

27 November 2014

Mr Bruce Van Essen  
Fyi.org.nz

Dear Van Essen

### Official Information Act Request

Thank you for your request of 1 October 2014, in which you have requested additional information and have raised concerns about ACC's response to your 30 June 2014 request.

ACC has responded to each of your questions and concerns in turn below.

- 1. Under the Official Information Act I request copies of all information relating to matters of client consent, authorisation or authority (e.g., ACC45, ACC167 etc) developed by ACC between 2009-2010. (This should include information (e.g., papers, presentations, advice, plans, policies, procedures, documentation, processes, information etc) received by ACC's senior level management, e.g., the Chief Executive, the ACC Board, the ACC Minister, the Associate ACC Minister, the Executive Leadership Team, the Executive Management Team, the Operational Policy Committee, the National Claims Manager, the General Manager of Claims, the Privacy Office, ACC legal and other ACC employees in senior level management positions between 2009 and 2010 relating to client consent, authority or authorisation.)*

This request expands on questions you asked on 30 June 2014. You are concerned that ACC interpreted your June request too narrowly. I can assure you that this was not the case; ACC is careful to provide reasonable and appropriate responses to all official information requests.

In response to your August request, ACC advised it was unable to find any information you asked for regarding client consent, authority etc. ACC has had another search for such information under the wider parameters of your current request. ACC has identified three items from an internal newsletter called Knowledge Booster. Please find these attached.

ACC has removed a staff member's name from these documents to protect their privacy. This decision is made pursuant to section 9(2)(a) of the Official Information Act 1982 (the Act). ACC considers the privacy considerations in this case are not outweighed by public interest in this information.

2. *Under the Official Information Act I seek disclosure of the June 2010 ACC Research Ethics Committee minutes. The June 2010 minutes should have been disclosed with the other material on 26 September 2014, in response to my original Official Information Act request of 30 June 2014. Thus, this is not a new request, but is addresses ACC's nondisclosure in response to my request of 30 June 2014.*

I note that the May 2010 minutes indicate a meeting was scheduled for June, however, ACC has no record that this meeting took place.

The minutes for the May 2010 meeting were confirmed at the July 2010 meeting. This indicates there was no June 2010 meeting, as minutes from a meeting tend to be confirmed in the one following.

Further, the reference in the September minutes to the '...Committee's recommendations provided in June' is almost certainly an error. The Committee provided recommendations in the May 2010 meeting, which is evident in that month's minutes.

ACC's view is that it has provided you all the Research Ethics Committee minutes for 2009 and 2010 that exist or can be found.

3. *I request ACC provide all documents disclosed on the 26 September 2014 in an un-redacted form, so the names of officials are transparent (made available) for reasons of accountability.*

ACC notes your complaint regarding its decision to not release names cited in the Research Ethics Committee minutes and also your query as to the section of the Act on which ACC relies on in doing so.

The section of the Act ACC relied on was s.9(2)(a).

After receiving your complaint, ACC has decided to reconsider its decision on this part of your 30 June 2014 request. As part of this, we are seeking comments from staff identified in these documents. ACC will be back in touch with you about this shortly.

4. *Would you please disclose Section 5.5 to 6.0 the August 2010 ACC research Ethics Committee Minutes without further delays.*

Section 5.5 was the only section not disclosed to you in ACC's September response. This Section relates to a request from the Ministry of Social Development for ACC's Research Ethics Committee to consider research undertaken by the Ministry, which was unrelated to ACC. That request was made as the Ministry did not have its own Research Ethics Committee.

Following consultation with the Ministry, ACC is able to release this section to you. Please find this attached. ACC has withheld names of staff members under section 9(2)(a) of the Act. ACC considers the privacy considerations in this case are not outweighed by public interest in this information.

ACC considers that its previous decision to not disclose this section was appropriate. The chief reason is that the information contained in this section did not fall within the scope of your 30 June request. Secondly, since the information regarded another agency's work, ACC would have been obliged to consult with them (as it has done


now). ACC determined there was no reason to consult as the particular information was not covered by your previous request.

ACC recognises that this should have been clarified in its letter of 24 September 2014. On behalf of ACC, I apologise for this oversight.

Please contact me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz) if you would like discuss the information provided.

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



Terence Routledge  
**Senior Advisor, Government Services**  
Encl:

*Knowledge Booster items (February 2009, June 2010, and September 2010)  
Sections 5.5 of the Research Ethics Committee minutes, August 2010)*