



MINISTRY OF SOCIAL DEVELOPMENT

Te Manatū Whakahiato Ora

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- 8 OCT 2012

Glenn Collis

fyi-request-562-7883dacd@requests.fyi.org.nz

Dear Mr Collis

Thank you for your email of 18 September 2012 asking for information about Work and Income processes and protocols when a client writes to the Chief Executive with allegations or concerns.

At the outset I would like to say that each and every letter of complaint that is sent to me is thoroughly investigated.

Work and Income's Service Charter, available to view on its website, explains what people can expect from Work and Income and also explains a person's rights when receiving services from Work and Income staff. Where a person is unhappy and makes a complaint, Work and Income try to resolve it as quickly as possible. I have attached a copy of the Service Charter and pages relating to making a complaint for your information.

Work and Income uses a central Complaints Management System to manage and report complaints. All Work and Income staff can access this system.

A complaint is an expression of dissatisfaction when Work and Income has not met a person's expectation. It may be about the service a person received, a benefit payment or decision, or about the internal practices, policies or processes of Work and Income. Reviews of Decisions are not categorised as complaints.

A complaint can be made verbally or in writing and can be lodged through Work and Income's Contact Centres, Service Centres, Regional Offices or National Office. Once a complaint is recorded, it is automatically assigned to a designated person, for example, to the service centre manager to investigate and resolve as appropriate.

All complaints are regularly monitored to ensure that the internal standards are met, such as quality, accuracy and timeliness. In all instances, complaints are taken seriously and handled immediately.

In response to your concerns about breaches of privacy, the Ministry of Social Development is committed to keeping all of its information secure, and to protecting the privacy of our clients, their families and the organisations that deliver our services. Information relating to clients is kept confidential at all times. All client files are kept secured and shared with only those who are authorised to have access to it.

The standards of behaviour expected of each employee, including standards in regards to client information, are contained in the Ministry's Code of Conduct which all employees are required to sign to show they have read and understood. A breach of the Privacy Act 1993 is also a breach of the Code of Conduct.

The Ministry has a zero tolerance policy for the misuse of personal information. In every case where a Ministry staff member shares a client's details or circumstances with someone outside of work without proper authority, the staff member will be dismissed and the case will be considered for referral to the Police.

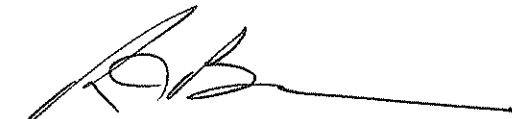
If a privacy breach should occur the Ministry follows the privacy breach guidelines produced by the Office of the Privacy Commissioner which are available to all Ministry staff. Please find attached a copy of these guidelines for your information. If a person is not satisfied with the outcome of an investigation into a Privacy Act complaint by the Ministry they are able to ask the Office of the Privacy Commissioner to further investigate the complaint.

If you have concerns that the Minister for Social Development has influenced the benefit decision making process you can complain to the Office of the Ombudsman who may investigate the Ministry's decision.

I hope this information is of interest to you. It is unclear if the scenarios you have set out are hypothetical or actual complaints. Please provide me with further information and I will be happy to arrange for your complaints to be investigated.

Thank you for writing.

Yours sincerely



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Brendan Boyle
Chief Executive

Our Service Charter

At Work and Income our role is to help people find work and to provide income support when it's needed. Our Service Charter tells you what you can expect from us. It also tells you about your rights and how you can help us provide you with a better service.

What you can expect from us

We will:

- give you prompt and efficient service
- let you know about our services and how we can help
- give you information that is correct and easy to understand
- give you the assistance you are entitled to
- explain your rights and obligations
- explain why we ask you to do certain things
- listen carefully so we understand what you are telling us
- be understanding and caring about your needs
- be respectful, friendly and professional in the way we serve you
- tell you who may be able to help if we can't.

You have the right to:

- be treated with courtesy and respect
- cultural sensitivity
- use any of our services
- be given information about the services we offer
- be given correct information and entitlements
- be listened to
- be given fair, non-judgemental service
- have your information kept private and confidential
- have any decisions we make explained to you
- have a support person there whenever you deal with us
- make a complaint or ask for a review if you disagree with us.

So that we can help, you need to:

- give us the information we need to assess your entitlements
- make sure any information you give us is correct
- tell us about any changes in your situation
- keep any agreements you have made with us
- attend and be prepared for our meetings
- tell us if you're unable to keep an appointment
- treat our staff with courtesy and respect.

