



11 March 2019

Mr Gregory Soar
fyi-request-9457-632f8f4d@requests.fyi.org.nz

Dear Mr Soar

Official Information Request
Our Ref 2019-0014

I refer to your official information request received on 28 January 2019 where you have asked:

- *On what date was the State Services Commissioner "first" informed of the use of false names being used on documents within MSD WINZ?*
- *On discovering the unlawful actions of false name use by MSD staff what action did State Services Commissioner take to meet his legislated duties of his paid employment as defined by the State Sector Act as follows in relation to the use of false names at MSD:*

"State Sector Act 1A Purpose (c) maintains appropriate standards of integrity and conduct;

"State Sector Act 4A Role of Commissioner (d) working with State services leaders to ensure that the State services maintain high standards of integrity and conduct and are led well and are trusted;

"State Sector Act 4A Role of Commissioner (g) evaluating the performance of Public Service leaders

- *On what date did the State Services Commissioner take his first action to abide by his legislated duties to ensure appropriate standards of integrity and conduct that ensured the State Service, being the MSD, maintained these legislated requirements that would see the MSD being trusted.*
- *What were the actions taken by the State Services Commissioner after being informed of false name use on documents?*
- *Does the State Services Commissioner feel he acted in accordance with his legislated duties once he was aware of false names being used on documents at MSD?*
- *Does the State Services Commissioner understand or have any knowledge of the Crimes Act 66 Parties to offences?*
- *A recent OIA response says that the State Services Commissioner believes the action he took in regard false name use was appropriate. The use of false names is not only not lawful as per recent High Court ruling in civil matters re Collins J and the Crimes Act above clearly outlaws false name use in the criminal arena.*
- *Considering that the State Services Commissioner permitted unlawful actions to continue please supply all the information on how the State Services Commissioner and State Services itself met the legislated requirements above in the handling of the use of false names on formal documents by MSD.*

We have reviewed our records and from the information available to us, the matters involving the High Court decision in *Chief Executive, Ministry of Social Development v L* first came to the attention of the State Services Commission in September 2017.

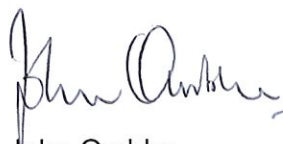
As we have advised in previous responses to you, in the *L case*, upon receiving the Authority's decision regarding the use of pseudonyms, MSD sought to clarify the law through an appeal. Upon receiving the High Court's decision – which does have precedential effect outside the *L case* – MSD adjusted its practices to ensure consistency with the Court's decision. The State Services Commissioner is satisfied that this is an appropriate and adequate response to the Courts decision.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@ssc.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we do not intend to publish our response to your request.

Yours sincerely



John Ombler
Deputy State Services Commissioner
State Services Commission