

07 July 2023

Bridget Morison

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Kia ora Bridget

**Your Official Information Act request, reference: GOV-025682**

Thank you for your request of 14 June 2023, asking for the following information under the Official Information Act 1982 (the Act):

*In relation to sensitive claimants particularly, please provide any policy documents or comments on the following:*

*1) There are commercial online information/document management portals available to providers and similar systems in place with ACC supplier groups which are being used to both hold and submit claimant reports. There's the potential these digital documents are accessible to others without claimants knowledge or consent.*

*a) Aside from reliance upon providers to comply with the Privacy Act, what level of oversight and responsibility is in place, by ACC, to ensure claimants are kept safe and retain control over the access and use/disclosure of their personal health information?*

*2) When a claimant makes a professional complaint against a provider they're exercising responsibility and their right to complain about unethical professional behaviour. Their actions can help prevent harm to subsequent clients of the provider and improve the quality of ACC funded services. The complainant however runs the unfortunate risk of being misrepresented as problematic. What efforts are made by ACC to ensure these claimants are supported and are not being further marginalised by the use of information or messaging systems which can be used to dissuade providers from providing treatment services to them.*

**You ask ACC to provide an explanation or justification**

Under the Act a distinction exists between a request for information already known and held by an agency (official information), versus a request for an agency to form an opinion or provide an explanation, and thus create new information to answer (not official information). Your requests for ACC to provide a comment on a statement, or a hypothetical situation are therefore not considered to be requesting official information under the Act. Accordingly, we are refusing to respond to these requests.

**Information about access to sensitive claims files is publicly available**

We have published previous OIA responses on this topic, here:

- [www.acc.co.nz/assets/oia-responses/sensitive-claim-policies-guidelines-and-documents-oia-response-GOV-015992.pdf](http://www.acc.co.nz/assets/oia-responses/sensitive-claim-policies-guidelines-and-documents-oia-response-GOV-015992.pdf).
- [www.acc.co.nz/assets/oia-responses/gov-014657-viewings-on-sensitive-claim-files-within-acc.pdf](http://www.acc.co.nz/assets/oia-responses/gov-014657-viewings-on-sensitive-claim-files-within-acc.pdf).
- [www.acc.co.nz/assets/oia-responses/GOV-009481-Access-to-sensitive-claim-file-policies.pdf](http://www.acc.co.nz/assets/oia-responses/GOV-009481-Access-to-sensitive-claim-file-policies.pdf).

Our website also contains information about how we protect sensitive claim clients: [www.acc.co.nz/im-injured/how-we-manage-your-claim/how-we-protect-sensitive-claims-information/](http://www.acc.co.nz/im-injured/how-we-manage-your-claim/how-we-protect-sensitive-claims-information/).

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

You can email me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz). If you are not happy with this response, you can also contact the Ombudsman via [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phoning 0800 802 602. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Ngā mihi



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