



18 September 2024

Gregory Soar

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Tēnā koe Gregory Soar

Official Information Act request

On 26 August 2024, you wrote to the Ministry of Social Development (the Ministry) via the FYI website, to request information about the Ministry's processes and purposes for requesting identification (ID) documents from clients. I also acknowledge your email dated 12 September 2024, in which you reiterated question six of your 26 August 2024 information request.

I have assessed your request in accordance with the provisions of the Official Information Act 1982 (the Act) and decided to grant it in part.

Please see **Appendix One**, which contains the Ministry's processing standards that staff are required to follow when obtaining ID from people who receive financial assistance. You will find the Ministry's response under the headings below.

1. What are all of the acceptable forms of identification being asked for by MSD?

I refer you to pages 2-5 of **Appendix One**.

2. Are government superannuation recipients, the largest number of welfare recipients we have, being asked to provide identification and if not why not?

Yes, people receiving New Zealand Superannuation may be required to provide ID to the Ministry. I refer you to page 1 of **Appendix One**.

3. What happens if a client does not hold a driver licence?

They can provide any of the types of primary ID listed on pages 2-3 of **Appendix One**.

4. Why are clients not being asked to provide “any” lawful means of identification rather than directly for a driver licence?

As I explained in my letter to you dated 26 August 2024, the Case Manager who asked you for your ID did so because the Ministry did not hold a form of primary ID on your record at that time. The Case Manager was following the Ministry’s standard processes; however, I acknowledge that they should have offered you the option of submitting a form of primary ID other than a driver licence. Please refer to pages 2-3 of **Appendix One**.

5. The entire contents of the policy requiring drivers licenses you mention in your previous reply to me 26 August.

Please see **Appendix One**.

6. Why do case managers seeking this information not know why they are seeking it nor able to explain why? The Act requires an explanation of why information is being sought.

For the Official Information Act 1982 to apply, the information must already be held at the time the request is received. There is no obligation on an agency to form an opinion or create new information to answer a request, except when providing a statement of reasons explaining a decision that has affected the requester. The Ministry is therefore not obliged to answer this question under the Act, as it is not asking for information that is already held and is instead seeking comment, or an opinion, from the Ministry.

The reasons why the Ministry requires clients who want to receive financial assistance to have current ID evidence on file are detailed on page 1 of **Appendix One**.

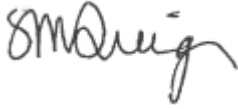
Legislative basis enabling the Ministry to request ID from clients

The Social Security Act 2018 (SSA) gives the Ministry discretion to review a client’s entitlements, request more information from the client if required, as well as taking appropriate action regarding their findings. Specifically, section 304 empowers the Ministry to review a benefit that has been granted to a client to establish they are still entitled to receive it. Section 305(1) enables the Ministry to require the beneficiary to provide information, as part of that review, in a way the Ministry specifies, and by a reasonable deadline. A link to the sections of the SSA referenced above is provided here: www.legislation.govt.nz/act/public/2018/0032/latest/whole.html#DLM6783774.

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.

Ngā mihi nui

A handwritten signature in black ink, appearing to read 'Magnus O'Neill', written in a cursive style.

pp.

Magnus O'Neill
General Manager
Ministerial and Executive Services