

04 August 2021

Ross Francis

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Tēnā koe Ross

Your Official Information Act request, reference: GOV-011949

Thank you for your email of 24 June 2021, asking for the following information under the Official Information Act 1982 (the Act):

1. *Since roll-out of the Covid-19 vaccine began, how many people have made a claim to ACC for injury or harm relating to side-effects from the vaccine?*
2. *How many of these claimants have received, or will be receiving, compensation?*
3. *What have been the most severe injuries or harm among all claimants (regarding side-effects from the vaccine)?*
4. *In the 2014/2015 year, ACC paid \$742,370 for claims relating to vaccine injury or harm. This included \$692,176 for compensation. In respect of the highest individual payout for compensation, what was the injury or harm for which payment was made, and how much was paid to that individual?*
5. *In the 2017/2018 year, ACC paid \$320,819 for claims relating to vaccine injury or harm. In respect of the highest individual payout for compensation, what was the injury or harm for which payment was made?*
6. *In the 2006/07 year, ACC paid \$238,286 for claims relating to vaccine injury or harm. In respect of the highest individual payout for compensation, what was the injury or harm for which payment was made?*

We are responding to your request out of order, to better correspond to the level of detail in the information ACC can provide. Your questions have been responded to individually for clarity and ease of reading.

1. *Since roll-out of the Covid-19 vaccine began, how many people have made a claim to ACC for injury or harm relating to side-effects from the vaccine?*

Please find in the table below, the number of total COVID-19 vaccination claims and associated treatment injury claims as at 21 June 2021. Please note that these claim numbers are active and as such, are subject to changes. Updated COVID-19 data on the number of adverse effects resulting from the COVID-19 vaccine can be viewed on the MedSafe website at the following link:

<https://www.medsafe.govt.nz/COVID-19/safety-report-17.asp>

Table 1: Total COVID-19 vaccination claim numbers, broken down by claim type and cover decision

	Treatment Injury claims
Accepted	22
Declined	14
No decision yet	91

2. What have been the most severe injuries or harm among all claimants (regarding side-effects from the vaccine)?

Severity of injuries

Measuring the impact of an injury on a person is challenging. Among other measures, ACC uses the overall cost of a treatment injury claim as an indicator of the severity of the injury because generally more costly claims have a more severe impact on the person injured. While not always directly related, overall cost is one measure of severity and impact.

Another measure is comparing the number of people who only need medical treatment for their treatment injury with the number of people who receive additional support as well as treatment. An entitlement claim is a claim that has received additional support such as weekly compensation or social or vocational rehabilitation for a covered injury as well as any funded medical treatment required.

We can advise that there are fewer than four clients receiving an entitlement for COVID-19 vaccine related claims as at 21 June 2021.

ACC takes privacy seriously

ACC does not routinely disclose low value numbers related to claims. Accordingly, some of the values provided in our response letter only indicate that the value is fewer than 4. This limits the potential for particular individuals, or matters specific to certain individuals, from being identified. Withholding in this way is necessary to protect our clients' privacy. This decision has been made under section 9(2)(a) of the Act. In doing so, we have considered the public interest in making the information available and have determined that it does not outweigh the need to protect the privacy of these persons.

3. How many of these claimants have received, or will be receiving, compensation?

We have interpreted *compensation* as referring to the number of clients with a COVID-19 vaccine related claim who have received a weekly compensation payment. As mentioned above, fewer than four clients have received a payment for weekly compensation.

Your request for the number of clients who will be receiving compensation is refused as ACC does not record this information. This is because ACC does not have the ability to predict which clients *will be receiving weekly compensation*. As a result, your request is refused as the information does not exist. This decision is made under section 18(e) of the Act.

It is important to note that ACC cannot predict future compensation numbers for clients.

4. In the 2014/2015 year, ACC paid \$742,370 for claims relating to vaccine injury or harm. This included \$692,176 for compensation. In respect of the highest individual payout for compensation, what was the injury or harm for which payment was made, and how much was paid to that individual?

5. In the 2017/2018 year, ACC paid \$320,819 for claims relating to vaccine injury or harm. In respect of the highest individual payout for compensation, what was the injury or harm for which payment was made?

6. In the 2006/07 year, ACC paid \$238,286 for claims relating to vaccine injury or harm. In respect of the highest individual payout for compensation, what was the injury or harm for which payment was made?

On 2 July 2021, you confirmed that the costs you referenced for vaccine related claims were from our response of 13 May 2021 (Ref: GOV-010430).

Please note that the information below has been identified for the most expensive claims accepted by ACC from injuries arising from vaccinations in each year (based on the year in which the claim cover decision was made). Claim costs may have been paid in years following the decision being made on the claim.

The highest payments for the years 2006/07 and 2014/15 were for claims resulting from the Influenza vaccine. The highest payment for the 2017/2018 year was for a claim resulting from the Bacillus Calmette-Guerin (BCG) vaccine.

The use of BCG vaccine/product in treatment of bladder cancers

The information provided related to the BCG vaccine/product, concern instances where the BCG was used for immunotherapy in the treatment of bladder cancer. The use of the BCG vaccine/product for bladder cancer is not for the purpose of preventing the patient contracting tuberculosis, rather it is used as an immunotherapy vaccine in order to increase the effectiveness of medications used in the treatment of bladder cancer.

Injury and value of highest compensation payments

ACC does not routinely disclose details pertaining to individual claims. As such, we are declining to provide the exact value of the highest compensation payments made and the injuries regarding these claims to protect our clients' privacy.

This decision has been made under section 9(2)(a) of the Act. In doing so, we considered the public interest in making the information available and determined that it does not outweigh the need to protect the client's privacy.

How to get in contact

If you have any questions, you can email me at GovernmentServices@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

Manager Official Information Act Services
Government Engagement & Support