

12 July 2024

Anon

fyi-request-27010-063805d9@requests.fyi.org.nz

Kia ora

Your Official Information Act request, reference: GOV-033033

Thank you for your email of 13 June 2024, asking for the following further information after our response dated 12 June 2024 (our reference: GOV-032631):

I would like to modify my request given ACC does not have a template for letters decisions issued under section 62 of the Act.

I request copies of 3 different decision s 62 letters (ACC decision to seek External Clinical Advice) and the attachments, which were issued to claimants over for each of the past 10 years (thus a total of 30 letters). Ideally, these will be issued by different Specialist (or Treatment Injury) Cover Assessors.

To protect the privacy of the claimant, I request their names, claim number, and other unique identifiers to be redacted.

This will help to see whether there is consistency between the approach of conveying a decision, as defined under the Act.

I refer to ACC's letter to you of 5 July 2024 explaining in detail why ACC asked you on 2 July 2024 for information about yourself and the reasons for this official information request.

You had declined to provide the further information ACC requested because you did not consider ACC was entitled to ask for it. Since 5 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 without a time extension. 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 apparently closely related official information requests that also appear to be made by or on behalf of the same person. There have been at least 40 requests over the past two months.
- 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 even more expense and effort to produce all of the information sought in each of these requests.
- Unfortunately, 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 requests. 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.
- Also, the specific parts of your request asking for 30 decision letters that were sent to claimants over the past 10 years, would still require us to disclose medical details unique to the claimant in each case. Even if names and the other identifying facts you mention are redacted, the remaining level of detail still provides a significant risk of disclosing personal information to any reader who happens to know the claimant concerned well enough to identify them from their medical details. Medical personal information is subject to special restrictions on disclosure and use under the Health Information Privacy Code. ACC considers that withholding the personal medical information that you have requested is necessary to protect the privacy of ACC claimants. As such, your request is also declined under section 9(2)(a) of the Act. In deciding to decline your request for this reason ACC considered if there are other matters arising from your request making it desirable in the public interest to disclose the information requested. ACC did not identify any other considerations that outweigh the need to protect the claimants' privacy.
- 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.

Finally, ACC did consider whether to extend the time for ACC to respond to your request, but the seven days that have passed since ACC's email to you of 5 July 2024 seemed sufficient for you to have considered ACC's detailed responses on why it is allowed to ask you for personal and other information about your request.

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 are not happy with this response

You can contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz.

Ngā mihi



Christopher Johnston
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Government Engagement