

Reprint  
as at 26 November 2018



## Social Security (Contracts and Information Sharing with Service Providers) Regulations 2012

(SR 2012/210)

Social Security (Contracts and Information Sharing with Service Providers) Regulations 2012: revoked, on 26 November 2018, by regulation 295(5) of the Social Security Regulations 2018 (LI 2018/202).

Regulations name: amended, on 6 September 2013, by regulation 4 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

Jerry Mateparae, Governor-General

### Order in Council

At Wellington this 6th day of August 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 132 of the Social Security Act 1964, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister for Social Development following consultation in accordance with section 125C(4), makes the following regulations.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Social Development.**

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## Regulations

### 1 Title

These regulations are the Social Security (Contracts and Information Sharing with Service Providers) Regulations 2012.

Regulation 1: amended, on 6 September 2013, by regulation 5 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

### 2 Commencement

- (1) Regulations 3 to 5 come into force on the day after the date of their notification in the *Gazette*.
- (2) The rest of these regulations come into force on 20 August 2012.

### 3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**Act** means the Social Security Act 1964

**benefit** has the same meaning as in section 3(1) of the Act

**Child, Youth and Family** means that part of the department responsible for administering the Oranga Tamariki Act 1989

**contracted service provider** has the meaning given to it by section 125A(1) of the Act

**contracted youth service** means a service provided to a young person by a contracted service provider under a section 123E services contract or a Part 5 services contract

**main benefit** has the same meaning as **main benefit under this Act** has in section 3(1) of the Act

**Part 5** means Part 5 of the Act

**Part 5 services contract** means a contract entered into under section 125A of the Act for the provision of services related to Part 5

**personal information** means personal information to which section 125C of the Act applies

**section 123E services contract** means a contract entered into under section 125A of the Act for the provision of services of the kind referred to in section 123E(a) of the Act

**Work and Income** means that part of the department responsible for administering the Act.

- (2) A term that is used in these regulations and not defined, but defined in the Act, has the same meaning as in the Act.

Regulation 3(1) **Child, Youth and Family**: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Regulation 3(1) **main benefit**: inserted, on 6 September 2013, by regulation 6 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

Regulation 3(1) **young person**: revoked, on 8 July 2016, by section 38(2) of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36).

## Part 1

### Contracts for services in relation to young persons

Part 1 heading: amended, on 6 September 2013, by regulation 7 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

#### *Services to encourage young persons to move to education, training, and employment*

Heading: inserted, on 6 September 2013, by regulation 8(1) of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

#### **4 Services to encourage young persons to move to education, training, and employment**

The following services are services for the purposes of a section 123E services contract under section 125A of the Act (*see* section 125A(1)(a)(i) and (b)):

- (a) services relating to the enrolment of young persons in the contracted youth service, including obtaining their agreement to participate in the service and their consent to disclosure of information:
- (b) services relating to assessing the needs of young persons participating in the contracted youth service:
- (c) services relating to producing, maintaining, and monitoring plans about the educational, training, and employment goals for young persons participating in the contracted youth service:
- (d) services relating to providing ongoing support, guidance, and mentoring to young persons participating in the contracted youth service:
- (e) services relating to referring young persons participating in the contracted youth service to education, training, work placement, and other developmental opportunities:
- (f) services relating to facilitating access to other services to address barriers that prevent young persons from successfully moving back into education, training, or employment:
- (g) services relating to young persons who are parents to help them access approved early childhood education (ECE) and make them aware of the benefits of ECE or other suitable childcare while participating in education, training, or employment.

*Services in relation to Part 5*

Heading: inserted, on 6 September 2013, by regulation 8(2) of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

**5 Services in relation to Part 5**

The following services are services for the purposes of a Part 5 services contract under section 125A of the Act (*see* section 125A(1)(a)(ii) and (b)):

- (a) services relating to assisting young persons to apply for any benefit or financial assistance under the Act, and as the case requires, providing recommendations to the department in respect of any application for any benefit or financial assistance:
- (ab) services relating to conducting assessments to inform decisions as to a young person's eligibility for youth support payments:
- (b) services relating to identifying and quantifying a young person's accommodation costs, service costs, and lawful debts and liabilities, and recommending redirection of the young person's payments for the purpose of money management under section 179(4)(a) of the Act or the Social Security (Criteria for Incentive Payments and Money Management) Regulations 2012:
- (c) services relating to recommending to the department amounts for the purposes of regulation 8(1)(c) and (d) of the Social Security (Criteria for Incentive Payments and Money Management) Regulations 2012:
- (d) services relating to assisting young persons to develop money management skills and monitoring a young person's expenditure and reporting to the department:
- (e) services relating to assessing the needs of young persons and, where applicable, the needs of their dependent children for services or interventions:
- (f) services relating to assisting, monitoring, and reporting to the department on compliance by young persons with their obligations under Part 5 (including obligations under section 170(2) of the Act relating to dependent children), and recommending to the department whether they have failed to comply with any obligation without good and sufficient reason or are eligible to receive any incentive payment:
- (g) services relating to producing, maintaining, and monitoring plans about the educational, training, and employment goals for young persons:
- (h) services relating to delivering or purchasing budgeting or parenting education courses for young persons to undertake in compliance with their obligations under Part 5:
- (i) services relating to providing young persons with, or facilitating their access to, appropriate services and other assistance in connection with

