

24 February 2014

Ms Jane Cohan  
[fyi-request-1442-23a69632@requests.fyi.org.nz](mailto:fyi-request-1442-23a69632@requests.fyi.org.nz)

Dear Ms Cohan

### Official Information Act Request

I refer to your request of 7 February 2014, seeking the following information.

*"...copies of Provider contracts, policy documents etc, which states that an ACC Contracted Provider who receives information directly from ACC about claimants, is unable, not allowed, to hand over information to a claimant due to clauses in the contracts held with ACC that prevents them providing the claimant with their own information."*

There are no provisions in ACC provider contracts or policies which prevents an ACC client from accessing their personal information. All ACC providers must comply with the Privacy Act 1993. The Privacy Act 1993 and Health Information Privacy Code 1994 (HIPC) both set out rules governing the release of information.

Where an ACC provider believes the request for information is more closely connected to the functions or activities of ACC, they may transfer the request for information to ACC. Such a transfer would be pursuant to section 39 of the HIPC.

The Privacy Act 1993 and HIPC also set out circumstances where personal information may be withheld. This can include lessening or preventing a threat to the health and safety of the individual concerned. The full set of limits on disclosure of health information can be found under rule 11 of the HIPC. Part 4 of the Privacy Act 1993 also outlines reasons for refusing access to personal information.

The Privacy Act 1993 and HIPC are both publicly available documents and can be found at [www.privacy.org.nz](http://www.privacy.org.nz). If you would like to view a master agreement as used by ACC for engaging health service providers, you can find this on ACC's website under the *For Providers* section.

If you have requested personal information and believe this has been unlawfully refused you can make a complaint to the Office of the Privacy commissioner. You can call the Office of the Privacy commissioner on 0800 803 909 9am to 5pm weekdays, or write to:

Office of the Privacy Commissioner  
PO Box 10094  
Wellington 6143

Please contact me on [adam.houppermans@acc.co.nz](mailto:adam.houppermans@acc.co.nz) if you would like to discuss this letter. I will be happy to answer any questions or, if you have any concerns, work with you to resolve these.

If you are still not happy, you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602, 9am to 5pm weekdays, or write to:

The Office of the Ombudsman  
P O Box 10 152  
WELLINGTON 6143

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Adam Houppermans', written over a horizontal line.

Adam Houppermans  
**Advisor**