



18 July 2024

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

Kia ora

Your Official Information Act request, reference: GOV-033174

Thank you for your email of 19 June 2024, asking for the following information under the Official Information Act 1982 (the Act):

[...] So again, please provide me with a copy of ACC's decision letter regarding seeking external clinical assessment (sections 62 of the Act), which must be in writing (section 64 of the Act; rights 1, 2, 5, 6, 7 of the Code; and rules 3, 5, 10 and 11 of the HIPC).

I request 3 examples of such letters, issued by the Specialist Cover Assessors, for the past 10 years. Please ensure that the claimant's personal identifiers are redacted.

If your response is that ACC has no such letters on file, then I request the following.

For each year from 1999 to present (20 years), the

- (a) number of claims where a claimant's medical information was been disclosed to an external clinical advisers under section 62 of the Act - a requisite for all treatment injury claims according to ACC's internal processes; and*
- (b) number of claims where the claimant was notified by letter of ACC's decision to seek external clinical advice under section 62 of the Act, prior to disclosing the claimants information; and*
- (c) number of claims where the claimant was notified by email (instead of a letter) of ACC's decision to seek external clinical advice under section 62 of the Act, prior to disclosing the claimants information; and*
- (d) number of claims where the claimant was notified by phone (and not provided any written notice) of ACC's decision to seek external clinical advice under section 62 of the Act, prior to disclosing the claimants information; and*
- (e) number of claims where the claimant where the claimant never received any notice of ACC's decision to seek external clinical advice under section 62 of the Act, prior to disclosing the claimants information.*

To avoid any doubt, part (e) is not zero.

For each of the past 20 years, I request 3 copies of each letter by mail and letter by email, notifying the claimant of ACC's decision to seek external clinical advice under section 62 of the Act, which includes ACC's obligatory information under the HIPC. Please redact the claimants' personal identifiers (name, email, address, and claim number) to ensure their privacy is protected.

For each of the years, I request a copy of the script ACC employees were supposed to follow when notifying claimants of ACC's decision to seek external clinical advice under section 62 of the Act, which includes ACC's obligatory information under the HIPC.

Our response

I refer to ACC's letter to you dated 4 July 2024 asking for your full name, confirmation of your identity and the reasons for your request. To date, we have not received a response to our letter.

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. If you are not happy with this response, you can also 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
Manager Official Information Act Services
Government Engagement