their circumstances (for example, drug or alcohol addiction, health (including mental health), counselling, or behavioural issues):

- (j) services relating to assessing whether young persons are paying reasonable accommodation costs, and providing advice about, and assistance in, reducing those costs where possible:
- (k) services relating to young persons who are parents to help them access approved early childhood education (ECE) and make them aware of the benefits of ECE or other suitable childcare while they are in education, training, work-based learning, or part-time employment:
- (l) services relating to monitoring a young person's participation in part-time work:
- (m) services relating to acting as the department's agent to receive notifications of a young person's change of circumstances affecting eligibility for, or the rate of, any benefit.

Regulation 5(ab): inserted, on 6 September 2013, by regulation 9 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

## Part 1A

### Contracts for services for persons other than young persons

Part 1A: inserted, on 6 September 2013, by regulation 10 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

#### 5A Services in relation to work preparation obligations

- (1) The services set out in subclause (2) are services for the purposes of a contract under section 125A(1)(ab) of the Act where—
  - (a) the contract is for the provision of services to beneficiaries for the purposes of Parts 1F and 2 and section 60GAG(1)(c)(i) of the Act; and
  - (b) those beneficiaries are in receipt of a main benefit or are the spouse or partner of a person granted a main benefit; and
  - (c) those beneficiaries are required to comply with section 60Q(2) and (3) of the Act or section 60Q(3) only.
- (2) The services are—
  - (a) services for the active case management of beneficiaries who have work preparation obligations under section 60Q of the Act:
  - (b) services for carrying out an individualised needs assessment for each beneficiary:
  - (c) services for planning for the preparation of a beneficiary for employment:
  - (d) services for assisting a beneficiary to arrange and attend an interview for employment:

- (e) services for maintaining relationships between a beneficiary and his or her health and social service providers, prospective employers, and training or educational providers:
- (f) services for assisting, monitoring, or reporting on a beneficiary's compliance with his or her work preparation obligations under section 60Q of the Act:
- (g) services that facilitate access to other services that will assist the beneficiary to prepare for employment (such as transport and child care services):
- (h) services for identifying, and helping with, arrangements for overcoming factors that impede a beneficiary's entering or continuing in employment or both, including (but not limited to) domestic and social circumstances, health or disability conditions, drug or alcohol use, transportation, child care, and workplace facilities.

Regulation 5A: inserted, on 6 September 2013, by regulation 10 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

**5B Services in relation to social obligations**

- (1) The services set out in subclause (2) are services for the purposes of a contract under section 125A(1)(ab) of the Act for the provision of services to beneficiaries for the purposes of Part 1F and section 60GAG(1)(c)(ii) of the Act.
- (2) The services are—
  - (a) services for assisting a beneficiary to understand, or to take all reasonable steps to comply with, the following obligations:
    - (i) enrolling a dependent child in a recognised early childhood education programme and ensuring that the child attends that programme:
    - (ii) enrolling a dependent child at a registered school and ensuring that the child attends that school:
    - (iii) enrolling a dependent child with a primary health care provider:
    - (iv) ensuring that a dependent child completes a Well Child check or similar programme:
  - (b) services for assisting a beneficiary to prepare for and to attend an interview with the department:
  - (c) services for educating a beneficiary on how to report on his or her compliance with his or her social obligations under section 60RA of the Act:
  - (d) services for assisting, monitoring, or reporting on a beneficiary's compliance with his or her social obligations under section 60RA of the Act.

