

## Summary

### Objective

When disclosing any information, we must ensure that it is covered under either the Official Information Act (OIA) 1982 or the Privacy Act 1993. We must also take care to protect the privacy of individuals at all times (see Privacy check before disclosing information).

There are a number of methods we can use to disclose information. For each method there are rules you need to follow and the processes for each are documented on CHIPS. They are outlined and linked below.

Owner **9(2)(a)**

Expert **9(2)(a)**

## Policy




### 1.0 Disclosing information using email

- a If you're using email to send or receive client information ensure you:
  - remember the "one email, one client" rule. Each email you send, with or without attachments, must only refer to a single client or recipient
  - send your email and attachments to a verified email address
  - complete a privacy check
  - check all email threads and delete any information that is not relevant to the client
  - ask another staff member to double check attachments if you have any doubts about sending the information
  - never use a Multi-Functional Device (MFD) to send documents outside of ACC
  - use the 'SmartGate' email notification to check all attachments before sending your email.

### 2.0 Processes

-  Send an email from Eos  
<http://thesauce/team-spaces/eos-online-help/contact/email-toolset/send-an-email-from-eos/index.htm>
-  Verify an email address in Eos  
<http://thesauce/team-spaces/eos-online-help/contact/email-toolset/verify-an-email-address-in-eos/index.htm>

### 3.0 More information:

-  Communication using email  
<http://thesauce/team-spaces/chips/clients/communication/policy/email-/communication-using-email/index.htm>
-  Risks associated with email communication  
<http://thesauce/team-spaces/chips/clients/communication/policy/email-/email-risks/index.htm>
-  What to include in emails to clients, providers and employers  
<http://thesauce/team-spaces/chips/clients/communication/policy/email-/what-to-include-in-emails-to-clients-providers--employers/index.htm>

### 4.0 Disclosing information by post

- a You can use post to send client information to a verified address if it's NOT a substantial enclosure, or it's on a password protected CD.

You can send substantial enclosures by post instead of Track & Trace Courier, however, you must:

- obtain the client's agreement for it to be posted, ESPECIALLY if it contains sensitive information. Ensure you have explained the nature of the material in the enclosure
- ensure your conversation, and the client's agreement to send by post, is clearly recorded in EOS (e.g. Contact note)
- check with the client before sending each enclosure.

If the client has any concerns about the material being posted then you must use an alternative delivery method, such as a courier.

You must carefully check the items that you place in the envelope to make sure:

- they relate to the right client, the right claim(s) and the right request
- multi-page items are stapled and there are no missing pages or extra pages attached.

Ensure the envelope is securely sealed before sending.

### 5.0 Disclosing information by courier

- a You can only use a courier to provide information to a client, client advocate or client lawyer if you have the client's consent to do so. This consent must come after you've made them aware of all the risks involved with sending their information by courier (see the ACC6181 Receiving personal information by courier information sheet).

All courier packages should be sent using ACC's preferred supplier NZ Couriers, with exceptions applying for:


- urgent deliveries – use Sub60
- PO Box or Private Bag deliveries – use Courier Post (NZ Post).

Before providing any information by courier, you must:

- check the recipient's address is "Verified" and "Valid"
- confirm the recipient's authority to receive the information
- place the information in a clearly addressed envelope or package before you put it in the courier bag.

If you want to send sensitive or confidential information by courier you must use the 'pre-alert' method.

### 6.0 Processes

-  Preparing and sending a courier package  
<http://thesauce/team-spaces/chips/clients/information-disclosure-and-requests/process/preparing-and-sending-a-courier-package/index.htm>

- 📄 Sending confidential information by courier using pre-alert  
<http://thesauce/team-spaces/chips/clients/information-disclosure-and-requests/process/sending-confidential-information-by-courier-using-pre-alert/index.htm>
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## 7.0 Disclosing information by fax

- a** Faxing information is to be used as a LAST resort for disclosing information. The other options above should be looked into first.
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## 8.0 Process

- 📄 Sending information by fax  
<http://thesauce/team-spaces/chips/clients/communication/process/sending-information-by-fax/index.htm>
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RELEASED UNDER THE  
OFFICIAL INFORMATION ACT



## Summary

### Objective

This page sets out the rules around what client health information ACC can disclose to employers. We can only disclose clients' health information when doing so is consistent with the purposes for which it was collected. ACC is a health agency for the purposes of the Health Information Privacy Code 1994 and, therefore, is responsible for the actions of its agents under the Privacy Act 1993.

Not all information on a client's file can be made available to an employer – even for a work-related injury. If you are unsure, discuss any requests with your team manager or Privacy Team.

