



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

09 AUG 2017

Ms Katherine Raue

fyi-request-5684-c3798804@requests.fyi.org.nz

Dear Ms Raue

On 5 April 2017 you emailed the Ministry requesting, under the Official Information Act 1982, information regarding the Ministry's use of pseudonyms at Benefit Review Committee hearings and the Minutes issued by the Social Security Appeal Authority on 8 and 9 March 2017.

As you may be aware, the Remote Client Unit (RCU) was established on 1 July 2004 and exists to provide Work and Income services to clients who, due to unacceptable behaviour or exceptional reasons can no longer access services through their local Work and Income service centre. Clients are referred to the unit in two ways:

- Trespassed clients who are referred to the unit by the region and meet set criteria.
- Clients who are not trespassed from their local offices but the National Commissioner determines that a client best be dealt with by RCU due to exceptional or unique circumstances.

The RCU works with each client in a way that helps them to make positive steps and changes that may see them being able to return to accessing Work and Income services and assistance through normal channels or to assist clients into employment/training.

Due to the risk profile of the client group that the RCU staff are required to manage, the Ministry has determined that the use of pseudonyms is necessary and appropriate to protect staff from being identified and potentially placed at greater risk of harassment, threats or even violence, both within and outside of their work environment.

The Ministry takes the safety of its staff very seriously and believes that the withholding of officials names and the use of pseudonyms meets the threshold of section 9(2)(a) of the Official Information Act to protect the safety and privacy of the staff members.

For the sake of clarity, each part of your request is addressed in turn.

- *A copy of the recent "memo" from the Chief Executive's agent Mr Van Ooyen to the Social Security Appeals Authority in which Mr Van Ooyen states that the Ministry routinely provides fake names or pseudonyms instead of the actual names of members of the BRC. I would expect all details regarding the identity of the client to be redacted, but I request all other information contained in the memo.*

Please find a copy of the memo dated 31 October 2016, regarding the Ministry's rationale for not disclosing the real names of panel members. You will note that some information including the title of the documents are withheld under section

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9(2)(a) of the Official Information Act to protect the privacy of the individual. The need to protect the privacy of these individuals outweighs any public interest in this information.

- *A copy of the Minutes issued by the SSAA on 8 and 9 March 2017 regarding that memo.*
- *All communication between Ministry staff regarding the matter of the Minutes issued by the SSAA.*

The Minutes you have requested that were issued by the Social Security Appeal Authority are withheld in full under section 18(c)(i) of the Act as making available the information requested would be contrary to the provisions of a specified enactment. There is a prohibition on the publication of Social Security Appeal Authority proceedings under section 12N(4) of the Social Security Act.

Further information regarding Social Security Appeal Authority decisions and published Minutes are available at: www.justice.govt.nz/tribunals/social-security-appeal-authority/decisions/ssaa-decisions/

- *How many times has the Ministry used fake names?*

The Ministry is unable to provide you with the number of times the Ministry has used pseudonyms in BRC hearings as this information is held in notes on individual case files. In order to provide you with this information Ministry staff would have to manually review each and every client's file who is a part of the RCU to determine whether or not they have requested a benefit review hearing or had contact with any staff.

As such your request for this information is refused under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service. I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

- *What action was taken in response to the fact that this matter was brought to the attention of the Ministry in 2015?*

The Ministry has produced one report that addresses your question. The memo titled '*Entry criteria for the Remote Client Unit*' dated 27 September 2016 is withheld in full under section 9(2)(f)(iv) of the Act as the information contained is still under active consideration.

The release of this information is likely to prejudice the quality of information received and the wider public interest of effective government would not be served.

- *All information regarding the practise or policy of using fake names for BRC members, including all information regarding discussions and decisions about the practise.*

I have enclosed one document titled '*Remote Client Unit Business Process*', dated 16 March 2015. This document provided an overview of the Remote Client Unit and outlines the processes in which the Ministry uses pseudonyms for staff who are present at the BRC and SSAA hearings.

