

19 July 2024

Anon  
fyi-request-26927-baafaa74@requests.fyi.org.nz

Kia ora

**Your Official Information Act request, reference: GOV-032554**

Thank you for your email of 22 May 2024, asking for the following information under the Official Information Act 1982 (the Act):

*I am writing to request copies of general contractual agreements between ACC and external legal counsel for representation on reviews, appeals or any other matters pertaining to conflicts with claimants.*

*I request all internal policies, rules, guidelines, process, memos, and all other documents, pertaining to:*

- (1) When to hire external legal counsel to assist with disputes with claimants; and*
- (2) Conditions of the contractual agreement; and*
- (3) Required notifications to claimants that external legal counsel has been contracted to represent ACC and the nature and limits to that representation (for what purpose); and*
- (4) Required notification to claimants as to what information ACC will be sharing with the external legal counsel (e.g., specific to a claim, complaint on claim, review or Court litigation); and*
- (5) In what instances it is appropriate for ACC employees to cc external legal counsel into communications with claimants; and*
- (6) How a claimant may obtain the service agreement between ACC and the external legal counsel, to ensure that ACC employees are not sharing information outside of the contracted agreement.*

**Our response**

I refer to ACC's letter to you dated 8 July 2024, which explains in detail why ACC asked you on 2 July 2024 for information about yourself and the reasons for this official information request.

In your email of 3 July 2024, you declined to provide the further information ACC requested because you did not consider ACC was entitled to ask for it. Since our second letter on 8 July, you have still not provided the information sought.

Today is the last of the 20 working days in which ACC may respond to your official information request. For the reasons set out below, ACC is declining your request.

ACC's reasons now to decline your request are that:

- ACC has recently received a large number of closely related official information requests that also appear to be made by or on behalf of the same person. At least 20 requests were made from your account on FYI.org.nz to ACC in a short timeframe (between May and July 2024). Many of these were about the same topics. Other requests written in the same way, about the same topics as your requests, and sent around the same time, have been made from other anonymous FYI accounts. In total, there were at least 40 requests made to ACC in a short timeframe.
- These information requests require considerable expense and effort for ACC to respond to. ACC estimates that it is currently allocating more than the equivalent of one full time employee to

respond to each of these requests separately, despite the fact that they seem closely related. It would likely require further effort to produce all of the information sought in each of these requests.

- This request seems to be one of these 40 related requests. Because you have not provided ACC with information asked for to confirm whether your request is one of many related requests, ACC has decided that your request is probably one of these many related requests.
- The way that you, or people acting for you, appear to have asked for a wide range of information in many separate requests rather than include all questions in one request, interferes with ACC's ability to determine whether and how it might be able to apply various provisions of the Official Information Act to deal with your request. Those provisions relate to whether the requests taken as a whole require substantial collation or research so as to:
  - allow ACC to decline some or all of the requests under s18(f) of the Act;
  - consider combining your request with any other requests made by you under s18A(2) of the Act;
  - fully to consider fixing a charge for providing the documents concerned under s15 and s18A(1) of the Act.
- Because your request appears to be part of a wider course of conduct making numerous official information requests in a way that prevents ACC from applying the parts of the Official Information Act that protect agencies from being put to unreasonable effort and expense in responding to official information requests, ACC considers that your request is frivolous or vexatious in terms of s18(h) of the Act.
- Your entire request is therefore refused.

If ACC is wrong and your request is not one among many related requests then please let me know urgently, or if you prefer, take the issue to the Ombudsman in the way set out at the end of this message.

ACC sought the same information from each of the requestors in as many of the related requests as it has been able to identify and has not received that information from any of them.

**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



Christopher Johnston  
**Manager Official Information Act Services**  
Government Engagement