

21 June 2024

Anon

fyi-request-27011-71138a2a@requests.fyi.org.nz

Kia ora

Your Official Information Act request, reference: GOV-032632

Thank you for your email of 27 May and 9 June 2024, asking for the following information under the Official Information Act 1982 (the Act):

27 May email:

Request 1:

I request a copy of ACC's notice of the decision to seek specific claimant information from a claimant, or third party, which includes the necessary information under section 64 of the Act and Rule 3 of the HIPC.

Request 2:

I request a copy of ACC's notice of the decision to disclose claimant information and the reason for the disclosure, which includes the necessary information under section 64 of the Act and Rules 3 & 11 of the HIPC.

Request 3:

I request copies of all ACC template forms which may be attached to the notices, which specifies the documents that ACC seeks to obtain or intends to disclose.

I provide three examples, which are not exhaustive:

- ACC192 Vocational Independence Medical Assessment Referral Documents List, or
- ACC6246 Relevant documents list.
- ACC252 Review documents

Request 4:

I request a copy of ACC's consent form, which give explicit consent by the Claimant for ACC to seek or disclose the information specified in the notice of their decision (requests 1-3 above).

To avoid any doubt, I have not requested the ACC6300, ACC45, or the ACC46 forms, as these forms do not meet the criteria set out by the privacy legislation (Rules 2, 3, 11) or the AC Act (s 64).

9 June email:

You requested clarification, stating "We have interpreted your requests 1, 2 and 3 to be for letter templates informing clients that ACC is seeking and disclosing information from and to third parties."

I don't know if ACC has a template notice for every decision. I do now that ACC is required to provide notices of all of ACC's decisions to claimants. Seeking external clinical advice is a decision under the Act (s 62) that requires written notice. The decision to disclosure or seek information are also decisions under the Act (s 55), as well as the the Privacy Act.

ACC has internal rules of what must be included in any written correspondence. Thus, to ensure consistency and compliance with the law, it would be reasonable to assume that ACC has template notices and forms for the decisions I requested.

If ACC doe not hold any template notices or forms (Request 1-4), please state that ACC does not have any such templates notices of decisions and forms. If there are no templates, I request 10 examples of such letters (with the attachments) sent to claimants from the Complex Injury Claim

team (s 57 claims), with the particulars of the claimant (name, claim number, ACCID number, etc) redacted from the notice.

I reiterate my original request.

1. ACC is required to make a decision about whether to grant or refuse your request as soon as reasonably practicable and within 20 working days of receiving the request. ACC considers this request is one of multiple requests made by the same requester, which may affect ACC's decision to grant or refuse the request.
2. In order for ACC to make a decision on this request, ACC requests that you provide:
Your full name and confirmation of your identity, and
the reasons for the request.
3. We ask that this information be provided as soon as possible to enable us to make a decision on your requests. This may include ACC extending the timeframe for responding, charging for the request, or refusing to grant the request because:
ACC has already provided this information in an earlier request; and/or
the information requested cannot be made available without substantial collation or research;
and/or
the request is frivolous or vexatious or the information requested is trivial; and/or
the request may relate to matters including proceedings under Part 5 of the Accident Compensation Act 2001.
4. If you would prefer, this information can be provided confidentially to ACC at the following address: Manager OIA Services, ACC, PO Box 242, Wellington, or by email to Christopher.johnston@acc.co.nz. Any information/documentation provided establishing your identity will be used solely for that purpose and destroyed after. Please reference this request when doing so: **GOV-032632**
5. We look forward to receiving the information requested at paragraph 2.

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

You can email me at GovernmentServices@acc.co.nz. If you are not happy with this letter, 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



Christopher Johnston
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Government Engagement