



9 JUL 2018



Dear 

On 12 June 2018, you emailed the Ministry requesting, under the Official Information Act 1982, information concerning the Historic Claims process, specifically the judgement *J v The Attorney General CIV 2006-485-662*, in which the court makes orders so that claimants' statements about historic abuse cannot be passed to police for investigation without the claimant's consent or the court permitting it. For the sake of clarity I will address each of your questions in turn.

- *How many statements has MSD given to police from the claims filed in court? Over what period? Did it seek consent before handing over any of them?*

Prior to the Court making their initial direction on this matter in October 2017, the Statements of Claim for three claims were provided to the Police (since May 2016). While consent was not obtained from the claimants, the exchange of information with the Police was consistent with the provisions of the Privacy Act 1993.

Since October 2017 the Statement of Claim for one claimant which alleged criminal offending has been provided to the Police with the consent of the claimant.

- *How many statements has MSD given to police from claims made direct to MSD outside of the court process?*

Information about allegations of criminal offences made by 128 claimants have been referred to the Police. The exchange of information with the Police was consistent with the provisions of the Privacy Act 1993.

- *Is it conceded the judge's decision is correct, or is further action being considered?*

The Ministry has considered the decision. The Crown is applying for leave to appeal the decision to the Court of Appeal.

- *How many claims is MSD facing in court over historic abuse allegations?*

As at 30 June 2018, the Ministry is named in 195 claims in court over historic claims.

- *Is the Ministry website going to be changed to reflect the position in respect of claimants going through the court process?*

The Ministry's website currently reflects the position taken by the High Court, which is being followed by the Ministry.

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 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 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



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Stephen Crombie
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