

Our ref: 44/8 (Complaint ground: 44 2)
Contact C L
27 April 2018

Mr
By email: _____@yahoo.cc

Dear Mr

Official Information Act investigation
Ministry of Social Development
WINZ services for clients with mental health conditions

I refer to my letter of 15 March 2018 concerning your complaint under the Official Information Act 1982 (OIA) about the decision of the Ministry of Social Development on your request of 27 September 2016 for:

- The number of clients approached to consider a referral to Work to Wellness services and Mental Health Employment Services, and the number who agreed/refused such a referral (Work to Wellness: item 4, Mental Health Employment Services: item 7);
- Information on whether WINZ clients with mental health conditions suffered any medical problems upon being referred to Work to Wellness providers, what these problems were and what measures were taken by WINZ to support any such individuals (item 5); and
- A list of WINZ 'designated doctors' (item 11).

I advised you that I had formed a provisional opinion that the Ministry was entitled to refuse your request for items 4 and 7, but that it should not have refused your request for items 5 and 11.

You accepted my provisional opinion on item 4. However, you provided information on item 7 that appeared to indicate that at least some of the information at issue existed, as it had been provided to you by the Ministry previously, albeit for narrower time frames, in response to other OIA requests.¹

I am now able to advise you of my final opinion on each item of your request.

Item 4

I have formed the final opinion that the Ministry was entitled to refuse your request for item 4 under section 18(e) of the OIA, as other than some limited information provided under the cover of the Ministry's letter of 23 November 2016, the information requested did not exist at the time of the Ministry's decision on your request.

¹ The Ministry's letters to you of 24 April 2014, 26 February 2015 and 22 November 2017 refer.

Item 5

I have formed a final opinion that the Ministry should not have refused your request for item 5 without first giving adequate consideration to section 18B of the OIA. Section 18B provides that an agency must consider consulting a requester before refusing a request under section 18(f) of the OIA.

I have recommended that the Ministry reconsider its decision on item 5 of your request having regard to section 18B.

Item 7

I have formed a final opinion that section 18(e) of the OIA did not provide a reason for the Ministry to refuse your request for item 7. I have recommended that the Ministry review its earlier correspondence to you of 24 April 2014, 26 February 2015 and 22 November 2017 and then reconsider its decision that, other than the 2015 MHES report, the information requested did not exist.

Item 11

I have formed the final opinion that section 9(2)(a) of the OIA did not provide good reason to withhold the list of designated doctors, and the Ministry should not have refused the request. As the list has now been provided to you, it is not necessary for me to make a recommendation.

Final comments

Under section 32 of the OIA, a public duty to observe an Ombudsman's recommendation is imposed from the commencement of the 21st working day after the date of that recommendation. This public duty applies unless, before that day, the Governor-General, by Order in Council, otherwise directs. I have asked the Ministry to notify me by 10 May 2018 what steps will be taken to give effect to my recommendations.

I have also advised the Ministry that its revised decision on items 5 and 7 should be communicated directly to you.

I have now completed my investigation.

Yours sincerely



Leo Donnelly
Ombudsman