

28 January 2016

Lee M

fyi-request-3501-dfa36ace@requests.fyi.org.nz

Dear Lee M

Official Information Act Requests

Thank you for your request of 26 January 2016 seeking further information in regard to ACC's responses provided to you under the Official Information Act 1982 (the Act). Your questions and ACC's responses are set out below.

Revisiting question 2

You state, in response to ACC's letter of 26 January 2016 that:

You have answered question 1 but not question 2. And while they are on a similar subject, the question number 1 and 2 are very different. I am therefore re-requesting that you answer question 2 which asks; Does the AC Act provide for two "live" decisions to co-exist on the same claim for cover? In other words, where a decision is NOT revoked and substituted with another decision, and is made in addition, but "separate", to the existing decision?

It is possible for two decisions to co-exist but this depends on the situation and a range of different scenarios. Your question appears to be seeking legislative interpretation from ACC, rather than information that is held by ACC. In providing a response under the Act, we direct you to section 65(3) of the Accident Compensation Act 2001 which states that a revision may:

- a) amend the original decision or
- b) revoke the original decision and substitute a new decision.

Section 65(4) states that every amendment to a decision, and every substituted decision, is a fresh decision.

There is no further information held by ACC that can provide a response to this question.

ACC45 declaration

In the second part of your request, you stated:

You have also claimed that the ACC can investigate a claim for cover beyond the S56 and S57 timeframes of 4 months and 9 months respectively, and that the ACC45 claim form provides authority for this investigation. I am requesting that you provide me with copies of the declaration on the manual ACC45 form and electronic ACC45 form that purportedly provides for this.

The ACC45 authorises ACC to collect medical and other records that are or may be relevant to the claim. The form explicitly states: "We'll comply with the Privacy Act 1993, the Health Information Privacy Code 1994 and the Accident Compensation Act 2001 when collecting, using and managing personal information."

Under the Privacy Act and Health Information Privacy Code, once information is collected for a purpose aligned to the agency's functions (in this case, claim management), it can be used for the same purpose by the agency.

We note that you have already asked for copies of the declarations from the ACC45 forms, in a previous FYI request that is still being processed (See: fyi-request-3527-0327ecaa@requests.fyi.org.nz dated 6 January 2016 at 2:45 pm, titled "Changes to ACC45 claim forms"). This response will be forthcoming in the near future.

If you have concerns about ACC's response, you have the right to complain to the Office of the Ombudsman. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to The Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

Government Services

Government Services