

Our ref: 41/17 (Complaint ground: 41(0), 41(8))

Contact: C

15 January 2018

Ombudsman

Fairness for all

Mr

By email: _____@yahoo.c

Dear M:

**Investigation of your complaint under the Official Information Act 1982 (OIA)
Information requests to the Ministry of Social Development (MSD) of 8 July 2015**

I am writing on behalf of Chief Ombudsman Peter Boshier.

On 22 November 2015 you made a complaint about MSD's decision on two information requests you had made on 8 July 2015. I am sorry that workload pressures at this Office have led to lengthy delays in progressing this matter. However, Mr Boshier is now investigating your complaint.

Your complaint

MSD responded to your request on 19 November 2015. In answer to your first request, relating to the calculation of benefit rates, MSD advised that there is no legislative formula used to determine benefit rates, but provided an explanation of the factors taken into account when determining the appropriate rates. In your view, MSD's response is inadequate.

In answer to your second request, seeking 21 items of information relating to MSD operations, MSD released a range of information but withheld certain information under sections 18(e) (items 1 – 4), and 9(2)(a) (items 5 – 8), of the OIA. You are concerned at both the decision to withhold information under the OIA, and the adequacy of the information that was released.

I note however that not all the issues raised in your letter of 22 November 2015 constitute OIA complaints. The issues you have raised in respect of items 10, 13, 14, 18 and 19 of your second request are more accurately characterised as requests for further information, requests for explanations of information already provided or concerns about the quality of that information. Requests for supplementary information, clarification and explanation should be addressed directly to MSD for its consideration. Mr Boshier will therefore not be taking any further action in respect of those items of your request.

The investigation

As a first step in the investigation process, I have written to the Chief Executive of MSD, Mr Brendan Boyle, to notify him of your complaint. I have asked him to provide Mr Boshier with a report on the decision on your request and to comment, where appropriate, on the issues you have raised about MSD's response.

We will keep you updated on the investigation. If you have any queries about the investigation of your complaint, please contact me on direct dial (09) 300 0000 or by email _____@ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in black ink, appearing to be 'L', is written over a faint, illegible printed name.

L
Acting Senior Investigator