

17 OCT 2019

Amy S Van Wey Lovatt

By email: [fyi-request-11404-beeba3c0@requests.fyi.org.nz](mailto:fyi-request-11404-beeba3c0@requests.fyi.org.nz)  
Ref: H201908926

Dear Ms Lovatt

### Response to your request for official information

Thank you for your request of 7 October 2019 under the Official Information Act 1982 (the Act) for:

- “Are there any policies, protocols, rules, regulations or directives from the Ministry of Health which state that a patient (whether or not they are a NZ resident, NZ permanent resident, or NZ citizen)*
- (1) MAY NOT request policies and protocols from local DHB's in person with or without an appointment? or*
  - (2) MAY NOT request medical records in person from the Clinical Records team, hospital ward reception, or outpatient clinical department receptionists, nurses or doctors either with or without a scheduled appointment ? or*
  - (3) MAY NOT request test results in person from the hospital labs with or without an appointment? or*
  - (4) MAY NOT seek help with post-surgical wound dressing and information from the surgical ward with or without an appointment, having not been provided adequate post-operative care instructions? or*
  - (5) MAY NOT request an appointment with executive or board members in person? or*
  - (6) MAY NOT drop off OIA and Privacy Act requests at the hospital in person with or without an appointment? or*
  - (7) MAY BE limited in respects to the patients freedom of expression (receive, seek or impart information) under section 14 of the New Zealand Bill of Rights Act 1990? or*
  - (8) MAY BE refused access to needed, publicly funded medical services (such as through a Trespass Notice) if the individual is a NZ resident, permanent resident or citizen?*

*If any policies, protocols, rules, regulations or directives exist for the above questions, I respectfully request a copy.*

*Is it the Minister of Health's position that the exercise of a patients rights to seek, receive, and impart information (s 14 of the NZBORA 1990), access to personal medical information (Rules 6-8 of the Health Information Privacy Code 1994), and request of government policy (Official Information Act 1982 ; Rights 4-7 of the HDC (Code of Health and Disability Services Consumers' Rights)*

*Regulations 1996) are grounds for serving a Trespass Notice on a patient whether a New Zealand permanent resident or citizen or not?*

*Further, please provide me with a copy of the directive, policy, rule, regulation, guideline or directive for the lawful and justifiable reasons to serve a Trespass Notice on a patient, the required evidence to support the lawful and justifiable reason, any necessary exceptions to the Trespass Notice (e.g., access to emergency services, outpatient or inpatient services, family medical emergencies, etc.), the delegated authority within a DHB who may serve such a notice, and the process the delegated authority must adhere to in order to lawfully and justifiably serve a Trespass Notice on a patient."*

The Ministry of Health (the Ministry) is not aware of any policies, protocols, rules, regulations, or directives regarding the matters you have listed above. Issues of access to district health board (DHB) property and personnel, including the exercise of powers of trespass, are matters for individual DHBs in accordance with the law. Therefore, your request is refused pursuant to section 18(e) of the Act, as the information requested does not exist.

You have the right, under section 28 of the Act, to ask the Ombudsman to review any decisions made under this request.

Please note that this response, with your personal details removed, may be published on the Ministry website.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Nick Allan', with a long horizontal stroke extending to the right.

Nick Allan  
**Manager OIA Services**  
**Office of the Director-General**