

8 July 2024

Anon

fyi-request-27011-71138a2a@requests.fyi.org.nz

Kia ora

Your Official Information Act request, reference: GOV-032632

Thank you for your emails of 27 May and 9 June 2024, asking for the following information under the Official Information Act 1982 (the Act):

27 May email:

Request 1:

I request a copy of ACC's notice of the decision to seek specific claimant information from a claimant, or third party, which includes the necessary information under section 64 of the Act and Rule 3 of the HIPC.

Request 2:

I request a copy of ACC's notice of the decision to disclose claimant information and the reason for the disclosure, which includes the necessary information under section 64 of the Act and Rules 3 & 11 of the HIPC.

Request 3:

I request copies of all ACC template forms which may be attached to the notices, which specifies the documents that ACC seeks to obtain or intends to disclose.

I provide three examples, which are not exhaustive:

- ACC192 Vocational Independence Medical Assessment Referral Documents List, or*
- ACC6246 Relevant documents list.*
- ACC252 Review documents*

Request 4:

I request a copy of ACC's consent form, which give explicit consent by the Claimant for ACC to seek or disclose the information specified in the notice of their decision (requests 1-3 above).

To avoid any doubt, I have not requested the ACC6300, ACC45, or the ACC46 forms, as these forms do not meet the criteria set out by the privacy legislation (Rules 2, 3, 11) or the AC Act (s 64).

9 June email:

You requested clarification, stating "We have interpreted your requests 1, 2 and 3 to be for letter templates informing clients that ACC is seeking and disclosing information from and to third parties."

I don't know if ACC has a template notice for every decision. I do now that ACC is required to provide notices of all of ACC's decisions to claimants. Seeking external clinical advice is a decision under the Act (s 62) that requires written notice. The decision to disclosure or seek information are also decisions under the Act (s 55), as well as the the Privacy Act.

ACC has internal rules of what must be included in any written correspondence. Thus, to ensure consistency and compliance with the law, it would be reasonable to assume that ACC has template notices and forms for the decisions I requested.

If ACC doe not hold any template notices or forms (Request 1-4), please state that ACC does not have any such templates notices of decisions and forms. If there are no templates, I request 10

examples of such letters (with the attachments) sent to claimants from the Complex Injury Claim team (s 57 claims), with the particulars of the claimant (name, claim number, ACCID number, etc) redacted from the notice.

I reiterate my original request.

I refer to ACC's message to you of 5 July 2024 explaining in detail why ACC asked you on 21 June 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, your request seems to be one of these 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;
 - 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 section 18(h) of the Act. Your request is therefore declined.

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, so as to allow you even more time to provide the information that ACC had sought from you.

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. ACC did not consider that a time extension would likely result in your answering ACC's questions so as to enable ACC to provide some or all of the information sought in this request.

However, if you do change your mind about providing ACC the information asked for, please do resubmit your request to ACC within 14 days of this message.

ACC will not object to a resubmitted request made within that time only because it repeats this particular request, provided that the resubmitted request answers ACC's questions about: who you are, whether this official information request is one amongst many, and why you are making this request.

The option for you to provide information to ACC confidentially will still be available to you on the resubmitted request. Information that you would prefer to keep confidential can be provided to ACC at the following address: Manager OIA Services, ACC, PO Box 242, Wellington 6140. Any information/documentation provided establishing your identity will be used solely for that purpose and destroyed after. Please clearly reference your resubmitted request if it is made separately from information that wish to keep confidential. If there is some other way that you would prefer to give ACC the necessary information about you and the reasons for your requests, then please let us know.

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
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Government Engagement