This policy does not apply to pre-employment checks of clients' claims histories. That information is found on the Pre-employment checks policy page.

Owner 9(2)(a)

Expert 9(2)(a)

## Policy

### 1.0 Rules

a ACC and its agents can only give a client's health information to their employer if the information:

- will clearly help speed up or improve their rehabilitation
- is needed to assess their entitlement to cover and compensation
- is needed to help us apply the Accident Compensation (Experience Rating) Regulations 2011.

These are the purposes for which we collect clients' health information.

### 2.0 What you can disclose

a To help a client's rehabilitation you may give the following information to a client's employer:

- what tasks the client can do now
- steps a client can safely take towards resuming their previous duties
- timeframes for return to work duties
- what help the employee will need in the workplace.

These criteria apply to both work and non-work injuries.

### 3.0 Work injury claims

a In addition to the above information, we must also tell employers what the claim cover decision is for work injuries. This will include the reasons included in the cover decision letter. (See AC Act 2001, Section 64).

Because work injury claims affect an employer's experience rating, they may apply to ACC for a review of a decision about whether a client's injury is related to their employment with that employer, or whether the injury occurred in the workplace. If this happens, we need to provide information relating to whether the injury happened at work. Other irrelevant information such as treatment provided or non-injury related health information should not be provided.

### 4.0 What you can't disclose

a Employers may need to know what recommendations are contained in a client's rehabilitation plan, but they do not need to see the plan in its entirety. It is important that we only give employers information that meets the above criteria.

If an employer asks for information about non-work injuries or for information not covered by '2.0 What you can disclose', say we are unable to provide this information and suggest that they should ask the client. If they keep asking, escalate the request to your team manager.

Even if a client gives ACC consent to release information, eg a Stay at Work report, we can only release those parts of the report that meet the criteria under '2.0 What you can disclose'. Check with your team manager or the Privacy Team if you are unsure.

If a client says that they are happy for their employer to see information but the information does not meet the criteria in '2.0 What you can disclose', suggest that the client review the information before making a decision, or give the information to the employer themselves.

Co-morbidities such as drug use, diabetes etc, should not be disclosed to the employer.

Sometimes employees may be obliged to disclose health information to their employer under the Health and Safety in Employment Act 1992, however, ACC is not obliged to disclose information to employers to help them meet their obligations under this Act.

### 5.0 Public safety exception

a There may occasionally be situations where ACC must decide whether to disclose a client's health information because doing so would prevent or lessen a serious threat to public health and safety or to the life or health of an individual. See – Privacy Principle 11(f).

You should not consider releasing information under this exception without very good reason. You must consult the Privacy Team before releasing information under this exception.

### 6.0 Client withholds consent

a If a client says they do not want information to be disclosed to their employer, you will need to discuss this with the client, particularly if the information meets the criteria under '2.0 What you can disclose'.

## Summary

### Objective

We must have very good reasons to release information about a client to any other person or organisation. Principles 10 and 11 of the Privacy Act 1993 (Privacy Act) set out how we can use and disclose the client information that we've collected.

As of 1 December the Privacy Act 1993 will be the Privacy Act 2020. Please contact the Privacy Team if this page has not been updated by December 2020.

Owner 9(2)(a)

Expert 9(2)(a)

## Policy

### 1.0 Rules

- a We may only use or disclose information for the purposes that we collected it for. Once we've obtained personal information for one purpose we cannot use or disclose it for another purpose.

The branch or unit manager must decide whether to disclose information outside of the normal purpose (i.e. claims management), after consulting with the Privacy team if needed.

We are able to disclose client health information to parents or guardians of clients under the age of 16 where a duty of care exists. Once a client is over the age of 16 we must not disclose information to their parents or guardians unless an Authority to Act is obtained. Please see "Disclosure may be contrary to the interest of a person under 16 Policy" for more information.

Screen captures of Eos information or from other internal systems, taken with the Snipping Tool, are useful for purposes such as training material or raising queries to Helpdesk. Use the Snipping Tool to grab only the information you need to copy, then paste it into a new document or email. For further advice, particularly if you wish to send information externally, please consult with the Privacy team.

- Disclosure may be contrary to the interest of a person under 16 Policy  
<https://au.promapp.com/accnz/Process/626edb08-ce2c-4049-a05f-171934bb33e1>

### 2.0 Exceptions

- a Under the Privacy Act, Section 6, Information Privacy Principles 10 and 11, we may use or disclose information for a different purpose if we reasonably believe that it's necessary. These situations include:
  - to assist legal proceedings and investigations
  - to avoid a serious and imminent threat to public health or safety, or the life or health of the individual concerned.

