

27 June 2024

Karl Bloxham

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Kia ora Karl

Your Official Information Act request, reference: GOV-032739

Thank you for your email of 30 May 2024, asking for the following information under the Official Information Act 1982 (the Act):

I request information in relation to ACC's Treatment Providers Handbook in particular "Medical certificates (ACC18)" under this section is a subsection "Discussing confidentiality" which states "If you'd like to talk to us about matters that you're not comfortable writing onto a client's ACC18, please tick the option I would like to discuss this with the client's case manager.

Please advise, if the client request a copy of the information held by ACC about them, will ACC release the details of the conversation between the medical practitioner, or will it be withheld as its confidential?

Please advise on what basis does ACC invite a medical practitioner to break the confidentiality and privacy of a patient?

Release of client information

Clients can request a copy of information held by ACC about them under the Privacy Act 2020. Information about an individual can only be refused if one of the withholding grounds within the Privacy Act applies. For example, if one of the grounds within section 49 applies, then information could be withheld. However, this would depend on the nature of the information.

You can read the withholding grounds online here:

<https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html>

Discussing confidentiality

The Health Information Privacy Code 2020 applies to health agencies (including doctors and nurses) regarding collecting and disclosing health information about individuals. Rule 11 provides limits on disclosure of health information. Rule 11(2) includes exceptions to these limits. One of these exceptions might be the reason a provider chooses to disclose information without the client's authority. You can read about this here: <https://www.privacy.org.nz/assets/New-order/Privacy-Act-2020/Codes-of-practice/Health-information-privacy-code-2020/HIPC-Amendment-No-1/Consolidated-Code-incorporating-Amendment-No-1.pdf>

Please also find attached the following relevant internal process documents:

- 'Track Recovery' (see page 3, and the final note of section 2.0(c)). '
- 'Limits on using and disclosing information Policy'

As staff names were not requested, they have been deemed out of the scope of your request and removed.

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

You can email me at GovernmentServices@acc.co.nz.

Ngā mihi



Christopher Johnston
Manager Official Information Act Services
Government Engagement