.

13.3.1 What's New for December 2021 – Debt write off under regulation 208

13.4 The requestor for internal correspondence about Section 208 is refused under section 18(f) of the Act as it would require substantial manual collation to locate and assess all correspondence in scope of this request.

13.4.1 I have considered the Ministry's obligations under section 18A and 18B of the Act, and have determined that either consulting with the requestor, extending for a further period, or fixing a charge would not remove the reason for refusal.

Internal consultations

Business unit	FYI/consulted	Comments worth noting
Media	FYI	
Legal	N/A	
CE's office	N/A	
Client Advocacy and Review	Consulted	Provided information regarding Reviews of Decision.
Business Intelligence	Consulted	Provided data for question 4d and confirmed that they cannot provide data for other questions refused under section 18(f).
Service Delivery	Consulted	Provided advice on approach.
Client Service Support	Consulted	Provided advice on approach – confirmed Doogle and MAP contain guidance.
Operational Policy	Consulted	Provided advice on approach – confirmed Doogle and MAP contain guidance, as well as the legislation that supports income summaries, calculations etc
People Group	Consulted	Advised that there are no specific modules regarding the request in the Learning Management System.

Table 1: Document table: information relevant to the request

No.	Date created	REP number (if available)	Document type (e.g., Cabinet paper, report, aide-memoire, email etc.)	Title	Release or withhold [include page numbers]	Reason & relevant context	Were consultations necessary and what was the result?	MaES advice
	N/A	N/A	N/A	All internal correspondence regarding requesting a 52-week income summary	Refuse	Section 18(f)	No	Refuse under section 18(f)
	N/A	N/A	N/A	Processes and guidelines for requesting a 52-week income summary: <ul style="list-style-type: none"> Income and Asset Details Review of Annual Income Review of Annual Income – client groups Links to MAP	Grant in full	In response to request	SD CSD OpPol	Grant in full
	N/A	N/A	N/A	The number of times a 52-week income summary is requested	Refuse	Section 18(f)	BI	Refuse under section 18(f)
	N/A	N/A	N/A	Process for determining an overpayment: MAP links Contextual explanation	Grant in full	In response to request	SD CSD OpPol	Grant in full
	N/A	N/A	N/A	The number of 52-week income summaries requested by the Ministry over the last 15 years	Refuse	Section 18(f)	BI	Refuse under section 18(f)
	N/A	N/A	N/A	Breakdown of overpayments over the last 15 years including: <ul style="list-style-type: none"> number of times a 52-week income summary has resulted in an overpayment number of times a 52-week income summary has been requested when a client discloses a possible overpayment average amount overpaid average amount calculated incorrectly error reason for all overpayments how many overpayments are written off for an error? how many overpayments are 	Refuse	Section 18(f)	BI	Refuse under section 18(f)

				<ul style="list-style-type: none"> - intentional and/or fraudulent? - how many overpayments were nonintentional? - How many non-intentional overpayments were written off under regulation 208 - Why were all non-intentional overpayments repaid by the client not written off under regulation 208? 				
	N/A	N/A	N/A	Overpayment ROD				
	N/A	N/A	N/A	Data about how many RODs received because of an overpayment resulted in the overpayment being found to be an error	Refuse	Section 18(f)	BI CAR	Refuse under section 18(f)
	N/A	N/A	N/A	Breakdown of underpayments over the last 15 years including: <ul style="list-style-type: none"> - The number of times a 52-week income summary has resulted in an underpayment - Average amount underpaid 	Refuse	Section 18(f)	BI	Refuse under section 18(f)
	N/A	N/A	N/A	Circumstances that an overpayment can be written off MAP link	Grant in full	In response to request	SD CSD OpPol	Grant in full
	N/A	N/A	N/A	Internal documentation about interpreting regulation 208 MAP and legislation links Excerpt of the following page: <ul style="list-style-type: none"> • <i>What's New for December 2021 – Debt write off under regulation 208</i> 	Grant in part	Out of scope information not provided	SD CSD OpPol	Grant in part
	N/A	N/A	N/A	All internal correspondence about interpreting regulation 208	Refuse	Section 18(f)	SD CSD OpPol	Refuse under section 18(f)

Please create further rows, if needed.

