



22 July 2024

Anon

fyi-request-26953-699497a5@requests.fyi.org.nz

Kia ora Anon

Your Official Information Act request, reference: GOV-032589

Thank you for your request of 23 May 2024, asking for information under the Official Information Act 1982 (the Act):

1. *Request 1: Please provide the internal rules, policies, guidelines, or other documents which include ACC's definition of mediation, conciliation, or facilitation. My preference would be for ACC to add those definitions to ACC's ADR web-page, with a link to the document; however, if ACC is unwilling, then please provide them through FYI.org.nz.*
2. *Request 2: Please provide copies of agreement contracts provided to claimants prior to engaging in mediation, conciliation, or facilitation.*
3. *Request 3. Please provide a list of ACC contracted mediators, facilitators, and conciliators that Claimant's may contact directly to start the ADR process.*
4. *Request 4. Please provide copies of the contracts with ACC contracted mediators, conciliators, and facilitators.*
5. *Request 5. Are there restrictions to who may provide mediation, conciliation, or facilitation? For instance, must the mediator, conciliator or facilitator be contracted to ACC? If so, please provide the internal rules, policies, processes, guidelines, or other documents, which detail the restrictions on who may provide ADR for claimants.*
6. *Request 6. Are there any restrictions as to how a Claimant may start the ADR process (mediation, conciliation, or facilitation), and obtain information from the mediator, conciliator, or facilitator about the process, which ACC describes as "Step 1" of the ADR process?*
7. *Request 7. If there are restrictions as to how a Claimant starts the ADR process (mediation, conciliation, or facilitation), please provide policies, rules, processes, guidelines and other documents about how and when a Claimant may start step 1 of the ADR process, to have a discussion with the mediator, conciliator, or facilitator, who is (a) contracted to ACC, and (b) not contracted with ACC.*
8. *Request 8: If Claimant's who have a dispute with ACC are not permitted to start the ADR process by contacting the mediator, conciliator or facilitator directly - as indicated in Step 1 of the ADR process - then please provide the steps ACC employees must take after receiving a request from a Claimant for mediation, conciliation, or facilitation. This would include all rules, guidelines, processes and policies, which must be consistent with the Code (taking into consideration the Claimant's views, treating them fairly, and with respect, rights 1-2), for the access to ADR.*
9. *Request 9: Please provide the internal rules, policies, processes, guidelines and other documents, pertaining to the definition of "party" or "parties", and who Claimant's should expect to be present during Steps 2 and 3 of ADR.*
10. *Request 10: If a Claimant seeks ADR, who should the claimant expect to be present as the representative of ACC in mediation, conciliation or facilitation? Would this be the decision maker that made the decision that is in dispute, or some other person who was unrelated to the decision making, such as a resolution specialist, or someone who is not a party in the matter, such as external legal counsel?*

Our response

I refer to ACC's letter to you dated 2 July 2024 asking for your full name, confirmation of your identity and the reasons for your request. To date, we have not received a response to our letter.

You had declined to provide the further information ACC requested because you did not consider ACC was entitled to ask for it. Since 5 July you have still not provided the information sought.

For the reasons set out below, ACC is declining your request:

- ACC has recently received a large number of apparently closely related official information requests that also appear to be made by or on behalf of the same person. At least 20 requests were made from your account on FYI.org.nz to ACC in a short timeframe (between May and July 2024). Many of these were about the same topics. Other requests written in the same way, about the same topics as your requests, and sent around the same time, have been made from other anonymous FYI accounts. In total, there were at least 40 requests made to ACC in a short timeframe.
- These information requests require considerable expense and effort for ACC to respond to. ACC estimates that it is currently allocating more than the equivalent of one full time employee to respond to each of these requests separately, despite the fact that they seem closely related. It would likely require even more expense and effort to produce all of the information sought in each of these requests.
- This request seems to be one of these 40 related requests. Because you have not provided ACC with information asked for to confirm whether your request is one of many related requests, ACC has decided that your request is probably one of these many related requests.
- The way that you, or people acting for you, appear to have asked for a wide range of information in many separate requests rather than include all questions in one request, interferes with ACC's ability to determine whether and how it might be able to apply various provisions of the Official information Act to deal with your requests. Those provisions relate to whether the requests taken as a whole require substantial collation or research so as to:
 - allow ACC to decline some or all of the requests under s18(f) of the Act;
 - consider combining your request with any other requests made by you under s18A(2) of the Act;
 - fully to consider fixing a charge for providing the documents concerned under s15 and s18A(1) of the Act.
- Because your request appears to be part of a wider course of conduct making numerous official information requests in a way that prevents ACC from applying the parts of the Official Information Act that protect agencies from being put to unreasonable effort and expense in responding to official information requests, ACC considers that your request is frivolous or vexatious in terms of s18(h) of the Act.
- Your entire request is therefore refused.

ACC sought the same information from each of the requestors in as many of the related requests as it has been able to identify and has not received information from any of them to allow it to work out how to consider and respond to the requests in the way required by the Act.

If ACC is wrong and your request is not one among many related requests then please let me know urgently, or if you prefer, take the issue to 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



Christopher Johnston
Manager Official Information Act Services
Government Engagement