



03 November 2022

Chris McCashin

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Kia ora Chris

**Your Official Information Act request, reference: GOV-021437**

Thank you for your requests of 22 October 2022, asking for the following information under the Official Information Act 1982 (the Act):

Request one:

1. *Total amount of compensation paid out for vaccine harm / death associated with the Covid-19 vaccine - to be broken down into following*
2. *Total amounts paid out for death - number of payouts*
3. *Total compensation paid for injury including a list of all injuries compensated for*
4. *Total costs for Medical treatment as a result of injury from vaccine Current monthly costs - eg - Current compensation costs ACC are obligated to pay broken down into ongoing compensation per month and ongoing medical treatment per month*
5. *Budgeted / forecast compensation for rest of this year, 2023 & 2024*
6. *What is the timeframe, limitations for any claims lodged?*
7. *ACC could be liable for millions could they not?*

Request two:

*Can you also please confirm if*

*- there have been any people compensated for Covid-19 the virus including any ongoing medical costs, similar to my request about the vaccine but relating to the virus itself [sic]*

**Request one**

**ACC publishes COVID-19 vaccine injury data online**

The data requested in questions 1, 3 and 4 of is available on the ACC website, here:

<https://www.acc.co.nz/assets/oia-responses/covid-19-vaccination-claims-refresh-august-2022-ipa-8450.pdf>. Please note that the COVID-19 vaccine injury claims data is updated on a quarterly basis. As this

data is publicly available, we are not providing a copy of it in this response. This decision has been made under section 18(d) of the Act.

The data referred to above does not provide the total amounts paid out for fatal claims. However, as there have been fewer than four claims received for fatalities related to the COVID-19 vaccine, we are withholding this information 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 determined it does not outweigh the need to protect our clients' privacy.

**We are unable to provide the budgeted/forecast compensation**

ACC forecasts overall claims volumes to enable it to budget for and respond to future demand for its services. It does not forecast projected costs for vaccine treatment injury claims as a separate group of claims. As such, we are refusing to provide the budgeted/forecast compensation as this information does not exist. This decision has been made under section 18(e) of the Act.

**ACC consider all treatment injury claims on the specific circumstances of each client**

Treatment Injury claims should generally be made within 12 months from the later of; the date the injury was first recognised as a treatment injury or the date the patient suffered the treatment injury. However, ACC may still consider claims made after this time if there is clinical evidence of the diagnosis and cause of the treatment injury. ACC could only decline a claim that was not lodged in the 12-month timeframe if our ability to make a cover decision on the claim was prejudiced by the delay in lodging it.

**We are refusing to respond to question seven as it is not asking for official information**

Under the Act, a distinction exists between a request for information already known and held by an agency (official information), versus a request for an agency to form an opinion (not official information). Question 7 asks ACC to provide an opinion and is therefore not considered to be requesting official information under the Act. Accordingly, we are refusing to respond.

Further information about official information requests can be found in the Ombudsman's guide *Making official information requests*. This is available on the Ombudsman's website, here:  
<https://www.ombudsman.parliament.nz/resources/making-official-information-requests-guide-requesters>.

**Request two**

Between 1 January 2020 and 22 October 2022, ACC has provided cover for 18 work-related claims where the COVID-19 virus was a covered injury on the claim. In total, ACC has paid \$132,431 (excluding GST) towards these claims.

Please note, as a single claim can have more than one injury, that the figure provided may include costs for treatment of other physical injuries on the same claims. The data was extracted on 26 October 2022 and may differ if extracted again at a later date.

**As this information may be of interest to other members of the public**

ACC has decided to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available [www.acc.co.nz/resources/#/category/12](http://www.acc.co.nz/resources/#/category/12).

**If you have any questions about this response, please get in touch**

You can email me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz).

If you are not happy with this response, you can also contact the Ombudsman via [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phoning 0800 802 602. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Ngā mihi



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