Anei ngā mea ka taea e mātou mōu

Ko te tūmanako:

- ka tino tere, ka māia hoki, ā mātou mahi katoa māu
- ka āta whakaatu ai ā mātou ratonga ki a koe me ngā ara āwhina katoa
- ka ngāwari, ka tika hoki, te whakamōhiotanga katoa ka hoatu ki a koe
- ka hoatu e mātou ngā āwhina katoa e tika ana kia riro i a koe
- ka whakamāramatia ōu āheinga me ōu herenga
- ka whakamārama ake ki a koe he aha mātou e tono ai kia mahia e koe ētahi mea
- ka āta whakarongo mātou ki a koe kia āta mōhio ai mātou he aha te kiko o ōu kōrero
- ka āta tau mātou ki ngā mea e hiahia ana koe
- ka manaaki, ka atawhai, ā, ka tino ngaio ā mātou mahi katoa māu
- ka whakaatu ki a koe ko wai ngā tāngata ka taea te āwhina i a koe mehemea kāhore e taea e mātou.

E tika ana:

- kia manaakitia koe i runga i te whakaaro atawhai

- kia mahia ngā mahi māu i runga anō i ōu ake tikanga
- kia riro i a koe ngā kiko katoa o ngā mahi e mahia ana e mātou
- kia hoatu e mātou ngā kōrero katoa e pā ana ki ā mātou ratonga
- kia riro i a koe ngā kōrero tika me ngā hua katoa e tōtika ana
- kia āta whakarongo mātou ki a koe
- kia ōrite, ā, kia kua e whakahihī te whakaritenga o ngā mahi māu
- kia kua e tukua ngā kōrero e pā ana ki a koe, kia kitea e tētahi atu tangata
- kia āta whakamāramatia e mātou ngā whakaritenga e pā ana ki a koe
- kia tukua kia haere mai he tangata ake i tō taha inā ka haere mai koe ki te kite i a mātou
- kia whakatakoto whakapae, kia tuku tonu mai rānei koe kia āta tirohia anō tō take mēnā kāore koe e rata mai ki tā mātou i whakarite ai.

Kia āta tahuri mātou ki te awahi i a koe, he pai kia:

- homai e koe ngā kōrero katoa e pā ana ki tō take kia riro i a koe ngā hua katoa e tōtika ana
- tika tonu ngā kōrero katoa ka homai e koe
- whakaatu mai koe i ngā wā katoa ka rerekē ngā āhuatanga e pā ana ki a koe
- pono tonu koe ki ngā mea katoa i whakaritea e tātou
- haere mai koe ki ngā hui katoa i whakaritea e tātou, me tō whakareri tonu i a koe mō aua hui
- whakaatu mai koe ki a mātou mehemea kāhore koe e puta mai ki tētahi o ngā hui
- whakanui koe ki ā mātou kaimahi i runga i te whakaaro atawhai.

For more information

For more information you can [contact us](#). You may also like to read our brochure:

[Our services and standards](#)

Making a complaint

We are committed to delivering first class service. If you are not happy with the service you have received from us you can make a complaint. We want to know where our service may have let you down, so we can fix the problem for you and learn from it. We'll then do our best to make sure it doesn't happen again.

What is a complaint

A complaint is an expression of dissatisfaction when we have not met your expectation.

It might be about:

- the service you received
- a benefit payment or decision
- a practice, policy or process
- this website.

If you disagree with a decision

If you're unhappy with a decision we have made about your income support, you generally have the right to ask for it to be reviewed. Talk to your case manager first – we'll try and resolve things as quickly as possible. Otherwise, you can ask for a decision to be reviewed.

For more information go to the:

[Asking for a review of decision page](#)

How to make a complaint

If you have a service complaint it is best to first contact the manager of the particular office concerned.

Otherwise you can:

- call us on **0800 559 009** - you can make your complaint over the phone or arrange a meeting to talk to us in person
- write or fax your [local Work and Income office](#)
- write to:
 - Ministry of Social Development
PO Box 1556
Wellington
- [Submit your enquiry online](#)

When you make a complaint please tell us:

- your name
- your address and contact details
- your client number
- details about the complaint.

We ask for your contact details so we can respond directly to you. However if you wish to make a complaint anonymously it will be treated with the same level of importance.

If you want to make a complaint about your Youth Service provider or have any changes to your payments reviewed, you should first talk to your provider. If you can't find a solution, you can then make a complaint to Work and Income by phoning 0800 559 009.

How long it will take

We will try to resolve your complaint immediately.

If we need to work with others to resolve your complaint it may take longer. You will always be advised in writing when your complaint has been received and when it has been resolved.

Our commitment to resolving your complaint

All complaints are taken seriously and handled with immediate priority.

We will ensure you are treated with respect and in a professional manner.

Who is responsible for the complaint?

Your complaint will be assigned to the appropriate business unit within the Ministry and escalated accordingly.

If you are not happy with the outcome of your complaint

We will do our best to ensure that you are satisfied with the outcome of your complaint. However, if you are not satisfied, there are other people you can contact such as:

- your local Member of Parliament
- the Minister of Social Development and Employment
- the Ombudsman
- the Privacy Commissioner.

