

7 June 2016

Mr David Lawson  
[fyi-request-3987-1b8fe740@requests.fyi.org.nz](mailto:fyi-request-3987-1b8fe740@requests.fyi.org.nz)

Dear Mr Lawson

### Official Information Act request

Thank you for your request of 10 May 2016, asking for the following information under the Official Information Act 1982:

*I refer you to ACC's response dated 9 May 2016 to Colleen Morgan's FYI request [fyi-request-3804-650ed032@requests.fyi.org.nz](mailto:fyi-request-3804-650ed032@requests.fyi.org.nz) which can be found at <https://fyi.org.nz/request/3804/response/12879/attach/3/RESPONSE.pdf>.*

*I refer you to page 3 of ACC's response dated 9 May 2016, and specifically to the treatment injury information regarding the number of accepted, declined and combined total of acupuncture treatment injury claim cover decisions which totaled 31, of which 28 have been declined, leaving 3 cases in the past 10 years as having been accepted by ACC as a treatment injury for cover under the Act.*

*I am writing to request pursuant to the Official Information Act 1982, that ACC Government Services provide the following information to me redacted only for the personal names and any unique identifiers within the Official Information that I have requested;*

- 1) Copies of the original treatment injury claims forms submitted by the 3 claimant's that have had their treatment injury claims accepted in the past 10 years,*
- 2) full copies of any internal, and or external medical/surgical opinion reports and or diagnostic imaging/reports that was relied upon for ACC to have been able to have accepted the 3 claims noted under treatment injury between 2005 and 2015.*
- 3) copies of any and all ACC internal assessment reports and approval of these three claims.*

### ACC's Response

Your request under the Official Information Act 1982 (the Act), is for personal information related to three individuals' treatment injury claims connected to acupuncture that were accepted for cover by ACC.

The table you refer to in your request contained data extracted generally by ACC's Treatment Injury Centre over a ten year period. In doing so, the data generated did not identify when the claims may have been lodged or accepted, or to which ACC clients they related. This information and material is not retrievable. ACC would need to:

- Identify and extract each of the three claim numbers from ACC's claims management system.
- Conduct a manual search of each electronic record
- Identify information falling within the scope of your request
- Consider whether to release any of the identified relevant information or material.

Given the potential nature, extent and sensitivity of the personal information sought by you, ACC would also be obliged to consult with the three individuals (whoever they may be) – as well as those who

provided opinions, reports and assessments connected to the claims. This would allow ACC to ascertain the willingness or otherwise of those parties to consent to the information being released. Also as noted in the Ombudsman's guidance *Requests made online*, FYI is not intended to be a tool for making requests for personal information about the requestor or others. Online publication of information is more likely to prejudice interests protected by withholding grounds and impinge on the privacy of natural persons. Asserting that any information released would be for private, personal use is negated by requiring any response to your request to be lodged via FYI.

Accordingly, ACC declines to provide the information requested. This is on the basis that withholding is necessary to protect the privacy of those individuals connected to your request (in light of the material being sought) under section 9(2)(a) of the OIA. In doing so, we have considered the public interest in making the information available and have determined that it does not outweigh the need to protect the privacy of these natural persons.

Further, we note that each application for cover will be considered on its own merits. Acceptance or otherwise by ACC is determined on a case by case basis and involves careful assessment of the individual and their needs. For this reason, we also do not consider disclosure of the affairs of these other people is warranted.

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](mailto: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 decision to withhold some of the information. 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**