

30 November 2017

Anthony Jordan
fyi-request-6815-5287d0c7@requests.fyi.org.nz

Dear Mr Jordan

Reference: 0050972

Official Information Act Request

We refer to your email of 8 November 2017.

Your request

You asked for the following information under the Official Information Act 1982 (the Act):

- 1/ Please provide a reference to part of the act that allows ACC to withhold the identity of Panel Specialists holding Medical Panel Reviews*
- 2/ Is the identity of Panel Noted on Claimants File post-review or withheld forever in perpetuity*
- 3/ Please provide the reference to part of the act that states a Claimant is not permitted to scrutinize Panel Qualifications pre-review*
- 4/ Timeframe required by the act to secure Review date upon Claimant making an application for Medical Panel Review*
- 5/ Timeframe in which Review is to take place from the time application is made*

On 15 November 2017, we sought clarification of question 4 of your request. You responded on 16 November 2017:

*I am not aware of Fairway been a Medical Panel with qualified Medical Professionals.
My answer therefore to your query using ACC terminology is, External Medical Panels*

We have therefore interpreted your request to be for information relating to External Medical Panels (EMP).

Our response

We have grouped some of your questions for the sake of clarity.

- 1/ Please provide a reference to part of the act that allows ACC to withhold the identity of Panel Specialists holding Medical Panel Reviews*
- 3/ Please provide the reference to part of the act that states a Claimant is not permitted to scrutinize Panel Qualifications pre-review*

ACC does not withhold the identity of EMP members. However, ACC branch staff and clients are generally not aware of the names or qualifications of the specialists who will make up an EMP prior to the panel meeting. This helps to maintain the independence of the EMP.

Should a client request the names or qualifications of the EMP members who will discuss their claim, ACC will consider each request on an individual basis under the Privacy Act 1993.

Please note that these are ACC practices and are not determined by ACC's governing legislation, as the legislation does not provide this level of specificity.

2/ Is the identity of Panel Noted on Claimants File post-review or withheld forever in perpetuity

As is advised in the document previously provided to you entitled *External Medical Panel Guidance*, ACC receives a written report from the EMP following the panel meeting. The report contains a list of the panel members and their qualifications, which is uploaded to the client's claim file and either provided to or discussed with the client.

4/ Timeframe required by the act to secure Review date upon Claimant making an application for Medical Panel Review

5/ Timeframe in which Review is to take place from the time application is made

External Medical Panels are a resource used by ACC to help gain clarity when a claim is clinically complex. Referrals to the EMP are made by case managers with agreement from a Branch Medical Advisor or Branch Advisory Psychologist, and a Team Manager.

While a client may request that their claim is considered by the EMP, ultimately a referral to the EMP is ACC's decision, based on ACC's knowledge of the individual circumstances of the client. We must therefore decline to provide the "*timeframe required by the act to secure Review date*" and "*timeframe in which Review is to take place*", as the information does not exist. This decision complies with section 18(e) of the Act.

Queries or concerns

If you have any questions about the information provided, ACC will be happy to work with you to answer these. Please address any concerns by emailing GES@acc.co.nz, or in writing to *Government Engagement and Support, PO Box 242, Wellington 6140*.

You have the right to complain to the Office of the Ombudsman about our decision. 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 Engagement and Support