You will note that some information is withheld under section 9(2)(a) of the Act to protect the privacy of the individuals who appear in the document. The need to protect the privacy of these individuals outweighs any public interest in this information. Information not in scope of your request is removed.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

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 regarding the Ministry use of pseudonyms when working with the Remote Client Unit, 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



Ruth Bound
Deputy Chief Executive, Service Delivery



Memo

To: Chair of the Social Security Appeal Authority
Section 9(2)(a) Privacy of Natural Persons

CC: [redacted], Group Manager Operations and Channel Services

From: George Van Ooyen, General Manager Contact Centre Services

Date: 31 October 2016

Security level: IN CONFIDENCE

s 9(2)(a)

Purpose

This memo details rational as to why the Ministry of Social Development will not be disclosing the real names of panel members who have been part of Benefit Review Committee hearings for s 9(2)(a)

Background

Remote Client Unit

The Remote Client Unit (RCU) provides a way for clients who pose a high risk to the safety of frontline staff nationwide, to continue to access Work and Income services. The service is delivered via phone and email contact and no face to face contact.

There are currently a number of security processes in place to ensure the safety of staff working within the RCU. These include protecting their identity with the use of pseudonyms, confidential unit location, management of mail, phone system set up, threat management and business continuity including relocation processes. RCU case managers also receive core and intensive case management training, Mental Health 101 training and training to deal with difficult clients.

The Ministry has identified violence, abuse, threats and harassment as a known workplace hazards. The Ministry has an obligation to minimise the impact these hazards pose to staff through the implementation of appropriate controls.

Due to the risk profile of the client group the RCU staff are required to manage, the Ministry has determined that the use of pseudonyms are a necessary and appropriate control to protect staff from being identified and potentially placed at greater risk of harassment, threats or even violence, both within and outside of their work environment.

Benefit Review Committee hearings for RCU clients

Pseudonyms are used by all panel members on any Benefit Review Committee (BRC) hearing for RCU clients.

A register is used to capture details of each case being reviewed, who was on the panel (real and pseudonym names) and that they were not involved in the original decision making process. This register is kept by the RCU Manager.

Risk Assessment s 9(2)(a)

s 9(2)(a)

Conclusion

The Ministry believe the risk is too high to our staff members to disclose the real names of those who have dealt with s 9(2)(a) Review hearings, however we can confirm that no person who sat on these BRC panels was involved in any decision making in respect of s 9(2)(a)

The Ministry has a number of processes in place (including the BRC register) to ensure a BRC panel member has not been previously involved in decisions made on the client's record.

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Remote Client Unit Business Process

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Section 9(2)(a) Privacy of Natural Persons

Author:
Owner: George Van Ooyen
Version: 0.6
File Ref
Release Date: 16 March 2015

Sign off

This form records the approval and acceptance of the following document:

Document Name	Version	EDRMS File Reference
MSD Remote Client Unit Business Process	0.6	

The following signatures indicate approval and acceptance of the above document, subject to any caveats below

Name	Role	Signature/Date
Penny Rounthwaite	National Commissioner	
Caveats:		
George Van Ooyen	General Contact Services Manager Centre	
Caveats:		
Caveats:		

Distribution list

Version	Date	Author	Distributed to
V.01	09/05/2013	s 9(2)(a)	CCOT and National Commissioner Work and Income
V.02	01 July 2013		CCOT and National Commissioner Work and Income
V.03	20 September 2013		CCOT and National Commissioner Work and Income and Health Safety and Security
V.04	11 October 2013		National Contact Centre Manager and RCU Manager.
V.05	04 March 2015		National Contact Centre Manager, National Commissioners Office, Manager Training and Quality and RCU Manager.

V.06	16 March 2015	s 9(2)(a)	General Manager Contact Centre Services, National Commissioners Office, Manager Service Optimisation and RCU Manager.
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Out of scope

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Out of scope

Staff Identity and Pseudonyms

Staff members who work within the unit must use pseudonyms in order to protect their identity and personal safety. Their true identity in the MSD Global directory is hidden from view and only their pseudo names showing under the Remote Client Unit. The RCU Manager is responsible for ensuring that the pseudo and unit details in Global do not have any reference to the physical location of the unit.

It is the responsibility of the RCU case manager to maintain their pseudo identities and any breaches must be reported to the RCU manager who will work with the Health Safety and Security team and National Office to determine the best course of action. Approval for the establishment of a new system profile must be obtained by the National Commissioners Office.

To set up a pseudo name

The RCU Manager must choose a pseudo name and check global to ensure that there is not an existing staff member by this name. When selecting an appropriate name, focus on selecting names that are not too unique or close in relationship to the true identity, i.e. maiden name etc.

An email must be sent to the General Manager Contact Centre Services and National Commissioner Advisor to advise that a new pseudonym is needed and why, e.g. staff changes. Approvals for system access are granted via the DCEs office.

Pages 13-51 are out of scope

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