



31 October 2023

AS Van Wey

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Kia ora

Your Official Information Act request, reference: GOV-027820

Thank you for your email of 9 October 2023, asking for the following information under the Official Information Act 1982 (the Act):

Request 3(b): Please provide me with the number of instances for each physical year since 2013, where ACC sought and obtained ECA reports from physicians in areas outside their scope of practice, and /or from persons who were not permitted to practice medicine in NZ (e.g., did not hold a current practicing certificate). We know the number is at least two, as I've just named two instances in the last year.

Request 4: For each of the physical years since 2013, the number of times ACC sought ECA advice without first:

- (1) notifying the claimant that they were seeking an ECA as required under ACC's policies, the Act, the Code, and the Privacy Act 2020; and*
- (2) providing the claimant with a list of options of ECA's, as required under ACC's policies, the Act, the Code and other legislation (See HDC Code of Consumer Rights Regulations 1996); and*
- (3) seeking the claimant's consent to disclose records, as required under ACC's policies, the Code, the Privacy Act, and the HDC Code of Consumer Rights; and*
- (4) without having first discussed with the claimant what information ACC had obtained, and from whom, and provided that information to the claimant, as required under ACC's policies, the Code, and the Privacy Act.*

We know the number cannot be zero, because lodged 8 privacy complaints on 10 October 2022 alone, and followed up with additional complaints on the following days and months.

Request 5: For each of the financial years, since 2013, please provide me with the number of instances where ACC

- (1) obtained information from third parties without first obtaining the informed consent of the claimant (specifying what information they were seeking and from whom),*
- (2) disclosed unrelated information to third parties (e.g., ECA's, ICRA, FairWay, external lawyers),*
- (3) made inaccurate or false statements to claimants about what information they held to the claimant, FairWay or others, and*
- 4) withheld the relevant information from medical assessors, claimants, ECA's, ICRA, and or FairWay; and (5) sought information from the wrong persons.*

Our response

To find out if we have data to answer your requests, we checked with both the Complaints team and the Privacy team, to check whether any of these scenarios have been raised as a complaint or a privacy breach. We are unable to determine if any of these scenarios have been raised as a complaint or a privacy breach, because this level of detail is not included in the structured database. Finding this information would require a manual review of all complaints and privacy breaches. As such, we are refusing this part of your request as the information cannot be made available without substantial collation and research. This decision has been made under section 18(f) of the Act.

In doing so, we considered extending our timeframe to respond and charging (as allowed under the Act). However, it was determined that the resources required to extract the data would have a significant impact on the everyday functions of the team(s) involved.

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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