

20 February 2024



He Kaupare. He Manaaki.
He Whakaora.
prevention. care. recovery.

fyi-request-25177-ee13c069@requests.fyi.org.nz

Kia ora Anon

Your Official Information Act request, reference: GOV-030178

Thank you for your request of 25 January 2024, asking for the following information under the Official Information Act 1982 (the Act):

Please provide me with all documentation that shows that ACC's use of sending private health records via email meets the standards set by the Government Chief Privacy Officer and the Government Chief Information Privacy Officer (Department of Internal Affairs).

The Office of the Privacy Commissioner repeatedly states that email is not secure from interception or unauthorised access, and thus fails to meet the requirements set out in s 22, IPP 5, of the Privacy Act 2020, or the Health Information Privacy Code 2020, rule 5. I have noticed that ACC does not even take the step to ensure that health records are password protected when sending electronically to third parties. Again, I ask for a list of methods that meet the standards set by the government, and which ACC is legally obliged to comply with under the Privacy Act and the HIPC.

The Office of the Privacy Commissioner has provided advice on whether personal information can be sent securely by email

This advice states that emails with personal information can be sent provided reasonable steps are made to secure the information: www.privacy.org.nz/tools/knowledge-base/view/229?t=1234058_1387568.

ACC follows clear guidance when emailing personal information to providers

Embedded in ACC's processes are the instructions which must be followed to maintain the privacy and security of client information. For example, the instructions to complete a provider referral to a Medical Case Review Assessment can be viewed online: www.acc.co.nz/assets/Policy-and-procedure-documents/arrange-medical-case-review-mcr-assessment.pdf.

Further, we have attached the document *Inbound and Outbound Document Checks Supporting Information* which identifies the types of checks we undertake to ensure we are meeting our privacy obligations. This document is used over several Recovery Administration/ Recovery Team Member tasks and in conjunction with instructions such as *Emailing from Eos using a Template – System Steps*. We have also attached these system steps as they ensure referral documents are only sent to verified email addresses.

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

ACC may decide 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.

Ngā mihi

A handwritten signature in black ink, appearing to read 'Chris Johnston', is written over a light blue horizontal line.

Christopher Johnston
Manager Official Information Act Services
Government Engagement