If you are unsure whether an exception applies, please contact the Privacy Team.

For details see Complete information privacy principles.

- Complete information privacy principles  
<http://thesauce/team-spaces/chips/clients/client-privacy/reference/complete-information-privacyprinciples/index.htm>

### 3.0 Disclosing information to employers

- a There are limits to what information we can disclose about a client to their employer. In general, we may only disclose information about work-related injuries to employers.
  - You may only disclose client information to their employer if it's about a specific work-related injury
  - Do not disclose information about a non-work injury to an employer, unless you have the client's consent to do so
  - Encourage the client to provide any relevant information to the employer themselves.

Please see "Disclosure of clients' health information to employers Policy" for more information.

- Disclosure of clients' health information to employers Policy  
<https://go.promapp.com/accnz/Process/9841edd8-7ca6-4ca0-a5ab-b143d455971c>

### 4.0 ACC45 Injury claim form

- a You must take particular care when the employer information provided on an ACC45 is incomplete or confusing.

If the employer is a 'franchise' employer, you must make sure you have the correct employer location. If needed, seek further clarification from the client.

#### NOTE Example

McDonald's Wellington could mean any McDonald's outlet in the Wellington city area, not just the central city location.

### 5.0 Work-related injury notifications

- a If we send a work-related injury notification to an incorrect address this is still a breach of the client's privacy, even if we've taken reasonable care to locate the correct employer.

Where an employer denies that a claim is work-related, there is no breach if we've notified the correct employer.

### Summary

#### Objective

We receive requests for information about our clients from insurers to inform their decisions on insurance cover and services.

We must assess and provide the requested information in accordance with the Official Information Act 1982 (OIA) because they are requests from third parties. We must also comply with the Privacy Act 1993 (Privacy Act) and ACC processes. See Requests for personal information and Official information requests.

Owner **9(2)(a)**

Expert **9(2)(a)**

### Policy

#### 1.0 Requests from insurers for our clients' information

**a** When a request is received from an insurer, you must:

- make sure the request is specific enough for you to identify what information is being asked for, If you're unsure and cannot identify what's required you must ask the insurer to refine their request
- make sure the insurer provides written 'authorisation to collect' what information they're asking for. Make sure the information complies with the Privacy Act and meets the requirements below. Alternatively, we can ask our client to authorise disclosure by ACC
- send copies of the information to the insurer.
- The information must go directly to the insurer
- Information must not be given to the client to pass on to the insurer
- only provide a copy of the released information to the client when requested. Preferably in a secure format, to mitigate any risk of breaching privacy.

It's the insurer's responsibility to make sure they do not collect more personal information than they need.

If our client is concerned about information the insurer has requested, do not release the information. If there are any issues about the requested information it must be resolved between the client and insurer.

#### 2.0 Requirements for assessing insurers' authorisations

**a** Before disclosing information you must be confident that the client is aware of:

- the information is being collected
- the purpose of the information being collected
- the intended recipient of the information
- the name and address of:
  - the health agency (in this case, the insurer) collecting the information, and
  - the health agency that will hold the information.

You must also consider:

- how old is the authorisation?
- will our client remember authorising the insurer to collect the information?
- will the client still agree to the collection?
- how sensitive is the client's information?
- does the scope of the insurer's request cause concern?

If an insurer's authorisation to collect information isn't adequate regarding the Privacy Act, we can't rely on our client's authorisation to disclose their information.

If you have any questions about whether an insurer's authorisation form is acceptable, please contact the Privacy Team.

## Summary

### Objective

The Privacy Act 1993 (Privacy Act) and the Health Information Privacy Code 1994 (Health Information Privacy Code) provide legislation for protecting individual privacy and managing personal and health information.

- The Privacy Act contains 12 Information Privacy Principles for collecting, accessing and releasing personal information
- The Health Information Privacy Code 1994 (2.08M) contains 12 Health Information Privacy Rules for collecting, accessing and releasing an individual's health information.

We must all understand these principles and rules when handling requests for the release of personal and health information. For more information see Differences between personal and health information.

As of 1 December 2020, the Privacy Act 2020 comes into effect. Please contact us if this page has not been updated by December 2020.

**Owner** 9(2)(a)

**Expert** 9(2)(a)

## Policy

### 1.0 Office of the Privacy Commissioner

- a The Office of the Privacy Commissioner is responsible for investigating complaints about the withholding or disclosure of personal information. Our Privacy team manages ACC's liaison with the Office of the Privacy Commissioner.

