



12 October 2023

AS Van Wey  
[fyi-request-24183-2bfa4b1d@requests.fyi.org.nz](mailto:fyi-request-24183-2bfa4b1d@requests.fyi.org.nz)

Kia ora Amy

**Decision on your Official Information Act request, reference: GOV-027852**

Thank you for your request of 19 September 2023, asking for the below information under the Official Information Act 1982 (the Act):

*Dear Accident Compensation Corporation,*

*Section 64 of the Act requires ACC to provide notices of decisions. In ACC v Hawea [2004] NZAR 673, the court held that "[18] To make a decision is to make up one's mind, to make a judgment, to come to a conclusion or resolution."*

*I request copies of all ACC notifications to claimants, which should include, but is not limited to:*

- (1) Acknowledgment of a claim;*
- (2) First notice of time extension (s 56-57);*
- (3) Request for consent for further time extension, (s 56-57);*
- (4) Steps of the investigation of a claim (s 62, 64, rights 5 & 6);*
- (5) Request for specific information consistent with IPP 3, which includes who will have access to the claimants' information, how it will be used, etc.;*
- (6) Closure of claim files and details how the information will be held and who will have access after closure of the claim (s 62, 64, rights 5 & 6);*
- (7) Deemed cover decision (s 58);*
- (8) Continued investigation of claims and the steps taken to date (s 62, 64, rights 5 & 6);*
- (9) Claims being on hold, and investigations and or assessment of the claims are not progressing, and the reason for the discontinuation of investigation or assessment (for instance during litigation, a review or appeal);*
- (10) ACC is seeking external clinical advice (ECA), the reasons for seeking ECA, the choice of external clinical advisors, the specific information ACC intends to disclose for the ECA, and request for consent to disclose the specified information;*
- (11) ACC is intending to disclosing personal information to a third party (e.g., external counsel, FairWay, courts, doctors, etc.), the specific information ACC intends to disclose, the reason for the disclosure, and the request for the claimants consent;*
- (12) ACC has obtained personal information about them, which details the information ACC obtained and from whom;*
- (13) ACC had obtained an external clinical assessor report with details the next steps (such as requests for correction under IPP 7) prior to decisions being made about cover;*
- (14) ACC believes they have completed their investigation, which specifies the details of the information ACC has obtained, and that ACC requests a conversation with the claimant to ensure ACC has obtained all relevant information and requests if the claimant requests any correction (IPP 7) prior to making a decision on the claim (pursuant to IPP 8).*
- (15) ACC is investigating a claimant by ACC internal security advisors and the reason for it (e.g., suspected fraud or other dishonesty).*
- (16) A claimants claims has been transferred to a new assessor, new claims manager, new team, or someone other than the person who had been managing their claim.*
- (17) Entitlements and rehabilitation (ss 67-91 of the Act);*

*(18) Treatment (ss 73-74 of the Act);*

*(19) Weekly compensation (ss 100-101 of the Act) and the procedures for determining incapacity (s 101);*

*(20) Incapacity for employment (ss 102-106) of the Act);*

*(21) Vocation independence (ss 107- 113 of the Act);*

*(22) Interest on late payments (s 114 of the Act);*

*(23) Indexation of weekly compensation and related amounts or other entitlements (ss 115-116 of the Act);*

*(24) Powers of the corporation (s 117 of the Act);*

*(25) Review decision and the effect of the decision (ss 145-147 of the Act);*

*(26) ACCs obligation to provide entitlements where subsequent injury occurs (s 295) and ACCs obligations under section 296 of the Act;*

*(27) ACC has commenced an investigation of a complaint and provides a summary of the complaint, as ACC understands it, requests the complainant to provide clarifications prior to commencing an investigation, includes the steps ACC will take or has taken, and the expected timeframes;*

*(28) ACC is providing an update on an investigation to a complaint, which includes the steps ACC will take or has taken, and the expected timeframes; and*

*(29) ACC believes they have completed their investigation of the complaint, provides a summary of the complaint and information obtained to date, and requests clarification and correction of any disputable facts from the complainant (IPP 7) before issuing a final decision on a complaint (IPP 8); and*

