

2 February 2016

Lee M  
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Dear Lee M

### **Request for information under the Official Information Act 1982**

As you know, on 23 December 2015, part of your 18 December 2015 request to ACC for information under the Official Information Act was transferred to this Office under section 14 of the Act.

Specifically, ACC transferred your questions 4-10 and the first part of question 14.

The Office of the Privacy Commissioner's responses to these questions are set out below. As our records system was updated in 2007, figures can only be provided with accuracy for the past eight calendar years being from 1 January 2008 to 31 December 2015. The previous records system did not capture the information sought in questions 7 to 10. For this reason I am refusing so much of your request as relates to questions 7-10 and pre-1 January 2008 on the basis that the information cannot be made available without substantial collation or research (s18(f) of the Official Information Act refers). You are entitled to ask the Ombudsman to investigate and review my refusal to release aspects of the information you have requested.

- 4. ACC complaints submitted to the Privacy Commissioner's office in Auckland are routinely transferred to the Privacy Commissioner's (head) office in Wellington. Why is this the case?*

All mail, other than account invoices, received by the Privacy Commissioner's Office in Auckland is transferred to Wellington to ensure it is entered in our electronic records management system. The process for handling all correspondence received by the Office has been in place for a number of years.

- 5. There are a number of employees working at the Privacy Commissioner's office in Wellington who routinely deal with ACC complaints. Why is this the case?*

We have two teams of Investigation Officers, one in Auckland the other in Wellington. Work is allocated based on individual officers' workloads at the time, it

is not based on location.

6. *How many complaints has the Privacy Commissioner's office in Auckland and Wellington received over the past 10 years that are related to the ACC?*

For the period 1/1/2008 to 31/12/2015, there were 538 complaints received that related to ACC. Our annual reports preceding this time state that in the year ending 30 June 2006 we received 29 complaints and in the year ending 30 June 2007 we received 33 complaints.

7. *How many complaints has the Privacy Commissioner's office in Auckland and Wellington received and investigated over the past 10 years that are related to the ACC?*

For the period 1/1/2008 to 31/12/2015, of the 538 complaints received the Office investigated 257.

8. *Of the complaints received and investigated by the Privacy Commissioner's office in Auckland and Wellington over the past 10 years that are related to the ACC, how many have found breaches of the Privacy Act? [NB this question is shown as a second #7 in the original request]*

For the period 1/1/2008 to 31/12/2015, where a complaint was found to have substance, but was mediated or settled, we do not always record if an interference with privacy was found. Of the 257 complaints investigated, 104 were mediated/settled, whether or not there was an interference with privacy, while in an additional 32 we found an interference with privacy.

9. *Of the complaints received and investigated by the Privacy Commissioner's office in Auckland and Wellington over the past 10 years that are related to the ACC, and where breaches of the Privacy Act have been found, how many have had HRRT certificates issued to the complainants? And, did all of the issued certificates confirm that a breach had been found?*

For the period 1/1/2008 to 31/12/2015, we issued 79 HRRT certificates, 11 of which confirmed an interference with privacy was found.

10. *Of the complaints received and investigated by the Privacy Commissioner's office in Auckland and Wellington over the past 10 years that are related to the ACC, and where breaches of the Privacy Act have been found, how many have not had HRRT certificates issued to the complainants?*

For the period 1/1/2008 to 31/12/2015, of the complaints received and investigated, 178 did not have HRRT certificates issued to the complainants.

14. *[Partial] Why are the Privacy Commissioner and Ombudsman routinely writing to complainants - and have been doing so for over a year now - saying that their offices are overloaded with complaints, that they cannot cope, and that it will take some months before a response is forthcoming...?*

We cannot answer for the Office of the Ombudsman but the Privacy Commissioner does not make such a statement. Persons are at times advised that due to volume of complaints there may be delays in allocating complaints to investigation officers. Over the last 10 years, however, the time between receipt and settlement of complaints has reduced markedly. In the year ending 30 June 2006, 60% of active complaints were over 6 months old. As at 31 December 2015 that number has reduced to 12%.

Yours sincerely



Jane Foster  
**General Counsel**  
**Office of the Privacy Commissioner**