

07 March 2022

Anthony Jordan

fyi-request-18574-0e18ca1b@requests.fyi.org.nz

Tēnā koe Anthony

Your Official Information Act request, reference: GOV-016801

Thank you for your email 16 February 2022, asking for the following information under the Official Information Act 1982 (the Act):

1. *Number of exemplary damage cases bought against the ACC as far back as possible*
2. *Publications of those cases*
3. *Process the ACC has available to guide a Claimant in making an exemplary damages case against the ACC*

Exemplary damage cases

ACC does not keep records of whether a plaintiff seeks exemplary damages and we do not have a recording method that would allow us to easily identify all exemplary damage cases. Gathering this information would require substantial collation and research through a manual case by case search of all cases from 1972. Therefore, we are refusing to provide this information. This decision has been made under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

In making this decision, we have considered extending our response timeframe for your request, charging (under the Act), and/or refining the time period. However, we have not offered these options as we have determined that the resources required to extract the information would have a significant impact on the everyday functions of the team(s) involved.

Publication of cases

There aren't many published cases on exemplary damages against ACC. For the cases that are published they can be found in the publicly available legal databases, such as the New Zealand Legal Information Institute.

As published exemplary damage cases against ACC are publicly available, we are refusing to provide this information. This decision has been made under section 18(d) of the Act.

Please find the following link for the New Zealand Legal Information Institute website:

[http://www.nzlii.org/.](http://www.nzlii.org/)

Exemplary damages process

ACC does not have any process or policy for clients wishing to put an exemplary damages case against ACC. This means that we are unable to provide this information as it does not exist, this decision was made under section 18(e) of the Act. We recommend seeking legal advice if you wish to pursue this avenue.

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

A handwritten signature in black ink, appearing to read 'Sasha Wood', written in a cursive style.

Sasha Wood
Manager Official Information Act Services
Government Engagement & Support