

Callum and Victoria Turnbull

14 March 2024

Case Resolution Review Panel

IPCA: 23-20305

CC: Judge Kenneth Johnston KC, Royal Commission of Inquiry into Abuse in Care

Dear IPCA Panel

Please be advised we have new evidence for you to consider regarding our complaint against Police.

We refer to your email dated 14 December 2023, in which you rejected our request to provide us with *Ministry of Education internal protocols* relied on by Christine Menzies, which were referenced by Cath Anyan IPCA in her letter to us dated 16 November 2023 –

Ms Menzies informed police that all the information she provided was on behalf of the Ministry of Education. She said she complied with the Ministry's internal protocols and took advice in accordance with those protocols in deciding what should be given to Police.

It was obvious to us internal protocol of this nature did not exist.

- Why did the IPCA take this information at face value?
- Why did the IPCA accept, without concern, that there would be Ministry of Education internal protocol that was in stark conflict with the Child Protection Protocol (CPP)?
- Why did the IPCA consider that a Ministry of Education internal protocol would supersede the CPP?

We did take the panel's advice and made an OIA request to the Ministry for *Ministry of Education internal protocols* and after delay and consultation the Ministry replied yesterday (see attached).

The official information confirms there was no "internal protocol" that would allow Ministry staff to pick and choose what Ministry documents should be given to Police, when requested by Police during an investigation into allegations of abuse in a school setting.

We had also obtained the Police File under OIA and there was no record of Christine Menzies referring to, or talking about *internal protocols* during questioning, when she was interviewed by DI Shona Low, so it baffled us to read a new, alternative explanation revealed by Cath Anyan (highlighted above).

Either Christine Menzies made these deceptive statements, but DI Low did not record the details – or DI Low has provided the IPCA with an untrue account of her interview with Christine Menzies. Either way, the *internal protocol* referenced and relied on by IPCA does not exist, therefore Christine Menzies still has no credible defence for withholding the information from Police.

As previously detailed in our letter to Cath Anyan dated 30 November 2023, we provided evidence to prove Christine Menzies misled Police. We had already given this information to DI Shona Low to rebut the excuses made by Christine Menzies, and we now provide OIA evidence to rebut the subsequent additional explanation, relayed to us by the Cath Anyan.

We managed to get our Police complaint against Christine Menzies considered by Police, after copying our complaint to (then) Police Minister Ginny Andersen. She viewed what we had outlined in our complaint as “distressing”.

It is outrageous to consider that the Police Minister viewed our complaint this way - *distressing*, yet following proceedings, advice and evidence of more deception by Christine Menzies, Police can discard the complaint and simply state, “it’s not an offence to tell us a lie.” (meeting audio recorded)

It was unreasonable for DI Shona Low to take Christine Menzies statement at face value, when the allegation against her was for deceiving Police during a Police Investigation.

Please reconsider your position regarding our letter dated 8 November 2023 and uphold our complaint against DI Shona Low for failing to appropriately investigate our complaint against Christine Menzies.

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Callum and Victoria Turnbull', written in a cursive style.

Callum and Victoria Turnbull

From: "Enquiries National" <Enquiries.National@education.govt.nz>
Date: Wednesday, 13 March 2024 12:36 p.m.
To: <
Attach: Response - OIA 1322399 .pdf; Appendix A.pdf
Subject: Response to your OIA request

Kia ora,

Please find attached a response to your OIA request.

Ngā mihi,

Enquiries National Team | Te Tāhuhu o te Mātauranga | Ministry of Education | SW

education.govt.nz

*We shape an education system that delivers equitable and excellent outcomes
He mea tārai e mātou te mātauranga kia rangatira ai, kia mana taurite ai ōna huanga*



**Te Tāhuhu o
te Mātauranga**
MINISTRY OF EDUCATION

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13/03/2024

Callum and Victoria Turnbull

Kia ora Callum and Victoria

OIA: 1322399 – Internal Ministry of Education protocols 2016-2017 for interagency Police investigations and when Police request information

Thank you for your email of 6 February 2024 to the Ministry of Education (the Ministry) requesting the following information:

MoE 2016-2017 internal protocols, for MoE representatives to follow when they are part of a interagency Police investigation (CPP). In particular protocol for MoE to follow, when Police request information from the MoE as part of their Police investigation.

Your request has been considered under the Official Information Act 1982 (the Act).

The Ministry follows the All of Government guidance that is mandatory to all government agencies and the sector, to ensure personal information is shared correctly, responsibly and in order with legislative requirements.

