

31 May 2023

Kieran BP

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Kia ora Kieran

Your Official Information Act request, reference: GOV-024356

Thank you for your request, asking the Ministry of Health for information about Valentia Technology (NZ) Limited (Valentia) under the Official Information Act 1982 (the Act). On 11 April 2023, the following aspect of your request was transferred to ACC, to respond to:

Contracts and emails with Valentia regarding Valentia hosting API servers for ACC

On 19 April we contacted you to clarify what topics or subject-matter was of interest to you, noting that there had been a significant amount of email correspondence between ACC and Valentia. You responded, on the same date, requesting emails between ACC and Valentia on the following topics:

1. *The systems that are currently managed, maintained, and/or created by Valentia*
2. *Any audits that have been done related to Valentia's work for ACC*
3. *Information related to security in relation to Valentia's work for ACC (with the understanding that some information related to security may need to be redacted in order to protect sensitive information and still fulfil this request)*
4. *Funding decisions related to Valentia's work for ACC*
5. *Future projects related to Valentia's work for ACC*
6. *The costs associated with any of ACC's agreement with Valentia*
7. *Any emails related to the introduction of Valentia and their staff to any staff at ACC, and how the parties met*
8. *Stability and general issues related to Valentia's software and services provided to ACC*

Your finalised request seeks (1) the contract(s) between ACC and Valentia relating to API servers, and (2) emails between ACC and Valentia on the above topics (1 - 8).

Contract between ACC and Valentia (Part 1)

The contract between ACC and Valentia contains a significant amount of information which we would withhold under sections 9(2)(b)(ii) and 9(2)(j) of the Act (which pertain to commercial grounds). Therefore, we have decided to respond to your request by providing a summary of the contract. This supplies you with the information in a way that strikes a balance between commercial considerations and the public interest. Our decision to provide a summary is made with reference to section 16(1) of the Act.

This summary, however, does not include detail about the individual terms. We have not provided information about how Valentia licenses its proprietary software, the scope of Valentia's services, details about the intellectual property and proprietary rights, and the charging framework and payment terms.

We are withholding such information under sections 9(2)(b) and 9(2)(j) of the Act to protect information where disclosure would disclose a trade secret, would likely unreasonably prejudice Valentia's commercial position, and would prejudice ACC's ability to carry on negotiations. The need to withhold this information is not outweighed by the public interest in release.

Summary of the contractual relationship between ACC and Valentia Technologies (NZ) Limited

ACC and Valentia entered into a Letter of Agreement (LOA) in November 2017 for the provision of the SnoChillies system to be used for translation services between SNOMED (Systematised Nomenclature of Medicine Clinical Terms) codes and Read Codes according to ACC translation standards by way of integration with the ACC system.

Under the LOA, the supplier granted ACC the right to access the SnoChillies system for an initial term of six months, with the option of renewal(s), provided implementation and support services, and warranted the services as per usual industry warranties for this type of service.

The agreement was extended for 18 months in March 2018, in October 2019 for an additional six months, and in May 2021 for six more months. None of the extensions amended the terms and conditions of the original LOA.

In September 2022, the parties entered into a new agreement which contains the same terms and conditions of the original LOA from 2017. The changes were the annual payment for the services provided by the supplier to ACC and the consecutive renewals of 12 months each.

We are refusing your request for all emails on these topics (Part 2)

We attempted to identify emails that specifically dealt with the topics outlined in your 19 April email by running a search through our email system using key words. Our initial search (using key words as specified in your clarified request) returned 7,625 results, the majority of which appeared to be irrelevant to your request. The only way to meet this part of your request is to manually review all emails between ACC and Valentia since 2017 which totals many thousands of emails. Therefore, we are refusing your request for emails on these topics as we cannot determine which emails are within scope of your request without substantial collation and research. This decision is made under section 18(f) of the Act.

In making this decision, we considered extending the timeframe to respond or applying a charge (under the Act). However, these options have not been offered because it has been determined that the resources required to find the information would have a significant impact on the everyday functions of the teams involved. Rather, in the hope that it assists you in your enquiries, we have provided a summary of the key points you identified below.

Costs

The total costs paid by ACC to the supplier since 2017 is under the \$100,000 threshold for public advertising the contract opportunity as prescribed under the Government Procurement Rules.

Audits

In 2021, ACC conducted an audit of ACC's adoption of SNOMED capabilities, which broadly reviewed the implementation of the system and the performance of the translation service. The audit found that the translation service, using API servers supported by Valentia, were performing as expected and without operational issues.

Issues

The existing SNOMED to READ translation service is operating effectively in accordance with the agreed service levels. The service provided has been stable with no major outages or disruptions.

No security issues have been identified with the translation service. Valentia have provided an attestation to ACC that this service is in alignment with New Zealand Information Security Manual standards. Information about this standard is available at www.digital.govt.nz/standards-and-guidance/privacy-security-and-risk/security/.

This information may be of interest to other members of the public

ACC has decided to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available www.acc.co.nz/resources/#/category/12.

If you have any questions about this response

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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