



13 February 2023

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Kia ora Anthony

Your Official Information Act request, reference: GOV-022288

Thank you for your email of 29 November 2022, asking for the following information under the Official Information Act 1982 (the Act):

1. *Process the ACC uses to Investigate Staff Accessing Claimants' files Without Proper Authority or Reason (when no Allegation is made ie ACC's Proactive Stanch if any)*
2. *Process the ACC uses to Investigate Staff Accessing Claimants' files Without Proper Authority or Reason (when an Allegation is made to the ACC by a Claimant)*
3. *Expected time frame to Satisfy Claimants [sic] Complaint to the Alleged Conduct as mentioned above*
4. *Consequences to those found to be in breach of the ACC policy by accessing Claimants' files*
5. *Can the ACC Claimant Information storage system be accessed without a trace of whom may have accessed an Individuals*

Note that Staff names have been removed from the documents provided as they are out of scope of your request.

Please find attached our *Conduct Claims Access Monitoring Check* and the *Assess Claims Access Concerns* documents

The *Conduct Claims Access Monitoring Check* is the policy ACC uses to conduct random or 'spot check' monitoring of staff members.

The *Assess Claims Access Concerns* document details the process we would follow if a 'low assurance' rating was determined as part of the *Conduct Access Monitoring Checks* Procedure, which can be seen in section 4d. This tool could also be used if an allegation was received from a client.

When an allegation is made by a client regarding inappropriate access of client's files by staff members, the matter is referred to the Customer Resolution Team for assessment and possible resolution. Where there are further concerns, the matter is escalated to the Privacy, Employment Relations or Integrity services team to investigate. ACC has tools available that help inform the decision on this allegation. For example, we can run a Digital Footprint on a client's claim as part of an investigation into inappropriate access. Information about this process is provided in the attached *Complete Digital Footprint Request* policy.

Timeframes to resolve complaints

Each complaint is unique and, despite not having a legislative timeframe to satisfy or respond to an allegation of inappropriate access to client's files, we will set out for each client our expected response time as required by the Code of Claimants' Rights (the Code).

However, complaints of breach of the Health Information Privacy Code 2020 must be acknowledged within 5 days and resolved within 20 working days.

Where an employee is found to be in breach of their employment obligations due to accessing Claimant files, the Discipline Policy will apply

Under this policy, an employee's conduct is considered against a range of potential outcomes based on all of the circumstances, actions taken can include warnings or dismissal. We have provided this policy to you.

No, ACC's claims management system cannot be accessed without a trace of who may have accessed a claim or client record.

If you have any questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you can also contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz.

Ngā mihi



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