

**MEDIA RELEASE**

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**Community Law Welcomes Beneficiary Rights Protection**

Mothers on Sole Parent Support who sought legal advice from Community Law on their rights when they were investigated for relationship fraud have today been backed by the Privacy Commissioner, forcing MSD to change its policies.

The report, released today, calls for MSD to immediately cease the blanket policy of investigating beneficiaries for fraud without informing them and committing serious breaches to their privacy.

“We now urge MSD to implement all the reports recommendations and put a process in place so that those unfairly harmed by the practise can seek appropriate redress,” said Community Law CEO, Sue Moroney.

Community Law approached the Privacy Commissioner in July last year after they discovered that MSD were routinely gathering sensitive information from people about their clients, without informing them or giving them an opportunity to respond first.

“Not only is this wholesale practise against the intent of legislation, it is against the laws of natural justice and today’s report says it could breach the Bill of Rights Act on privacy grounds,” says Sue Moroney. “It has meant that people were denied the right to be represented at key parts of the investigation because they didn’t know they were even being investigated.”

Community Law also participated in the inquiry which led to today’s recommendations from the Privacy Commissioner.

Wellington Community Lawyer Sarah Croskery-Hewitt was at the forefront of requesting the inquiry because she was concerned when information requested from MSD confirmed that it had become normal practise to seek information on people under investigation without informing them or requesting the information from them directly.

“Community Law took the issue to the Privacy Commissioner in July with the support of law firm Russell McVeagh,” says Sarah. “It’s great that our concerns have been reinforced by the Privacy Commissioner today and Community Law looks forward to a positive response from MSD so the rights of clients are protected.”

“The wisdom and bravery of these women, will put right a wrong that has affected thousands of vulnerable New Zealanders.”

ENDS

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**Background**

In October 2018 the Privacy Commissioner launched an inquiry under section 13(m) of the Privacy Act 1993 into the concerns raised by Community Law about MSD’s procedures, practices and application of section 11. The Privacy Commissioner has inquiry functions under that provision to inquire generally into any matter including any governmental law, practice or procedure if it appears that the privacy of the individual is being or may be infringed thereby.

Twenty-four Community Law Centres work out of over 140 locations across New Zealand to provide free legal help and advice to those who are unable to pay for a private lawyer or who do not have access to legal aid. This advice covers all aspects of New Zealand’s legal system, including family law, employment issues, housing problems, consumer advice and criminal law. As well as around 170 staff, Community Law’s services are boosted by over 1,200 volunteer lawyers who run clinics and deliver free advice and assistance.