

27 April 2016

P A Hamill
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Dear Ms Hamill

Official Information Act Request

I refer to your email, dated 28 March 2016, in which you asked a number of questions under the Official Information Act 1982. Your questions relate to ACC's response, dated 19 January 2016, to FYI request 3423-f926405e about ACC files and the ACC filing system. Your questions and ACC's corresponding responses are set out below.

1. *Why does the ACC web page not state that some client information is not held in the "full client copy file" that in fact there is information stored in the "Party Status file".*

Our letter, dated 19 January 2016, explained that there are two places where information and communications records can be created, stored and managed in Eos: **party** and/or **claim** level.

In the day to day management of a claim file, documents and contacts are created at the claim level. This is because they relate specifically to a claim. While client information can be stored at just party level, generally it is the exception. This might occur because the information cannot be linked to a particular claim eg a record of a telephone call to a Client Contact Centre that involves a non-claim issue, or because the information pertains to all claims and is not restricted to a single one eg an authority to act form that applies to all the registered claims.

You are correct that ACC's website does not outline the differences between party and claim level. These terms are specific to ACC's claims management system, Eos, and are meaningless outside of that context. We do not believe that it is useful to provide that level of detail on the website because the website is designed to provide information to a range of stakeholders that includes clients, business customers (levy payers and employers) and providers.

Clients generally ask for information related to their claim and will often specify the associated claim number. Therefore, a response to a full copy file request will mainly consist of records held at the claim level. However, if clients specifically request party level files, these will be provided. Significantly, the Client Information Teams (CIT), which prepare copy files, always contact clients to discuss and clarify their access request. If, at that point, the requestor wants any information stored outside of the claim record, it will be provided. In addition if the requestor subsequently wants to change the scope of their request, they can discuss this with their CIT contact person.

2. *Why in ACC policy is it called a request for fully client copy files when in fact it is not a "full" copy of all the information held.*

Full copy file requests are managed by the CITs in the Dunedin and Hamilton Service Centres. The policy you have referred to, *Requests for full client copy files*, sets out the rules and actions for collating, printing and privacy checking a copy file. Most of these fall within the responsibility of the CITs. The process title refers to *full* copy files for two reasons:

- because the requestor is provided with a copy of all records held at claim level, ie a full copy of the claim file
 - to differentiate the process from business as usual access requests, eg for a specific report from a claim file or a partial copy file, which do not fall within the remit of the CITs. Those are managed at branch or business unit level.
3. *Can ACC please confirm what a claimant needs to specifically request to be able to receive both there "full client copy file" and their "party status files" together in the same privacy request.*

If a client wants any information that might be stored at party level they simply need to request that information and it will be provided by ACC.

4. *Can this information on how to collect all your personal files not just your "full client copy file" be added to <http://www.acc.co.nz/privacy/privacy-notice/WPC120331> so claimants have more knowledge in how to access all their information from ACC.*

Thank you for your suggestion. Please see the response to question one.

5. *On page 9 of the preparing client information in a CIT sheet provided. It is mentioned in blue that ACC will remove information that is potentially harmful to the client. And page 11 of 21 on Responding to a request for official or personal information policy. What is does ACC class as potentially harmful to the client. How does ACC establish this do they use Branch psychological advisers etc.*

What might be potentially harmful to a client is set out in section 29(1)(c) of the Privacy Act 1993 (the Act). This states that an agency may refuse to disclose information if it is satisfied that:

The disclosure of the information (being information that relates to the physical or mental health of the individual who requested it) would be likely to prejudice the physical or mental health of that individual.

To withhold information on this basis, an agency must first consult, where practicable, the person's medical practitioner. The medical practitioner needs to be involved in the person's treatment and have a reasonable understanding of the effect the disclosure may have on them. This is usually their general practitioner but could be a psychiatrist or psychologist.

More information on this aspect of the Act can be accessed at the following web addresses:

Office of the Privacy Commissioner – Access to personal information (principle six) - <https://www.privacy.org.nz/the-privacy-act-and-codes/privacy-principles/access/>

Office of the Privacy Commissioner – Risk to mental health: <https://privacy.org.nz/the-privacy-act-and-codes/privacy-principles/access/risk-to-mental-health/>

6. *On page 13 of the cit policy sheet is has what is the teams near miss registrar, how long has it been implemented.*

The primary purpose of the CITs is responding to client requests for full copy files and preparing the information required for reviews and appeals. These teams ensure that ACC's response is timely and the information released meets the requirements of the Act.

In limited circumstances, the CIT may be required to withhold personal information from a full copy file. The grounds for refusing access to personal information are set out in sections 27-29 of the Act. For example, information might be withheld because its release would breach legal professional privilege.

The near miss register was implemented in 2012, when the CITs were first established. The register is simply an administrative tool which allows the staff member checking the file to track what information that has been withheld and the withholding reason under sections 27-29 of Act.

Near miss is the terminology that ACC uses to describe a situation where a privacy breach is prevented or averted. The CIT register is called a near miss register to reflect the fact that when some information is withheld, particularly if it relates to another third party, a privacy breach has been prevented.

ACC is happy to answer your questions

If you have any questions about the information provided, ACC will be happy to work with you to answer these. You can contact us at GovernmentServices@acc.co.nz or in writing to *Government Services, PO Box 242, Wellington 6140*.

You have the right to complain to the Office of the Ombudsman about our reply to your request. You can call them on 0800 802 602, 9am-5pm on weekdays, or write to *The Office of the Ombudsman, PO Box 10152, Wellington 6143*.

Yours sincerely

Government Services