

19 August 2021

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Tēnā koe Anthony

Your Official Information Act request, reference: GOV-012980

Thank you for your email of 27 July 2021, asking for the following information under the Official Information Act 1982 (the Act):

1. *Financial Assistance available to Claimants to have their files uplifted from an Asbestos restricted site such as DHB etc*
2. *Assistance whereby the ACC could contract an approved individual or approved company to enter an Asbestos affected site and uplift archived Claimants records*

In a second email of 28 July 2021, you asked for the following information under the Act:

1. *Process the ACC uses, when a Claimant brings to the attention to the ACC, that a Claimant cannot Obtain Living Files from an Asbestos Restricted archive Room/Facility*
2. *Process the ACC uses to Eliminate/Minimize Prejudice outcomes to a Claimant Conciliation Hearing when such files can not be obtained (out of the control of Claimant)*
3. *Process the ACC uses to Eliminate/Minimize Prejudice outcomes to a Claimant Review Hearing when such files can not be obtained (out of the control of Claimant)*
4. *Process the ACC uses to Eliminate/Minimize Prejudice outcomes to a Claimant District Court Hearing when such files can not be obtained (out of the control of Claimant)*
5. *Process the ACC uses to Eliminate/Minimize Prejudice outcomes to a Claimant High Court Hearing when such files can not be obtained (out of the control of Claimant)*

As all your questions are about restrictions preventing a claimant from obtaining their medical files, we are responding to both requests in this letter.

Financial assistance

There is no financial assistance available from ACC for a claimant to retrieve or uplift their medical records from any treatment provider, whether the facility has been identified as an asbestos restricted site or not.

If ACC requires medical records to help make a cover or an entitlement decision on an ACC claim, we will request the claimant's medical information directly from their treatment providers, such as their General Practitioner, District Health Board, physiotherapist, chiropractor etc. ACC pays the provider directly for any cost they incurred to provide a claimant's medical records.

If a person requests information about themselves from a public health sector agency (eg a District Health Board), the person cannot be charged a fee for this. If a person requests information from a private sector agency, such as a dentist, they may incur a charge if the dental agency has provided the same information to the requester in the last twelve months.

The process ACC uses to eliminate/minimise prejudice outcomes when a claimant cannot obtain living files from an Asbestos Restricted archive Room/Facility

ACC does not have a process relating to the scenario you have described. Therefore, we are refusing your request for this information because it does not exist. This decision is made under section 18(e) of the Act.

Who to contact

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

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



Sasha Wood

Manager Official Information Act Services
Government Engagement & Support