

6 May 2013

Mr David Burgess  
[fyi-request-762-27402315@requests.fyi.org.nz](mailto:fyi-request-762-27402315@requests.fyi.org.nz)

Dear Mr Burgess

### Official Information Act 1982 request

Thank you for your further request of 9 April 2013 asking;

1. *What management tools and techniques are used by ACC to track requests for personal data and how are the requests recorded and reported to management?*
2. *Are audits of requests ever undertaken? If so how often and how are the results recorded and reported?*
3. *Considering only personal information on ACC clients - NOT ACC staff or contractors or for investigations started by ACC:*
  - a) *Please advise the agencies that have requested personal information.*
  - b) *If ACC has the consent of the person about whom the request concerns to supply information, in what proportion do ACC hold this authority, and what proportion is it held by the requester without ACC holding a copy?*
  - c) *How many requests have been received in the last 5 years?*
  - d) *On how many occasions has ACC provided personal information?*

#### **Response – Question 1**

The Corporation uses a number of computer systems in its daily operation. Which system a request for personal information will be noted in depends on the nature of the information being sought, and the area of ACC which holds that information.

Most requests for personal information relating to a client's claim will be noted in ACC's claims management computer system, EOS. However, some requests may be dealt with by parts of ACC that do not have a claims management role, and therefore do not use EOS. In these instances, the request would not be noted in EOS, but would be logged in that department's own computer system. Examples of other systems used within the Corporation include ACC's levy collection system Oracle and Action Remedy. ACC does not have a computer system dedicated solely to managing requests for information.

Responding to requests is part of ACC's 'business-as-usual'. It is not necessary for personal information requests to be reported to management.

It is important to understand the scale of ACC's workflows, and the definitions of requests for personal information. Any request by a person for copies of reports, documents or invoices related to their claim is technically a request for personal information, as are phone calls where clients ask for details of appointments and due dates for their medical certificates.

ACC answers over 24,000 phone calls and sends over 25,000 letters each day, most of which will have an element of meeting a personal information request.

### ***Response - Question 2***

ACC does not specifically undertake audits of responses to requests for personal information, as all responses are comprehensively checked in a peer review process before release. Reviews of randomly selected claim files are undertaken monthly as part of the performance management process. If the claim file contains a request for personal information, the responding staff member will be reviewed on their adherence to policy and legislation in their management of the request.

ACC has recently established two dedicated teams responsible for responding to client's requests for full copies of their ACC claim files and certain other requests. These Client Information Teams (CIT) have been in place since August and October 2012. A review of CIT was carried out in 2013 and provides assurance that CIT processes are operating efficiently and there are effective controls in place to ensure correct handling of personal information requests.

The Office of the Privacy Commissioner and Office of the Ombudsman can investigate ACC's responses to requests if they receive a complaint. ACC's responses to requestors of personal information include details of how to complain to these agencies.

### ***Response – Question 3***

ACC is unable to provide you with the information you are seeking. Because of the way requests for personal information are noted and managed, no report exists that would answer your questions. To provide you with this information, ACC would need to search every claim file held in EOS (several million) and every record logged in other computer systems. As explained in ACC's previous letters of 15 February and 20 March, this decision complies with section 18(f) of the Official Information Act 1982. Under section 18A, ACC has considered whether fixing a charge or extending the timeframe for a decision would enable it to provide you with the information. ACC does not believe that either of these measures would enable it to provide the information requested.

Whilst not quantifiable, it is likely that the majority of personal information requests received will be from clients asking for information about themselves. Other requests may come from organisations such as medical centres, lawyers, insurance companies, government agencies and ministries, the Police, and debt collection agencies.

ACC may release or disclose personal information to a third party, without the client's specific consent, if that release or disclosure complies with Principle 11 of the Privacy Act 1993. ACC may also release personal information to a third party without consent if that party is governed by legislation that compels an agency to provide information. Otherwise, ACC must have the client's consent to release the information. Consent is recorded in the relevant computer system, and a copy saved.

To help illustrate this, four examples are given below.

#### **Example 1**

ACC receives a request for a client's personal information from a private insurance company. The company is investigating the client's entitlement to income protection payments. The request is

accompanied by a consent form signed by the client, authorising the release of information about their previous injuries. This request is dealt with by Counties Manukau branch and details of the request are logged in EOS on the client's claim file. ACC is satisfied that the client has given their consent for their personal information to be released to the insurance company and does so.

### **Example 2**

ACC receives a request from the NZ Police for details of injuries to the children of a man suspected of child abuse. The police officer has requested the information under section (e) of Principle 11 of the Privacy Act 1993. No consent is provided. This request is dealt with by ACC's Government Services unit. Details of the request are logged into the Government Services computer system, Action Remedy. ACC is satisfied that section (e) of Principle 11 of the Privacy Act 1993 applies, and releases the requested information to NZ Police.

### **Example 3**

ACC receives a request for personal information from a debt collection agency about an ACC client. The agency is attempting to collect an outstanding debt and has requested the client's current address and telephone number. No client consent is provided. The request is managed by Wellington branch and is logged in EOS. ACC is not satisfied that Principle 11 of the Privacy Act 1993 enables it to disclose this information and declines the request.

### **Example 4**

ACC receives a request for a client's earnings information from Inland Revenue, quoting Section 17 of the Tax Administration Act 1994. No client consent is provided. The request is noted in EOS and dealt with by Waikato branch. The Tax Administration Act 1994 compels all government agencies to provide in writing, any information which Inland Revenue requires for the administration or enforcement of the Tax Administration Act 1994. ACC provides the requested information to Inland Revenue.

In addition to receiving requests for personal information, ACC has information matching agreements for certain types of information with Inland Revenue and the Ministry of Social Development. ACC is also part of a tri-party information matching agreement with Child, Youth and Family and NZ Police. These agreements are approved by the Privacy Commissioner. You can find out more about information matching agreements at the Office of the Privacy Commissioner website [www.privacy.org.nz](http://www.privacy.org.nz).

Please call me on 04 816 6259 or email me at [loren.bennett@acc.co.nz](mailto:loren.bennett@acc.co.nz) if you have queries about this letter.

If you're unhappy with this response, you may make a complaint to the Office of the Ombudsman. 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



Loren Bennett  
**Advisor, Government Services**