

20 February 2024

Anon

**By email only to:** [fyi-request-25064-b21ac11f@requests.fyi.org.nz](mailto:fyi-request-25064-b21ac11f@requests.fyi.org.nz)

Tēnā koe

### **Official Information Act Request (Our Ref: OIA/0337)**

Following your email request on 7 December for ACC privacy complaints data, and our response of 28 January 2024, you have made further requests for information in your emails of 28 January 2024 and 5 February 2024.

#### **Your request of 28 January 2024**

In my previous response I advised you of numbers of complaints declined for investigation:

##### *1.2 Numbers of ACC complaints declined for investigation by OPC*

*The total number of ACC complaints that OPC declined to investigate is 302. Please note that this relates to complaints where a file was opened and does not include complaints that were received and declined through our triage process.*

You have now requested the number of complaints that were received and declined to be investigated during the triage process for each of the years in our response, ie from 2010 to 2023 (your request of 28 January).

Your request is refused under section 18(f) of the Official Information Act as the information requested cannot be provided without substantial collation and research. Due to the way in which complaints data is captured and recorded, this would require a lengthy manual search through thousands of individual records to identify those specifically relating to ACC.

#### **Your request of 5 February 2024**

You have requested the following:

Of those complaints that were received and declined to be investigated during the triage process for each of the years in your response from 26 January 2024:

- (1) please state the number of certificates that were issued for those complaints; and
- (2) the number of complainants who received notices of their rights to appeal the OPC's decision at Human Rights Review Tribunal.
- (3) the reasons given for declining to investigate and the number of those complaints that were not investigated for that reason.

For (3) above, please specify the legal reason given for not investigating the complaint. [Please refer to sections 73 – 74 of the Privacy Act 2020 or sections 70-71 of the Privacy Act 1993]. If section 74(2) of the PA 2020 (or 71(2) of the PA 1993) applied, please provide the specific reasons given, and the number of complaints that were not investigated for that reason.

### **My response**

(1) number of certificates that were issued for complaints declined during the triage process.

Your request is granted. The number is zero for each year, as certificates are not issued if a complaint is declined for investigation. You can see information on our website about when a certificate is issued.<sup>1</sup>

(2) number of complainants who received notices of their rights to appeal the OPC's decision at Human Rights Review Tribunal

Your request is granted. The number is zero for each year. A decision to decline to investigate a privacy complaint does not give rise to a right to appeal that decision in the Human Rights Review Tribunal. The usual review mechanism is the right to complain to the Office of the Ombudsman.

(3) the reasons given for declining to investigate and the number of those complaints that were not investigated for that reason

Your request is refused under section 18(f) of the Official Information Act as the information requested cannot be provided without substantial collation and research. Due to the way in which complaints data is captured and recorded, this would require a lengthy manual search through thousands of individual records to identify those specifically relating to ACC.

### **Conclusion**

If you are not satisfied with this response, under section 28 of the Official Information Act, you have the right to ask the Ombudsman to investigate and review my decision on your request.

Nāku iti noa, nā



Liz MacPherson  
**Deputy Commissioner**

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<sup>1</sup> <https://www.privacy.org.nz/your-rights/complaints-process/>