Regulation 5B: inserted, on 6 September 2013, by regulation 10 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

**5C Services in relation to work test obligations**

- (1) The services set out in subclause (2) are services for the purposes of a contract under section 125A(1)(ab) of the Act where—
  - (a) the contract is for the provision of services to beneficiaries for the purposes of Parts 1 to 1P and 2 and section 60GAG(1)(c)(iv) of the Act; and
  - (b) those beneficiaries are work-tested beneficiaries in receipt of a work-tested benefit.
- (2) The services are—
  - (a) services for the active case management of beneficiaries who have work test obligations under section 102A of the Act;
  - (b) services for carrying out an individualised needs assessment for each beneficiary;
  - (c) services for developing a plan for a beneficiary to achieve an employment outcome;
  - (d) services for assisting a beneficiary to arrange and attend an interview for employment;
  - (e) services for assisting a beneficiary to access activities or services that contribute to his or her plan to achieve an employment outcome;
  - (f) services for maintaining relationships between a beneficiary and his or her health and social service providers, prospective employers, and training or educational providers;
  - (g) services that facilitate access to other services that will assist a beneficiary to obtain employment (such as transport and child care services);
  - (h) services for identifying, and helping with, arrangements for overcoming factors that impede a beneficiary's entering or continuing in employment or both, including (but not limited to) domestic and social circumstances, health or disability conditions, drug or alcohol use, transportation, child care, and workplace facilities.

Regulation 5C: inserted, on 6 September 2013, by regulation 10 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

**5D Non-compulsory services accepted on voluntary basis**

- (1) The services set out in subclause (2) are services for the purposes of a contract under section 125A(1)(ab) of the Act for the provision of services to the following persons who are not subject to the obligations set out in section 60GAG(1)(c)(i) to (iv) of the Act but who voluntarily accept the provision of services relating to those obligations:
  - (a) beneficiaries in receipt of a main benefit;
  - (b) the spouse or partner of a beneficiary in receipt of a main benefit;



- (c) other persons who are likely to apply for a main benefit if they cannot financially support themselves.
- (2) The services are—
  - (a) services for identifying, and helping with, arrangements for overcoming factors that impede a beneficiary’s entering or continuing in employment or both, including (but not limited to) domestic and social circumstances, health or disability conditions, drug or alcohol use, transportation, child care, and workplace facilities:
  - (b) services for assessing whether a person is competent in money management or should be referred to budget services.

Regulation 5D: inserted, on 6 September 2013, by regulation 10 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

**5E Services relating to assessment**

- (1) The services set out in subclause (2) are services for the purposes of a contract under section 125A(1)(ab) of the Act where—
  - (a) the contract is for the provision of services for the purpose of any of Parts 1A to 1P or 2 of the Act; and
  - (b) the services are provided in relation to applicants for benefits or persons receiving a benefit described in any of those Parts of the Act.
- (2) The services are—
  - (a) services for assessing a person’s eligibility for a benefit or other allowances or subsidies under the Act;
  - (b) services for assessing what services, activities, or employment are suitable for a beneficiary;
  - (c) services for making a work ability assessment or reassessment for the purposes of section 100B or 100C of the Act.

Regulation 5E: inserted, on 6 September 2013, by regulation 10 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

**5F Services for the provision of activities, pre-benefit activities, and budgeting advice**

- (1) The services set out in subclause (2) are services for the purposes of a contract under section 125A(1)(ab) of the Act where—
  - (a) the contract is for the provision of services for the purposes of any of Parts 1A, 1F, and 2 of the Act; and
  - (b) the services are provided in relation to applicants for benefits or persons receiving a benefit described in any of those parts.
- (2) The services are—
  - (a) services for the provision of pre-benefit activities for the purpose of section 11E(2) of the Act:

- (b) services for the provision of activities for the purpose of section 60Q(3), 102A(1)(f), or 123B of the Act;
- (c) services for the provision of budgeting advice.

Regulation 5F: inserted, on 6 September 2013, by regulation 10 of the Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310).

## **Part 2**

### **Information sharing**

#### Subpart 1—Information sharing for purposes of encouraging young persons to move to education, employment, and training

##### **6 Purpose of information sharing under this subpart**

The information sharing permitted by regulations 7 and 8—

- (a) is for the purpose set out in section 125C(1) of the Act in relation to a section 123E services contract; and
- (b) is subject to regulation 12.

##### **7 Education, employment, and training: release of personal information by contracted service provider to department**

A contracted service provider and its employees may release or disclose to the chief executive and employees of the department personal information in the following circumstances:

- (a) when any of the following occurs, for which a report by the contracted service provider to the department is required in a section 123E services contract:
  - (i) the enrolment of a young person in the contracted youth service;
  - (ii) the progress of a young person against his or her milestones;
  - (iii) the payment of a success fee under a section 123E services contract.
- (b) when a young person transfers from the contracted service provider in question to another, so that the department may disclose relevant information to the new provider;
- (c) when a section 123E services contract terminates, so that the department may disclose relevant information to a new contracted service provider or itself use the information in the provision of services of the kind referred to in section 123E(a) of the Act.

