

20 March 2013

David Burgess
Fyi-request-762-27402315@requests.fyi.org.nz

Dear Mr Burgess

Official Information Act 1982 Request - Response

Thank you for your request seeking, under the Official Information Act 1982 (Act): *For situations where ACC is asked for personal information from ACC:*

1. *The names of any agencies that have asked for personal information from ACC*
2. *If any agency has made more than one request, please indicate the approximate number of requests that they have made*
3. *Please advise on how many occasions ACC released personal information to each ACC requestor*
4. *Does ACC have a procedure/flow chart/ quality document that describes how ACC determine that a request should result in the release of personal information, if so can I have a copy.*

In answer to part 4 of your request, I have enclosed three documents from ACC's intranet setting out ACC's policies and procedures for dealing with requests for information. The documents are *Official information requests policy*, *When to withhold information*, and *Examples of declining information*.

The term personal information includes any piece of information that relates to a living, identifiable human being including people's names, contact details, financial, and health information. Due to the wide definition of personal information, most requests ACC receives include requests for personal information. Therefore, ACC is not able to respond to the remainder of your request as it would still require ACC to undertake substantial collation and research. This decision complies with section 18(f) of the Act.

Most Official Information Act requests involve some form of personal information even if this only relates to the names of ACC staff members. Claimants, members of the public, journalists, lawyers, and ACC advocates representing clients frequently ask for personal information about ACC staff, contractors, and the personal information of themselves and their clients. For requests for personal information ACC is required to have the consent of the person who the

information relates to before releasing the information. In the absence of consent from the person, Section 9 of the Act applies, which requires ACC to balance the public interest in the information against an individual's rights to privacy.

In relation to debt collection agencies, ACC would decline requests for the contact information of a claimant. ACC does provide some information to debt collection agencies for the purposes of collecting money it is owed for ACC levies. However this information is predominantly information about businesses and not personal information.

Further examples of how ACC responds to personal information requests can be found in the attached documents. If you would like further information I trust this response will assist you to refine your request.

Please contact me on hugh.mcilraith@acc.co.nz if you would like to talk about this letter. I will be happy to answer any questions or, if you have any concerns, work with you to resolve these.

If you are still not happy, you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602, 9am to 5pm weekdays, or write to:

The Office of the Ombudsman
P O Box 10 152
WELLINGTON 6143

Yours sincerely



Hugh McIlraith
Advisor, Government Services

Official information requests policy

Contact: 

Last review 04 Oct 2012

Next review 04 Oct 2013

Objective

ACC holds information about itself, its governing legislation, and the processes it uses to carry out its functions and duties. This type of information is known as Official Information.

ACC must effectively manage this information, ensuring it is made available in appropriate circumstances in accordance with our obligations under the Official Information Act 1982.

Scope

This policy applies to all ACC employees or contractors working on behalf of ACC.

Standards

- ACC must assist a person with their request for official information.
 - Note: It is not necessary for a request to be submitted in writing, or to specifically name the legislation. All requests are automatically deemed to come under the relevant legislation.
- Requests for official information must be acknowledged within five working days and responded to as soon as possible, and always within 20 working days of the request being received.
 - See: Timeframes for responding to official information requests.
- Official information requests can be transferred, in part or in full, to another agency if ACC does not hold the relevant information. Transfers must be arranged no later than 10 working days from the date of receiving the request.
 - See: Timeframes for responding to official information requests.
- ACC is required to release official information when it is requested, unless there are grounds under the Act not to. These grounds are specified in sections 6, 9 and 18 of the Official Information Act 1982 ([external link](#)).
 - See: When to withhold information.
- If a requested document contains some information that cannot be released, it is appropriate to delete part of the document before releasing it.
 - See: When to withhold information.
- Some Government agencies (including ACC) have a statutory authority to access personal information from individuals or organisations. If such an authority exists in the agency's legislation, ACC is required to release information if it is requested. These requests must be actioned within 3 working days.
 - See: Official information requests.
- ACC never charges for personal information, but in some cases it is appropriate to charge for official information.
 - See: Official information requests.

Dual requests

A client may request both personal information (eg, copy of their claim file) and official information (eg, asking for a copy of ACC's policies and procedures that led to an entitlement decision) at the same time.

When responding to these dual requests, ACC should release the personal information separately from the official information. Each release must quote the relevant sections of the legislation guiding the disclosure, as well as the avenues of complaint that can be followed, where the requestor is unhappy with the information received.

