

21 July 2014

David Nicholas  
Fyi-request-1713-3b28678c@requests.fyi.org.nz

Dear Mr Nicholas

### Official Information Act Request

Thank you for your email of 27 May 2014, requesting the following information under the Official Information Act 1982 (the Act):

*Due to recent court cases, the ACC 167 Form has been reviewed, written and processes changed in how this form would be used.*

*There are other forms that give similar powers to ACC, these include the electronic ACC45 and electronic ARC18 forms plus the ACC01 form that forms part of the IRP booklet.*

*Please supply any and all internal memorandums, emails or legal opinion about how these forms re affected by the ACC167 court decisions.*

#### Release of documents

You will recall that on 20 June 2014, I wrote to advise you that ACC required an extension of time to 23 July 2014 in order to consult in respect of your request for information. The reason for this was that our initial search for information yielded only a very limited number of documents. Further checking, facilitated by the extension, confirmed that the documents which met the criteria of your request were limited to those discovered during our initial search. This is perhaps unsurprising as the District Court's decision in *Powell v ACC* was limited to consideration of the ACC167 consent form and ACC's ability to suspend entitlements under section 72(1)(c) of the Accident Compensation Act 2001, rather than the purpose for which the consent in the other forms mentioned are used.

The documents which have been released to you are comprised of internal memoranda and emails (respectively marked appendix 1 and 2).

#### Information withheld

Certain information has been redacted from the documents where it either falls outside the scope of your request or would identify individual members of staff who hold positions below General Manager.

In respect of the identities of individual members of staff, ACC has considered whether the public interest in releasing their names outweighs the interest in protecting their privacy, and has decided that it does not. Therefore, ACC has withheld that information. This decision complies with section 9(2)(a) of the Act.

ACC has also identified legal opinions that meet the criteria of your request. However, those documents are subject to legal professional privilege. ACC has considered whether the public interest in releasing those documents outweighs the interest in protecting the privilege

which has been claimed, and has decided that it does not. Therefore, ACC declines this part of your request. This decision complies with section 9(2)(h) of the Act.

**We are happy to answer your questions**

Please email me at [Daniel.James@acc.co.nz](mailto:Daniel.James@acc.co.nz) if you would like to discuss the information provided. I'll be happy to answer any questions or, if you have any concerns, work with you to resolve these.

If you're still not happy, you may make a complaint to the Office of the Ombudsmen. You can call them on 0800 802 602, 9am to 5pm weekdays, or write to:

The Office of the Ombudsmen  
P O Box 10 152  
WELLINGTON 6143

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel James', with a horizontal line underneath.

Daniel James  
**Advisor, Government Services**

*Enclosed: Appendix 1: internal memorandum  
Appendix 2: emails*

## Appendix 1

<http://thesauce/team-spaces/privacy/news---events/information-about-the-acc167/index.htm>

### **Information about the ACC167**

Contact



Last review 11 April 2014 Next review 12 Jul 2014

#### **Items redacted as out of scope**

What about all the other consent forms I signed? Are they still valid?

Yes they are. Many clients use forms such as the ACC45, ACC38, etc, to provide us with the authority to access and share information. In fact, most clients are happy to sign these forms and let ACC access the information necessary to make decisions on cover and entitlements.

#### **Items redacted as out of scope**

## Appendix 2

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**From:** [REDACTED]  
**Sent:** Tuesday, 22 April 2014 09:55  
**To:** [REDACTED]  
**Subject:** FW: Preparation for 3rd Degree

[REDACTED]

Maybe too late - but here are some comments from me in blue below

Let me know if you would like more/clarification

[REDACTED]

[REDACTED] Principal Advisor (Privacy Officer), ACC

ACC cares about the environment – please don't print this email unless it is really necessary. Thank you.

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**From:** [REDACTED]  
**Sent:** Tuesday, 22 April 2014 8:46 a.m.  
**To:** [REDACTED]  
**Subject:** Fwd: Preparation for 3rd Degree

Sent from my iPad

Begin forwarded message:

**From:** Sid Miller <[Sid.Miller@acc.co.nz](mailto:Sid.Miller@acc.co.nz)>  
**Date:** 21 April 2014 5:28:04 pm NZST  
**To:** [REDACTED]  
[REDACTED] Kurutia Seymour <[Kurutia.Seymour@acc.co.nz](mailto:Kurutia.Seymour@acc.co.nz)>,  
**Subject:** Preparation for 3rd Degree

Hi Everyone

Just been mulling over a few things at the weekend with respect to the 3rd Degree interview tomorrow and would really appreciate your insights and focus into the following areas to ensure I am prepared for the following question areas:

### Items redacted as out of scope

Do we understand the impact on other ACC Consent forms such as the 45, 18 and others? These forms will be amended once we have the 167 right. They all cover specific situations and will any changes will need to be considered carefully. With the change in name to the 167, other forms need to be amended to take this into account.

