



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

6 October 2016

Paul Riddler

By email: fyi-request-4625-cd617b91@requests.fyi.org.nz

Dear Mr Riddler

Enquiry: Your OIA request
Our ref: E16HDC03198

Thank you for your email of 19 September 2016 requesting various information about complaints closed by this Office under section 38(1) of the Health and Disability Commissioner Act 1994 (the Act). I have considered your request under the Official Information Act 1982 and I respond to each of your questions below.

My response

- 1. How many complaints were closed using; HDC Act, section 38, "To take no further action", under Ms Theo Baker's tenure as deputy health and disability commissioner.*
- 2. How many complaints against mental health providers did Ms Theo Baker close using HDC Act, section 38, "to take no further action"; please provide the exact amount of complaints, where the complaint directly related to suicides and uncompleted suicides, where the complainant asked the health and disability commissioner to investigate negligent actions of health and disability providers.*

HDC's current complaint database does not record who made the decision on the outcome of each complaint. Additionally, HDC's current database does not record whether a complaint relates to a suicide or whether 'the complainant asked the health and disability commissioner to investigate negligent actions of health and disability providers'. Collating this data would require HDC to manually go through each complaint closed by this Office under section 38(1) of the Act—no further action, and categorise each one as to whether or not the decision on the outcome of the complaint was made by Ms Theo Baker, former Deputy Health and Disability Commissioner. HDC staff would then need to further categorise these complaints as to whether or not the complaint related directly to a suicide and whether the complainant asked this Office to 'investigate negligent actions of health and disability providers'. Therefore I refuse this aspect of your request pursuant to section 18(f) of the Official Information Act, as the information requested cannot be made available

without substantial collation or research. I do not consider that charging you for this or extending the time limit under sections 15 and 15A of the Official Information Act would enable the request to be granted.

3. *How many times between 2008 to September 2016, has the Health and Disability Commissioner Act (The Act), section, 38, "To take no further action" been used, please provide the exact amount of complaints that have been closed using section 38 HDC Act.*

HDC's annual reports details the outcomes of all complaints closed by HDC in each financial year, including the number of complaints HDC closed under section 38(1) of the Act – no further action. HDC's annual reports are available on our website at www.hdc.org.nz. Therefore I refuse this aspect of your request under section 18(d) of the Official Information Act, as the information is or will soon be publicly available.

You may seek a review of this decision from the Office of the Ombudsman.

Yours sincerely



Sarah Royal
Acting Chief Legal Advisor