**8 Education, employment, and training: release of personal information by department to contracted service provider**

The chief executive and employees of the department may release or disclose to a contracted service provider personal information in the following circumstances:

- (a) when a young person is identified as not being in education, employment, or training, or as at risk of not being in education, employment, or training, so that the contracted service provider may contact the young person to offer services of the kind referred to in section 123E(a) of the Act;
- (b) when a young person consents to participate in the contracted youth service, provided that—
  - (i) the information is requested by the contracted service provider; and
  - (ii) the information is relevant to the young person's involvement in the contracted youth service; for example, information about the young person's education, involvement with the department responsible for administering the Oranga Tamariki Act 1989, and involvement with Work and Income.

Regulation 8(b)(ii): amended, on 14 July 2017, by section 150(2) of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

**Subpart 2—Information sharing for purposes of Part 5**

**9 Purpose of information sharing under this subpart**

The information sharing permitted by regulations 10 and 11 is—

- (a) for the purpose set out in section 125C(1) of the Act in relation to a Part 5 services contract; and
- (b) is subject to regulation 12.

**10 Part 5 function or power: release of personal information by contracted service provider to department**

- (1) A contracted service provider and its employees may release or disclose to the chief executive and employees of the department personal information necessary for the department to perform any function or exercise any power under Part 5.
- (2) The personal information includes (but is not limited to) the following:
  - (a) information about a young person required for applying for any benefit or financial assistance under the Act;
  - (b) information about a young person's accommodation costs, service costs, and lawful debts and liabilities;

- (c) information about a young person's compliance with the Act or these regulations (including information relating to reasons for non-compliance):
  - (d) information about a young person's ability to manage his or her money:
  - (e) information about changes in the circumstances of a young person that affect his or her eligibility for, or the rate of, any benefit.
- (3) The information includes information contained in a report by the contracted service provider to the department, as specified in a contract under section 125A of the Act, relating to—
- (a) the progress of a young person against his or her milestones:
  - (b) the progress of a young person entitling the contracted service provider to a success fee:
  - (c) other services to which a young person has been referred:
  - (d) the relevant circumstances of a young person on leaving the contracted youth service (including whether the young person or the young person's partner has given birth to a child).

#### **11 Part 5 contract: release of personal information by department to contracted service provider**

- (1) The chief executive and employees of the department may release or disclose to a contracted service provider and its employees personal information necessary for the contracted service provider to provide a young person assigned to it with the contracted youth service in question.
- (2) The personal information may include (but is not limited to) the following:
- (a) contact details:
  - (b) relevant information about the young person's involvement with the department responsible for administering the Oranga Tamariki Act 1989:
  - (c) relevant information about the young person's involvement with Work and Income.

Regulation 11(2)(b): amended, on 14 July 2017, by section 150(2) of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

### Subpart 3—Conditions of information sharing

#### **12 Conditions of information sharing**

Personal information may be released or disclosed under section 125C of the Act if the following conditions are met:

- (a) the party releasing or disclosing the information and the party receiving it comply with their obligations under the Privacy Act 1993 and any other applicable legislation; and
- (b) the contract—

- (i) describes the information or type of information that one party may disclose to the other party; and
- (ii) states the purposes for which the information may be disclosed; and
- (iii) states the use that the contracted service provider may make of the information disclosed to it; and
- (iv) states the use that the department may make of the information disclosed to it; and
- (v) states that the contracted service provider must not disclose the information disclosed to it to any other agency, body, or person unless first authorised by the department; and
- (vi) in the case of a section 123E services contract, states that the contracted service provider must not disclose the information disclosed to it to any other agency, body, or person unless first authorised by the young person to whom the information relates; and
- (vii) states the form in which the information may be disclosed; and
- (viii) states the method by which the information may be disclosed; and
- (ix) states when the contracted service provider must destroy the information; and
- (x) includes safeguards regarding the security of the information; and
- (xi) includes a process to facilitate the fair, simple, speedy, and efficient resolution of a complaint that a young person's personal information has been released or disclosed in circumstances not authorised by regulation 8 or 10 or has been dealt with in a way not authorised by this regulation; and
- (xii) includes a process for dealing with any breach of the contract.

Michael Webster,  
for Clerk of the Executive Council.

## Reprints notes

### 1 *General*

This is a reprint of the Social Security (Contracts and Information Sharing with Service Providers) Regulations 2012 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

Social Security Regulations 2018 (LI 2018/202): section 295(5)

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): sections 149, 150(2)

Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 (2016 No 36): section 38

Social Security (Contracts and Information Sharing with Service Providers) Amendment Regulations 2013 (SR 2013/310)