### 2.0 Who can request personal information?

- a Under the Privacy Act, only the client or a person with authority to act on their behalf may request information that we hold about a client.

Under the Official Information Act 1982 (OIA) the following parties may request information that we hold about a client:

- a third party administrator
- an insurance company assessing a related claim
- any other person or organisation.


If the request for personal information is from...	then treat it as a request under the ...
the individual concerned or their authorised representative	Privacy Act 1993
another individual	Official Information Act 1982
an organisation or government agency	

 Who can request personal information..PNG

### 3.0 Requests from members of Parliament

- a We frequently receive enquiries from members of Parliament (MPs), or their electorate office staff, advising that they're acting on behalf of an ACC client or customers.

If you're concerned about disclosing or releasing the information, contact the client to confirm the MP is acting on their behalf. If you're unsure, contact Government Services for advice.

-  [Government Services  
http://thesauce/about-acc/groups/governance-group/government-engagement-and-support/index.htm](http://thesauce/about-acc/groups/governance-group/government-engagement-and-support/index.htm)


### 4.0 Requests from members of the New Zealand Police

- a We occasionally receive requests from the Police for information about clients. These should be referred to the Privacy Team who will respond direct to the Police.

If you receive a written request, please email it to the Privacy Team on [privacy.officer@acc.co.nz](mailto:privacy.officer@acc.co.nz).

If you receive a verbal request, advise the Police that they must make their request in writing (email or letter) and send it to The Privacy Officer, ACC, PO Box 242, Wellington 6140 or [privacy.officer@acc.co.nz](mailto:privacy.officer@acc.co.nz).

Under no circumstances should you disclose any information about the client. If you have any questions, please contact the Privacy Team.

-  [Manage requests for client information from insurers  
http://thesauce/team-spaces/chips/clients/information-disclosure-and-requests/policy/client-information-requests-from-insurers/index.htm](http://thesauce/team-spaces/chips/clients/information-disclosure-and-requests/policy/client-information-requests-from-insurers/index.htm)

### 5.0 Requests from insurance companies for client information

- a If you receive a request from an insurance company for a copy of a client's file(s), See Manage requests for client information from insurers.

### 6.0 Charging for information

- a ACC cannot charge for providing personal information.

### 7.0 Response time

- a Under the Privacy Act, we must make a decision on a request for personal information:

- as soon as reasonably practicable
- within a maximum of 20 working days after receiving the request.

-  [All About Requesting Personal Information](#)

## 8.0 Extension of response time

**a** Sometimes you may need a time extension to respond to a request for personal information. Extensions are allowed where:

- large quantities of information are involved
- searching through large quantities of information will unreasonably interfere with ACC's operations
- you need to consult.


You may only make one request for an extension so you must be able to complete the response within the extended timeframe.

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## 9.0 Formal notification of extension

**a** You must formally notify the requestor about an extension of time within the 20-working day limit and include the:

- extension period required
- reason(s) for the extension
- advice that the requestor has the right to lodge a complaint about the extension with the Office of the Privacy Commissioner.

 INP02 Personal Information Request - Advise Time Extension

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## 10.0 Transferring a personal information request

**a** If we don't hold the requested personal information, but know another government agency that does, we can transfer the request to the other agency under the Privacy Act, Section 39. The transfer must be arranged within 10 working days of the date of receiving the request.

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## 11.0 Releasing personal information


**a** We must release requested personal information unless we have good reasons to withhold it. See "Withholding personal information".

 Withholding Personal Information  
<https://go.promapp.com/accnz/Process/Group/b03db99d-c7aa-435b-861d-be15ac9932a3>

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## 12.0 Withholding personal information

**a** If we have good reasons to withhold the information we may consider declining the request. See Examples of declining personal information requests.

 Examples of declining personal information requests  
<http://thesauce/team-spaces/chips/clients/information-disclosure-and-requests/reference/examples-of-declining-personal-info-requests/index.htm>

## 13.0 Releasing only part of the requested personal information

**a** Sometimes it's appropriate to release only part of the personal information requested, eg when the information identifies multiple individuals. The Privacy Act, Section 43 permits us to redact the part(s) of the document containing this information before releasing it. We must provide reasons for withholding any parts of the information.

The recipient must not be able to read any of the information that has been redacted.

We might also only provide part of the personal information requested if:

- we're satisfied, after consulting with the requestor's medical practitioner, that disclosure would be likely to affect the requestor's physical or mental health
- the request is frivolous or vexatious, or the information requested is trivial.

You must consult the Privacy team about any decision to decline a request based on it being frivolous, vexatious or trivial.