

10 December 2019

Anthony Jordan

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Tēnā koe Anthony

Your Official Information Act request, reference: GOV-002611

Thank you for your email of 14 November 2019, asking for the following information under the Official Information Act 1982 (the Act):

1. *Please provide reference to part of the act that relates to where the Corporation can submit information from a Claimants file to a third party without claimant's knowledge (for file review)*
2. *Please provide reference to part of the act that relates to where the Corporation can submit information from a Claimants file to a third party without claimant's knowledge (for an assessment)*
3. *Please provide reference to part of the act that relates to where the Corporation can submit Claimant information without first liaising with Claimant, in any form, to ensure information being disclosed is correct, complete and the opportunity to update (for file review)*
4. *Please provide reference to part of the act that relates to where the Corporation can submit Claimant information without first liaising with Claimant, in any form, to ensure information being disclosed is correct, complete and the opportunity to update (for an assessment)*
5. *Please define file review vs assessment*
6. *What system(s) do the Corporation have in place to ensure files are Perused and Collated in such a way as to avoid precluding a Rational outcome i.e., to avoid/minimize an engineered, one sided, pre-empted clinical submission*
7. *More specifically, what system(s) do the Corporation have in place to ensure Claimants are protected from personal vendettas within the Corporation.*

File reviews

We have interpreted your questions regarding 'file review' to be a Medical Case Review (MCR). An MCR is used by ACC to determine diagnosis, causation, and/or treatment and rehabilitation recommendations. A referral for an MCR is considered for clients who have an accepted claim and where there is uncertainty about cover and ongoing eligibility and support. The relevant background information provided for a medical case review is considered on an individual basis and case managers determine from the client's claim file(s) what information is considered relevant for the review assessor to consider.

Assessments

There are many occasions where an ACC client may be referred for an assessment. There are also many different assessments that clients may be required to undertake, for example; social rehabilitation, vocational rehabilitation, occupational, and psychiatric assessments.

Questions 1 and 2

ACC complies with the Privacy Act 1993 (Privacy Act) and the Health Information Privacy Code 1994 (HIPC) when sending personal information from a client's file to any third party. Principles 10 and 11 of the Privacy Act set out the limits on the use and disclosure of personal information.

Questions 3 and 4

Principles 7 and 8 of the Privacy Act 1993 refer to an individual's right to correct personal information and an agency's obligations regarding checking the accuracy of personal information before use.

Question 5

Please refer to our explanation on page 1 of this letter.

Question 6

We have interpreted this question to relate to requests from ACC for external clinical advice. As with file reviews, case managers determine from the client's claim file(s) what information is relevant to enable the clinical advisor to provide his/her advice.

Question 7

The Code of ACC Claimants' Rights, which came into force on 1 February 2003, sets out ACC's obligations relating to how ACC should deal with claimants. The Code of ACC Claimants' Rights is publicly available on ACC's website.

In addition to complying with the Code of ACC Claimants' Rights, the Privacy Act and the HIPC, all ACC staff sign ACC's Code of Conduct. The Code of Conduct governs the behaviours of all employees of ACC, to enable us to meet the expectations placed upon us as a Crown Entity.

How you can get in touch

If you have any questions, you can email me at Government.Services@acc.co.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Sasha Wood
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