In October 2017, the Privacy Commissioner released a Guidance document, which stipulates what protocols to follow where agencies have been asked by Police to release personal information. This document is available at the following link: <https://www.privacy.org.nz/publications/guidance-resources/releasing-personal-information-to-police-and-law-enforcement-agencies/>

The Ministry website sets out how to comply with requirements regarding information sharing and includes information on the relevant information sharing provisions in the Education sector. This is available at the following link <https://www.education.govt.nz/school/managing-and-supporting-students/sharing-information/>. Some of the information refers to the Privacy Act 2020. This information has been updated since the new Privacy Act 2020 was enacted in 2020: <https://privacy.org.nz/blog/key-changes-in-the-privacy-act-2020>

Specific to your request, I can advise that in 2016-2017, the Ministry had two documents in place for internal protocols, when the Ministry received a request for information, including from Police. These documents are set out in the Document table below with the relevant excerpts released to you in **Appendix A**, in accordance with section 16(1)(e) of the Act.

Appendix A Document table

#	Date	Title	Decision on release
1	2016-2017	Requests for a copy of a child's file (Official Information Act or Privacy Act), Quick reference for local offices	Release in part. Information has been provided as an extract as permitted under section 16(1)(e) of the Act.
2	2016-2017	Information Requests Quick Reference Guide (last modified 2017)	Release in part. Information has been provided as an extract as permitted under section 16(1)(e) of the Act.

Thank you again for your email. You have the right to ask an Ombudsman to review my decision on your request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Sean Teddy'.

Sean Teddy
Hautū | Deputy Secretary
Te Mahau | Te Pae Aronui (Operations and Integration)

Document 1

Extract from Request for a copy of a child's file (Official Information Act or Privacy Act)

Requests for a copy of a child's file (Official Information Act or Privacy Act)

Quick reference for local offices

1.	Keep a record of the request and the date in writing.	*Your 20 working days to respond starts now
2.	Contact the SE & S Ministerial team to log the request in METIS.	*All OIAs get logged into METIS
3.	Confirm the details of the request with the requestor. • Amended or clarified requests can only be treated as new requests if they are clarified within 7 working days of receiving the original request (s 15A(1)(a) OIA)	
4.	Check the requestor's identification & their right to have access to the documents	

d) There might be statutory authority that overrides the OIA and Privacy Act even if there is no parental consent.

- Get legal advice and share the information with the requestor according to the Act that applies

E.g. from CYF or the police under the Children, Young Persons, and Their Families Act 1989 or the Coroners Act 2006

1 option

1. Send to national office for sign off.

Document 2

Extract from Information Requests Quick Reference Guide

Information Requests Quick Reference Guide

Request	Which Act?
The Police ask for information about a person	<p>Check with the Police to see whether the request is being made under a statutory authority.</p> <p>If the request is not being made under statutory authority and no investigation is underway or contemplated, treat as a request under the Official Information Act.</p> <p>If police advise that they are seeking information in relation to an investigation of an offence then you may provide the information as requested. Principle 11(e)(i) of the Privacy Act permits the disclosure of personal information if the agency reasonably believes disclosure is necessary to avoid prejudice to the maintenance of the law by any public sector agency.</p>

From: "Case Resolution"
Date: Thursday, 6 June 2024 12:30 p.m.
To:
Subject: Fw: Turnbull - IPCA: 2320305

Kia ora Mr & Mrs Turnbull

I apologise for the delay in responding to your email. This was an administrative oversight on my part.

Your complaint has been considered and reviewed by the Authority and we remain satisfied that there has been no misconduct or neglect of duty by Police. I appreciate you don't accept our finding but we will not be reconsidering your case.

Your complaint remains closed and the Authority will not respond to further correspondence.

Cath Anyan

Manager Resolutions

Independent Police Conduct Authority, PO Box 25221, Wellington 6146, Aotearoa New Zealand

Tel: 04 4992050

www.ipca.govt.nz



Caution: If you have received this message in error please notify the sender immediately and delete this message along with any attachments. Please treat the contents of this message as private and confidential. Thank you.

From:
Sent: Thursday, June 6, 2024 10:34 AM
To: Case Resolution
Subject: Fw: Turnbull - IPCA: 2320305

Morena

We are writing to follow-up on our letter to the IPCA dated 14 March 2024.

Please advise us when we can expect a reply.

Thank you.

Callum and Victoria Turnbull