### Items redacted as out of scope

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, 30 April 2014 11:48 a.m.  
**To:** Phones Reception  
**Subject:** FW: Feedback via Public Internet site

Hi there,

You could respond to him with:

Thank you for your email. ACC were always committed to updating these and our other consent forms, as part of the changes we've been making following the 2012 Independent Review of ACC's privacy and information security. We are progressing this work currently.

Cheers

[REDACTED]

[REDACTED] Principal Advisor (Privacy Officer), ACC  
ACC / Privacy [REDACTED]  
PO Box 242 / Wellington 6011 / New Zealand / [www.acc.co.nz](http://www.acc.co.nz)

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**From:** [REDACTED]  
**Sent:** Wednesday, 30 April 2014 8:54 a.m.  
**To:** [REDACTED]  
**Subject:** FW: Feedback via Public Internet site

[REDACTED]

Would you mind going back to Information Website Email on this.

I understand that you're looking at the ACC45 etc

Cheers

[REDACTED]

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**From:** Phones Reception **On Behalf Of** Information Website Mail  
**Sent:** Wednesday, 30 April 2014 8:36 a.m.  
**To:** [REDACTED]  
**Subject:** FW: Feedback via Public Internet site

Hello,

Are you able to please assist with the below email?

Many Thanks

Corporate Reception

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**From:** [REDACTED]  
**Sent:** Wednesday, 30 April 2014 8:17 a.m.  
**To:** Information Website Mail  
**Subject:** Feedback via Public Internet site

Feedback via Public Internet site

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**Reference:**  
167 form related matters

**Message:**  
As well as addressing the ACC167 form you need to address at least 3 other forms which clients have to sign and are about giving ACC permission to collect data. electronic ACC45 electronic ARC18 ACC2 ACC44

**Name:**  
[REDACTED]


**Email:**  
[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, 29 May 2014 12:03 p.m.  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Response to the ACC167 question submitted via acc.co.nz

Perfect, thanks [REDACTED]

 [REDACTED] National Manager Client Support Services, ACC  
ACC / Client Support Services / [REDACTED]  
PO Box 242 / Wellington 6011 / New Zealand / [www.acc.co.nz](http://www.acc.co.nz)  
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**From:** [REDACTED]  
**Sent:** Thursday, 29 May 2014 11:45 a.m.  
**To:** [REDACTED]  
**Subject:** RE: Response to the ACC167 question submitted via acc.co.nz

Response from [REDACTED] is use this version:

We are in the process of reviewing all our forms that seek consent and/or authority. Any resulting changes will be communicated once we know their impact.

I'll update the register.

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**From:** [REDACTED]  
**Sent:** Thursday, 29 May 2014 10:08 a.m.  
**To:** [REDACTED]  
**Subject:** RE: Response to the ACC167 question submitted via acc.co.nz

[REDACTED]

I was just about to send this out and wanted to recheck the response, particularly the last line. I'm not sure what we mean by 'telling those people that are impacted'. For example if we change the consent on the ACC45 who exactly are we going to tell. I assume we wouldn't tell clients who have previously signed the 'old' ACC45 anything, so is our plan to tell clients who sign the 'new' one that it is 'new'?

Should we instead say that communication of any resulting changes will depend on the changes made. Depending on the change, communication methods may include information on our website or notifying clients if they are directly impacted.

Or should we keep as is?

 [REDACTED] National Manager Client Support Services, ACC  
ACC / Client Support Services / [REDACTED]  
PO Box 242 / Wellington 6011 / New Zealand / [www.acc.co.nz](http://www.acc.co.nz)  
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**From:** [REDACTED]  
**Sent:** Wednesday, 28 May 2014 4:41 p.m.  
**To:** [REDACTED]  
**Subject:** Response to the ACC167 question submitted via acc.co.nz

I followed up with the Web Team and coms on who actually sends the response to the submitter of the question. The general rule is that it's the business owner of the area the question is about, unless it's an OIA which this isn't. So I suggested to coms that you'd be a good person to send the response in your National Manager capacity and they agreed.

Persons details:

**Name:** [REDACTED]

**Email:** [REDACTED]


**Question:**

I note that there has been a court case(s) about the ACC167 form. There are other forms that give ACC similar powers, such as the electronic ACC45 and the electronic ARC18 form. Plus of course the ACC01 form that forms part of the IRP booklet. Will all these forms be rewritten?

**ACC's response:**

Thank you for your feedback. We are in the process of reviewing all our forms that seek consent and/or authority. Any resulting changes will be communicated to those impacted.

Are you OK with that?

 [REDACTED] Project Manager, ACC  
[REDACTED]  
ACC / Enterprise Programme Management Office / [REDACTED]  
PO Box 242 / Wellington 6011 / New Zealand / [www.acc.co.nz](http://www.acc.co.nz)

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