

12 March 2019



Anita Easton

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Tēnā koe Anita

Your Official Information Act request, reference: 0053672

Thank you for your email of 9 February 2019, asking for the following information under the Official Information Act 1982 (the Act):

“In response to my question 2 (“What guidance do you currently provide to staff on how to record the gender of non-binary people?”) you provided a response which addressed the advice given to staff on how to ensure a binary gender is recorded but did not mention advice about non-binary people in particular. Can you please confirm that this means that no advice is provided to staff specifically about how to record the gender of non-binary people. If advice is given, could you please provide it as it was within the scope of my original question.

In response to my question 3 (“Do you have any advice, legal opinion or other documentation supporting the view that insisting a non-binary person choose either female or male before they can receive cover is not “gender-based discriminations in relation to either personal injury cover or entitlements””) your response covered only advice which you consider is legally privileged, which I therefore assume was from the Corporation’s legal team or an external lawyer. Can you please confirm that this means that no advice or documentation about the issue exists from any other policy, communications, engagement or operational function. If anything does exist, could you please provide it as it was within the scope of my original question.

I should note that I expect that my original question 3 covers the issue of whether requiring non-binary people to provide an inaccurate binary gender before their claim can be processed is a barrier or disincentive, not just whether their gender is used in decision-making once their claim is accepted for processing.”

ACC does not provide advice to staff about how to record the gender of non-binary people

There are no specific guidelines for recording the gender of non-binary people provided to ACC staff beyond what has been explained in our previous response (ref 0053434).

We invite you to come and view documentation relevant to your request

ACC interpreted your previous question *do you have any advice, legal opinion or other documentation supporting the view that insisting a non-binary person chose either female or male before they can receive cover is not “gender based discriminations in relation to either personal injury cover or entitlements”* to only be for documentation in relation to that statement.

As you have broadened your question to be for *“advice or documentation about the issue”*, we widened our search to include *any* advice or documentation related to access for services by non-binary people.

We have decided to meet your request by providing you with the opportunity to come to ACC and inspect the documentation in scope. This is in accordance with section 16(2)(c) of the Act, as to release the document (which is a draft memo) publicly would prejudice the interests protected in section 9(g)(i) of the Act, which maintains the effective conduct of public affairs through the free and frank expression of opinions between members of an organisation in the course of their duty.

Please get in touch with me at GovernmentServices@acc.co.nz to arrange a time to come in and view the documentation. If you have any questions, please also get in touch.

You have the right to make a complaint to the Ombudsman

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Emma Coats
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Government Engagement & Support