



20 December 2022

Carole Young

fyi-request-21288-b7c1d7e1@requests.fyi.org.nz

Your Official Information Act request, reference: GOV-022303

Thank you for your email of 29 November 2022, asking for the following information under the Official Information Act 1982 (the Act):

- *When claimant code of rights code breaches are found, investigated and issued, can you please provide an overview of what happens with the information collected. More specifically, can you please provide a detailed overview of what happens when a Claimants Code of Rights, Code 7 (privacy) is confirmed found.*
- *Does it get escalated internally?*
- *Does it have a different reporting structure or treated differently compared to the other Code Breaches?*
- *When a Code Complaint is breached by ACC, does ACC collect the information, and if so, is the data used for quality control purposes and who is are the breakdowns reported to?*
- *Can you please provide a breakdown of how many code breaches are confirmed found annually, for the last 5 years, for each of the 8 Code of Claimants Right breaches.*

In the attached appendix we have provided you with the following relevant policies, that explain the process of addressing and investigating code of claimant rights breaches

- Code of ACC Claimants' Rights – Best practice guide document
- What makes a good apology document
- Responsibility for managing complaints policy
- Working with the code of claimant rights policy
- Receive and Assess Complaint policy

Staff names have been removed as they are out of scope of your request.

Process to manage Code of Claimants' Rights breaches, including privacy breaches

Code of ACC Claimants' Rights breaches are investigated by ACC's Customer Resolutions Team. When complaints are raised regarding privacy issues, these complaints are escalated internally to our Privacy team who provide advice on privacy matters. If there are harms caused by the privacy breaches, the Customer Resolutions Team and the Privacy team will work together to resolve the breach for the client.

The reporting structure for privacy breaches is the same as other Code Breaches, however it will also form part of our reporting on Privacy issues. The main difference between Code Breaches and other privacy breaches is that Code Breaches are usually raised by clients, and privacy issues can be identified internally by staff even when there is no direct impact or harm caused to a customer.

ACC reports on all complaints where a material service failing, scheme, legal or operational policy breach has been identified, including Code of Claimants' Rights breaches. This reporting is provided to the ACC Board, as well as leaders across the organisation. Please note that breaches are not reported in the same way as we have provided you in the table below.

Code of Claimants' Rights breaches between 2018 and 2022, broken down by code

| Year | Right 1 | Right 2 | Right 3 | Right 4 | Right 5 | Right 6 | Right 7 | Right 8 |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|
| 2018 | 34 | 44 | 0 | 0 | 76 | 62 | 9 | 8 |
| 2019 | 43 | 44 | 0 | 0 | 83 | 64 | 19 | 2 |
| 2020 | 105 | 107 | 2 | 0 | 160 | 122 | 15 | 14 |
| 2021 | 53 | 50 | 1 | 0 | 90 | 75 | 22 | 8 |
| 2022 (YTD)* | 66 | 69 | 0 | 0 | 97 | 87 | 17 | 11 |

**To December 2022*

As this information may be of interest to other members of the public

ACC has decided to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available www.acc.co.nz/resources/#/category/12.

If you have any questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you can also contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz.

Ngā mihi



Sara Freitag
Acting Manager Official Information Act Services
 Government Engagement