2 June 2023

Anthony Jordan
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Kia ora Anthony

Your Official Information Act request, reference: GOV-025021
Thank you for your email of 11 May 2023, asking for the following information under the Official Information Act 1982 (the OIA):

1/ Part of the act that doesn't allow the ACC to use its own discretion and disclose communications between external Lawyers/Legal Teams contracted to represent the ACC at any Conciliation
2/ Part of the act that doesn't allow the ACC to use its own discretion and disclose communications between external Lawyers/Legal Teams contracted to represent the ACC at any Review Hearing
3/ Part of the act that doesn't allow the ACC to use its own discretion and disclose communications between external Lawyers/Legal Teams contracted to represent the ACC at any District Court hearing
4/ Part of the act that doesn't allow the ACC to use its own discretion and disclose communications between external Lawyers/Legal Teams contracted to represent the ACC at any District Court appeal

The information requested does not exist
There is no Act that "doesn't allow ACC to use its own discretion and disclose communications between external Lawyers/Legal Teams contracted to represent the ACC […]".

To maintain legal professional privilege, information considered for release under the Privacy Act 2020, such as part of an ACC claimant's claim file, may be withheld under section 53(d) of the Privacy Act 2020. Similarly, those pursuant to the Official Information Act 1984 can be withheld under section 9(2)(h) of the OIA, and under the Evidence Act 2006 by its section 54.

However, the privilege in relation to communications between ACC and its legal advisors and counsel can be waived by ACC's Chief Executive upon consultation with General Counsel or Head of Legal.

If you have any questions about this response
You can email me at GovernmentServices@acc.co.nz.

Ngā mihi

Sara Freitag
Acting Manager Official Information Act Services
Government Engagement