Complaints under the Privacy Act and Health Information Privacy Code can be investigated by the Privacy Commissioner. Complaints about information released or withheld under the Official Information Act can be considered by the Office of the Ombudsman.

Accountabilities

The Government Services Manager/Privacy Officer is responsible for ensuring organisational controls are in place in support of this policy.

RELATED Guidelines

Official information requests

RELATED Form

ACC6173 Information disclosure checklist (168K)

RELATED Legislation

Official Information Act 1982

Privacy Act 1993

Health Information Privacy Code 1994

When to withhold information

Contact

Last review 24 Jun 2013

Next review 30 Aug 2013

Introduction

The OIA states that information held by government agencies must be made available to the public unless a good reason exists for withholding it. Withholding information includes providing partial information while omitting some information, or declining a request outright. Reasons for withholding information are described in the Official Information Act 1982 (the OIA).

Rules

Releasing only part of the requested information

Sometimes it's appropriate to release only part of the information requested, eg when the information identifies multiple individuals. In such cases, it's appropriate to delete the part(s) of the document containing this information before releasing it. See Section 17 of the OIA.

Declining a request for information

Grounds for declining an official information request are specified in Sections 6, 9 and 18 of the OIA.

We must have regard to the public interest when deciding whether to decline a request. The grounds for declining to release information can be outweighed by the public interest. See Section 9(1) of the OIA.

See also [Declining official information requests – examples](#).

Examples of declining official information requests

RELATED MATERIAL

Legislation

Official Information Act 1982

Contact 

Last review 24 Jan 2013

Next review 17 Apr 2015

Introduction

ACC can decline a request for official information in certain circumstances. These include the protection of an individual's privacy and safety as well as preserving legal professional privilege and the public interest. The following table shows the reasons, with examples, we may decline an official information request. See also *When to withhold information*.

Reasons with examples

Reason for declining request	Example
The release would prejudice the maintenance of law, including the prevention, investigation, and detection of offences, and the right to a fair trial	A person seeks details of an investigation ACC is undertaking into the practices of a treatment provider. We decline the request for information to ensure that the investigation is not compromised
There is a need to protect the safety of any individual	A person seeks details of an informant who has given information to ACC. There are good grounds for believing harm could come to the informant, and consequently we decide to decline the request for information
There is a need to protect the privacy of persons, including that of deceased persons	A debt collection agency seeks the address or phone number of an ACC client. We decline to release the information as it would interfere with the client's privacy
The information is subject to an obligation of confidence where it is in the public interest to protect the future supply of similar information, or the source of such information	An insurance company seeks details of the advice ACC has received. We decline to release the information as it was given in confidence and it is in ACC's interests to protect the future source of information
There is a need to maintain effective conduct of public affairs through 'free and frank' discussions between Cabinet Ministers and officials and between officials when doing their job	A person has sought a copy of a note of a meeting held between ACC and the Minister for ACC regarding the progress of a legislative amendment. We decline to release the advice, as doing so would interfere with the 'free and frank' discussions
There is a need to protect legal professional privilege	A solicitor has requested a copy of a legal opinion that the branch office obtained from Legal Services. We decide to claim legal professional privilege on the opinion and decline to release the legal opinion
The information requested is, or soon will be, publicly available	A support group has sought details of ACC's future direction for the management of certain claims. The information is about to be released publicly, therefore we decline to release the information
The document alleged to contain the information does not exist, or cannot be found	A person has sought a copy of ACC's position on a specific medical condition. After conferring with the Director, Clinical Services, we decline the request because the information does not exist or cannot be found
The request is frivolous or vexatious, or the information requested is trivial	A person makes their sixth request in three weeks for a copy of ACC's policy regarding the Independence Allowance. Having supplied the information previously, we decline to provide a further copy, determining that the request is vexatious The decision to decline a request as being vexatious must be made in consultation with Government Services
The information cannot be made available without substantial collation or research	A person seeks details of the number of people who have undergone the vocational independence assessment process, who have not been found able to work 30 hours or more per week in work that is indicated as suitable in initial occupational and initial medical assessments, and how long they continue to receive weekly compensation. We decline to provide the information, as its compilation will require substantial collation or research

Reason for declining request

Example

It may be possible to help the requestor by refining the level of information required, or it may be possible to make this available subject to ACC imposing a charge