

20 September 2023

Erika Whittome

By email only to: [fyi-request-24067-7cb5c1d4@requests.fyi.org.nz](mailto:fyi-request-24067-7cb5c1d4@requests.fyi.org.nz)

Tēnā koe

### Official Information Act Request (Our Ref: OIA/0308)

We refer to your request under the Official Information Act 1982 (“OIA”) of 7 September 2023.

#### Your request

You requested the following information:

Copies of policies, procedures, memos etc relating to the process and handling of any claims or complaints from April 2021 until the present day for any privacy rights complaints during Covid 19.

All correspondence on policy, procedures, memos etc relating to the subject of vaccination medical records when the office of the privacy commissioner was to handle such complaints from the above date until the present date.

1. I am requesting all correspondence about the policies, procedures, memos etc themselves relating to the processing of medical records complaints/claims AND copies of such policies, procedures, memos etc for your staff on the handling of any claims and complaints of certain claims for: i) medical records of unvaccinated persons and ii) the subject of sharing and exposing vaccination medical records in any claims and complaints.
2. I am referring to complaints and claims that go to the Office of the privacy commission and its tribunal.
3. This request also applies to how privacy complaints were handled from vaccine mandated workers eg teachers, nurses etc. How many complaints were received from the education sector and health sector workers during this timeframe above

#### Our response

Your requests are granted in part and otherwise refused under section 18(f) of the OIA.

Your request is granted to the extent that the Office has policies and procedures that are relevant to your request. However, we are not able to provide the information requested in question 3.

***Information we are able to provide***

The information we can provide is set out below and attached. Please find attached a copy of the Decision Guide for Investigations and Dispute Resolution that sets out how the Office of the Privacy Commissioner deals with privacy complaints. Please note that the draft Decision guide is currently being internally reviewed. OPC's complaints investigation process is available on our website [here](#).<sup>1</sup> In relation to complaints from members of the public, our Office maintains a confidential process for receiving and investigating privacy complaints. This is explained in our Compliance and Regulatory Action Framework available [here](#).<sup>2</sup>

Your request relates to this Office's procedures for handling medical records in our complaints processes. We do not have any specific procedures or processes in place for dealing with complaints about medical records. We treat all information provided to our Office during an investigation process as sensitive and in accordance with our statutory obligations.

For your information, privacy complaints relating to medical records would not generally require this Office to review a person's medical records, unless the investigation was to assist the individual to access those records under privacy principle 6. In that case, the information would be held in strict confidence.

A relevant part of our operating framework is that section 206 of the Privacy Act requires this Office to maintain secrecy in relation to all matters that come to our knowledge when we are carrying out our functions under the Act. This provision enables our Office to keep information confidential.

Our secrecy obligations mean that in general we do not release information we have received from an individual or agency to the agency or individual concerned, other agencies or individuals, or the media. This allows both agencies and individuals to provide information to us confident that it will not be passed on. For example, during an investigation of a complaint we will not share information between parties.

***Information we are not able to provide***

We are not able to collate the information requested by your question 3 above because this information is not readily available to us in our systems. That request is therefore declined under section 18(f) of the Official Information Act as the information requested cannot be made available without substantial collation or research.

To explain, OPC does not compile the specific categories of information that you have requested. To collate this information, staff would need to manually sort through hundreds of complaint files over the specified time periods. The amount of time this would take a staff member would have a negative impact on OPC's operations and could compromise our other statutory functions.

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<sup>1</sup> <https://privacy.org.nz/your-rights/complaints-process/>

<sup>2</sup> <https://privacy.org.nz/about-us/what-we-do/caraf/>

For completeness, I have considered under section 18A of the OIA whether affixing a charge or extending the timeframe for response would enable the request to be granted, however, these options would not assist us to collate the information you request in a manner that does not unduly impact on our limited resourcing.

**Conclusion**

I hope that the information we have provided is helpful to your request.

If you are not satisfied with this response, you have the right to ask the Ombudsman to review my decision on your request.

Nāku iti noa, nā

A handwritten signature in black ink that reads "Joanna Hayward." The signature is written in a cursive, flowing style.

Joanna Hayward  
**General Counsel**