*(30) ACCs final decision regarding a complaint.*

*Pursuant to section 16 of the OIA, I request that the documents I've requested be made readily available through the ACC website in a manner which is readily accessible (such as an Policy & Process webpage, or Documents webpage).*

*I ask that the cover letter response be made available through FYI.org.nz, as well as the links to the documents I've specifically requested. In so doing, ACC will reduce the number of repeat requests for the same information. For instance, I noticed that ACC responded to three people with many of the same documents, within 2 days of each other. This redundancy (and waste of tax payers money) would not occur if ACC made all its policies, processes, guidelines, templates and other documents readily available through the ACC website (in the spirit of transparency) rather than restricting access to ACC employees. Just a practical solution to ponder.*

### **Our decision to charge**

We have decided to grant your request in part. However, given the amount of resource required to provide the information, our decision is subject to a charge for making the information available. We estimate the maximum charge will be \$380. For details of how this charge has been calculated, please refer to the Estimate of Costs in the appendix. Please note that this has been calculated as a contribution to the overall costs, rather than for full-cost recovery. If the time taken is less than we estimate, the costs will be reduced accordingly, and refunded if required.

Before we proceed with this response, please confirm agreement to the charge. Once agreement is received, we will provide instructions on how to pay the full amount. You will need to pay a 50% deposit, equating to \$190, prior to ACC beginning work, with the balance to be paid on release of the information. The decision to apply a charge for this request is consistent with:

- Section 15 of the Act
- ACC's OIA Policy

- Ombudsman Charging Guidance: [www.ombudsman.parliament.nz/resources/charging-guide-charging-official-information-under-oia-and-lgoima](http://www.ombudsman.parliament.nz/resources/charging-guide-charging-official-information-under-oia-and-lgoima)
- The Ministry of Justice Charging Guidelines: [www.justice.govt.nz/about/official-information-act-requests/directory-of-official-information/charging-guidelines-for-oia-requests/](http://www.justice.govt.nz/about/official-information-act-requests/directory-of-official-information/charging-guidelines-for-oia-requests/).

**If you are not happy with this decision**

You can 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



Sara Freitag  
**Acting Manager Official Information Act Services**  
Government Engagement

### Estimate of costs

<b>Locations searched</b>	<ul style="list-style-type: none"> <li>Te Pātaka, Process Master, internal customer SharePoint groups</li> </ul>
<b>Search terms used</b>	<ul style="list-style-type: none"> <li>Every notification (letter type) to a claimant used by ACC.</li> </ul>
<b>Date range</b>	No date range: All current notification letters to clients.
<b>Estimated no. of documents at issue/to be searched through</b>	<ul style="list-style-type: none"> <li>250+ (letters vary depending on the situation).</li> </ul>
<b>Chargeable activities required</b>	<ul style="list-style-type: none"> <li><b>Search and retrieval</b></li> <li><b>Collation</b></li> <li><b>Research (reading and reviewing to identify the information)</b></li> <li>Editing (excising or redacting information to be withheld)</li> <li>Scanning / copying</li> <li><b>Reasonably required peer review to ensure that these tasks have been carried out correctly and that no notification letters have been missed.</b></li> </ul>
<b>Estimated minutes per document to complete chargeable activities</b>	<ul style="list-style-type: none"> <li>3 minutes (conservative time estimate)</li> </ul>
<b>Estimated total time to complete chargeable activities</b>	<ul style="list-style-type: none"> <li>6-8 hours</li> </ul>
<b>Estimated no. of pages to be photocopied</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>

	Quantity	Price	Totals
<b>Labour</b>	6 hours (lower estimate)	\$38/half hour, with the first hour free	$6 - 1 \times \$76 = \$380$
<b>Photocopying (if applicable)</b>	N/A		
<b>Other (specify)</b>		\$	\$
<b>Discount applied due to public interest / hardship (if applicable)</b>			
<b>Total cost</b>			<b>\$380</b>