



Mr Rex Landy
fyi-request-9302-81c5c7d7@requests.fyi.org.nz

Dear Mr Landy

On 21 December 2018, you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *I request information regarding the two court cases you used private investigators for that you refuse to release. The White case was one, there are two other cases I would like to know where you hired investigators.*

It has been assumed that the two other cases you are referring to are those mentioned in the news article by Aaron Smale, published by Newsroom on 21 December 2018, titled '*Hypocrisy at the highest levels*', which states '*MSD used private investigators in two other legal cases [in relation to state abuse claimants] besides the White trial, but it refuses to reveal what those cases are*'.

The two additional cases referenced here were resolved before a Court hearing was held. Consequently, unlike the White case, information about these cases is not in the public domain. As such, the information you have requested is withheld under section 9(2)(a) of the Official Information Act in order to protect the privacy of natural persons. The need to protect the privacy of these claimants outweighs any public interest in this information.

- *I would also like to know if one of the cases was Wendy Shoebridge.*

The Ministry can confirm that Private Investigators were not used in this case.

On 27 December 2018, you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *I have previously written to you asking for copies of correspondence between you and Thompson and Clarke. You wrote back saying there were none, except an email where they tendered for service.*

This has been disproved by reading the papers: your dept used T&C to spy on abuse victims. I would like to have copies of correspondence between yourselves and T&C from the years 2008-to date.

On 30 July 2018, the Ministry responded to your request for '*A copy of all correspondence entered into with Thompson and Clark and MSD in the pursuit of their business between 2013 and 2018*'.

You were advised that the Ministry had not contracted Thompson and Clark between 2013 and 2018, and provided with an email in which Thompson and Clark registered their interest in the Ministry's Assurance Services Tender. You were advised that the Ministry did not receive a response to the tender from Thompson and Clark.

It would seem that you have interpreted the recent reporting related to the Ministry's use of Private Investigators to mean that the Private Investigators in question were from the firm Thompson and Clark. This was not the case. The Ministry can confirm that it did not contract Thompson and Clark between 2013 and 2018, and that outside of the one email previously released to you, there has not been any correspondence between the Ministry and Thompson and Clark in the pursuit of their business. The Ministry reiterates its 30 July 2018 refusal of your request for such correspondence under section 18(e) of the Official Information Act as this information does not exist or, despite reasonable efforts to locate it, cannot be found.

You may be interested in the State Services Commission publication titled '*Inquiry into the use of External Security Consultants by Government Agencies*', dated 18 December 2018, available here: www.ssc.govt.nz/sites/all/files/Report%20of%20the%20inquiry%20into%20the%20use%20of%20external%20security%20consultants%20by%20government%20agencies%200.pdf.

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.

Yours sincerely



Elisabeth Brunt
General Manager, Ministerial and Executive Services