Home » Resources & Tools » Helping Staff » Procedures and Manuals » Privacy breach guidance material

Privacy breach guidance material

The following privacy breach guidance information was produced and released by the Office of the Privacy Commissioner in March 2008. This guidance should be used as a starting point by all service lines of the Ministry when considering how to deal with a privacy breach.

On this Page:

Purpose

Whether it is a case of bad luck or bad management, any agency may suffer a privacy breach. Proper breach management, including notification where warranted, will assist agencies in retaining the trust of the individuals whose information is improperly released and help them to protect themselves. Where poorly handled, the damage to customer, staff or citizen trust can be serious and irreparable.

This privacy breach guidance material introduces the key steps for agencies to take when responding to privacy breaches and the privacy breach checklist.

What is a privacy breach?

A privacy breach is the result of unauthorised access to, or collection, use or disclosure of, personal information. Privacy breaches can occur in a number of ways. Some examples are:

- Individuals can deceive agencies into improperly releasing the personal information of another
- Laptops, removable storage devices, or physical files containing personal information can be lost or stolen
- An agency could mistakenly provide personal information to the wrong person, for example by sending details out to the wrong address
- Databases containing personal information can be hacked into or otherwise illegally accessed by outsiders
- Employees could access personal information outside of the requirements of their employment.

What is privacy breach notification?

Privacy breach notification is the practice of notifying affected individuals when their personal information has become available to unauthorised individuals or organisations. This enables affected individuals to take steps to prevent misuse of their details.

Does New Zealand law require breach notifications to be made?

The Privacy Act does not say anything specific about breach notification.

However, information privacy principle 5 requires all agencies that hold personal information, in both the public and private sectors, to take reasonable steps to protect that information. Conceivably, there might be circumstances where notification is part of those reasonable steps.

If an individual's physical safety, reputation, or financial security has been put at risk by an unauthorised or improper release of personal information known to an agency, it may be advisable for that agency to inform affected individuals. This may enable individuals to take steps to protect themselves from any harmful effects and if need be seek redress. Individuals themselves may be best-placed to assess the need for action.

In some cases, quick and effective notification may prevent harm to the individual or provide an individual with the opportunity to mitigate harm. The Privacy Commissioner can receive complaints on breaches of the Information Privacy Principles. For a complaint to succeed, a complainant must show that a principle has been breached, and that they have suffered, or may suffer, harm as a result. If an individual harmed by a privacy breach is given an opportunity, through notification, to mitigate the effects, this may limit an agency's potential liability.

What does the Privacy Commissioner suggest for privacy breaches?

The Privacy Commissioner has released guidance material for managing privacy breaches. It is not mandatory to follow the guidance material, although agencies have duties to safeguard personal information under information privacy principle 5, and are encouraged to follow the guidance.

The guidance material recognises that managing a privacy breach has 4 stages

1. Containing the breach and preliminary assessment
2. Evaluating the risks
3. Considering or undertaking notification
4. Putting in place future prevention strategies.

More information on these steps can be found on the Key Steps page.

When should individuals be notified of a breach?

Not all privacy breaches will warrant notification. Agencies need to consider a number of factors when considering whether or not to notify affected individuals. Some examples of points to consider are

- What personal information was released or otherwise compromised?
- Who received the personal information?
- Will notification assist affected individuals to mitigate harmful consequences?

For example, information, such as an address database, may in error be sent out of a company to a trusted mail house used by the company. However, the error may be quickly discovered and the database be retrieved safely. This may be a case where there would be little point in notification.

What would notification involve?

The Key Steps page recognises that the approach to notification may vary depending on the type and scale of the breach, as well as the availability of the contact details of affected individuals.

Direct notification, by telephone, email, or post is usually the most appropriate means of communication. However, this may not always be appropriate, or an agency may not hold contact details for affected individuals. In these circumstances, public notification may be appropriate. Agencies contemplating that approach might need to consider whether public notification could alert the person in possession of the information to the possible uses of the data they possess, and consider these risks prior to publication.

Agencies also need to consider what information to include in the notification. A description of the information that was breached should be preferred over including the actual details that were breached. The key steps page covers this, and other issues, in more detail.

How can privacy breaches be prevented?

There are a number of steps agencies can take to minimise privacy breaches. The most effective is having a well thought out and effectively implemented information security plan for all personal information held. Agencies are encouraged to apply the International Standards Organisation Information Security Management Standard (AS/NZS ISO/IEC 27001:2006).

Agencies can also consider measures such as reflecting on policies to minimise the collection and retention of personal information.

The Key Steps page addresses matters that should be worked into an agency's information security and privacy management policies.

Do other jurisdictions have breach guidance or notification requirements?

Yes. More than 30 US states have mandatory breach notification laws as do some Canadian provinces. Regulators in North America have given guidance on the subject and the New Zealand guidance material is directly modelled on voluntary guidelines adopted by the Privacy Commissioner of Canada.

Overview of the privacy breach process

[Overview of the privacy breach process](#)

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