

**25 NOV 2016**

Kong Tan  
[Fyi-request-4297-08003547@requests.fyi.org.nz](mailto:Fyi-request-4297-08003547@requests.fyi.org.nz)

Dear Kong Tan

Thank you for your emails of 21 and 22 October 2016 requesting, under the Official Information Act 1982 (OIA), information relating to hearings in the Social Security Appeal Authority (Authority) case 174/15.

In your email of 21 October, you have asked specifically *'the Social Security Appeals Authority (SSAA) is not subject to the OIA. How is this so when the SSAA is under the Ministry of Justice?'*

Section 2 of the Official Information Act provides that:

*Official information, means any information held by –*

- *A department; or*
- *A Minister of the Crown in his official capacity; or*
- *An organisation...*

*For the avoidance of doubt, it is hereby declared that the terms department and organisation do not include, in relation to its judicial functions, a court or tribunal.*

In regards to your request of 22 October 2016 for a copy of the transcript of the hearings of your appeal, transcripts of Authority hearings, if created, are held by the Authority and not the Ministry. Your request is therefore refused pursuant to section 18(g) of the OIA.

As was advised to you in a letter dated 22 August 2016, if wish to explore possible options to challenge the Authority's decision, I would recommend that you seek legal advice. Community law centres offer free legal help and you can find contact details for your local centre online at <http://communitylaw.org.nz>.

Unfortunately I cannot help you any further. The Ministry has provided you with all the help it is able and will not enter into further correspondence in regards to your Authority matter.

I apologise for not responding to your request by 21 November 2016, as required under the OIA. The recent earthquake in Kaikoura led to the closure of the Ministry's head office in Wellington for a week and some ongoing disruptions to our normal services.

If you are not satisfied with my response to your request you have the right to make a complaint to the Ombudsman under section 28(3) of the OIA. The Ombudsman may be contacted by writing to the Office of Ombudsman at PO Box 10152, Wellington 6143, by phone on 0800 802 602 or by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Yours sincerely

  
Jacquelyn Shannon  
Group Manager, Courts and Tribunals, Regional Service Delivery

Refs: 59537 and 59555