Table 2: Risk Assessment

- Complete the section in green, using the [business risk framework](#). Use a separate line for each document. Think about the story which the information tells. Risks in releasing or withholding information often arise where:
 - ✓ It would have a negative impact on public trust and confidence in the Minister or Ministry.
 - ✓ We have not done what we said we would.
 - ✓ It would cause confusion or be misused.
 - ✓ It is topical, with likely significant media and public interest.
- MaES may add and assess additional risks, such as those associated with refusing the request, consistency with earlier responses, potential publication and so on. MaES will check the overall risk rating based on your assessment and might discuss the accuracy of that rating with you. Where you identify different ratings across the various documents, MaES will apply the highest rating to the entirety of the request.

No.	Risk description	Risk assessment		Risk rating pre-mitigations	Planned mitigations	Risk rating post-mitigations
		Consequence	Likelihood			
	<ul style="list-style-type: none"> - Cause: what could trigger this risk? - Risk: what could happen? - Effect: what would happen if the risk eventuated? - Owner: who owns the risk? 	<ul style="list-style-type: none"> - Routine - Minor - Moderate - Major - Severe 	<ul style="list-style-type: none"> - Rare - Unlikely - Possible - Likely - Almost Certain 	<ul style="list-style-type: none"> - Very low - low - Medium - High - Very High 	<ul style="list-style-type: none"> - What could be put in place to reduce or manage this risk? - Who would be responsible for the planned mitigations and timeframe? 	<ul style="list-style-type: none"> - Very low - low - Medium - High - Very High
	There are no notable risks associated with this response.	-	-	-	-	-

Please create further rows, if needed.

Appendix 3: Authorisations framework

As above, the Ministry's risk rating tools are used to determine whether the risk is: very high; high; medium; low; or very low. The risk rating can be reassessed at any stage. The final risk rating will determine the sign-out process, as set out below.

	MaES ¹	Business Unit	Comms	DCE	OCE	Minister's Office
Very High	Approval	Approval	Consult	Approval (*)	Approval	FYI
High	Approval	Approval (*)	Consult	Approval	FYI	FYI
Medium	Approval	Approval (*)	FYI	FYI		
Low	Approval	Approval (*)	FYI			
Very Low	Approval	Approval (*)	FYI			

(*) indicates preferred signatory.

Additionally, any responses that are likely to come into the public domain – e.g., media; political parties; bloggers; public advocacy groups – irrespective of risk rating – will be reviewed by the media team.

All Written Parliamentary questions will be assessed by MaES as 'medium' risk upon receipt. Once commissioned, the business unit or DCE office, may amend the risk to 'high' or 'very high', which will then require the corresponding sign-out process.

Any OIA decisions involving multiple business units, GM MaES will determine the appropriate signatory on a case-by-case basis. In such cases the Manager OPI Team or GM MaES may be designated as the signatory.

Where subsequent approvals result in significant changes to content, the signatory should consider whether it should be resubmitted to MaES for review.

Business units involved on an 'FYI' basis should advise MaES immediately if they wish to comment or seek changes to the response.

¹ All work is first peer reviewed in MaES. Senior Advisors may sign 'very low' risk refusals. Manager OPI Team may sign 'low' risk refusals. GM MaES approval is required for any 'high' or 'very high' risk work.

Appendix

Table: Question number and whether it is refused or granted

Question number	Granted or refused?	Section of letter
1a	Refused	Income summary
1b	Granted	Income summary
1c	Granted	Income summary
2a	Granted	Overpayment
2b	Granted	Debt write-off
3a	Refused	Income summary
3b	Refused	Underpayment
3c	Refused	Overpayment
3d	Refused	Overpayment
4a	Refused	Underpayment
4b	Refused	Underpayment
4c	Refused	Overpayment
4d	Granted	Overpayment
4e	Refused	Overpayment
4f	Refused	Overpayment
4g	Refused	Overpayment
4h	Refused	Overpayment
5a	Refused	Overpayment
5b	Refused	Overpayment
5c	Refused	Overpayment
5d	Refused	Overpayment
6a	Partially granted	Debt write-off