

15 July 2014

Anthony Jordan

By email: <mailto:fyi-request-1741-9b1c836a@requests.fyi.org.nz>

Dear Mr Jordan

Official Information Act 1982 – Confirmation of standing

I write further to your email of Saturday 12 July 2014. I understand you to be asking for clarification in respect of the following:

1. ACC's justification for citing privacy interests when requiring you to provide a physical address;
2. Whether ACC's decision not to post the information on FYI would exclude the information from being used in research, statistics, or in complaints against the Corporation; and
3. Whether any part of the information requested could be posted to the FYI website.

Justification for not posting to FYI

Under section 9(2)(a) of the Official Information Act, ACC has to balance the public interest in releasing official information with the privacy interests of the individuals who are the subject of that information. ACC has determined that the material you have requested can be released where the criteria of section 12 are met (a point discussed further below).

However, while ACC has decided that it is in the public interest to release the information you have requested, we are of the view that the nature of the material you have asked for determines that we need to also carefully consider how it is released. In this instance, ACC believes that the privacy interests of the individuals to whom the information relates, warrant the decision not to post our response on the internet. In taking that view ACC has applied general principles from a subject-guide the office of the Ombudsman has released on its website in relation to requests made via social media such as Twitter and Facebook.¹ Importantly, that subject-guide notes that:

- different considerations can come into play when releasing information to the world at large, as opposed to releasing information to a particular requester; and
- the privacy concerns of the individuals involved may be heightened where a request is made via a public forum.

¹ <http://www.ombudsman.parliament.nz/resources-and-publications/guides/official-information-subject-guides>

With that in mind, ACC reiterates that where your request asks for personal information about a third party, any information that we release will need to be sent to an appropriate physical address.

Other uses

In response to your second question I note that ACC's decision declining your request that we post the information on the FYI website, would not prevent the information being used for the purposes you have mentioned.

Does ACC's position affect the entire request

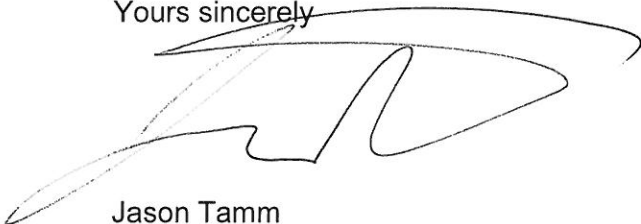
I understand you to be asking whether there is any aspect of the information you have requested that could be posted to a website in the manner you seek. Before ACC can respond to any aspect of your request, or engage in any further correspondence in respect of it, we will need you to provide proof that you are eligible to request official information in terms of section 12 of the Act. Again, we invite you to provide proof of eligibility in the form of one of the items identified in my letter of 4 July 2014.

Concerns

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
PO Box 10 152
WELLINGTON 6143

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jason Tamm', written over a horizontal line.

Jason Tamm
Senior Advisor, Government Services