



30 July 2024

Sue

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Kia ora

**Your Official Information Act request, reference: GOV-032738**

Thank you for your requests of 29 May and 31 May 2024, asking for the following information under the Official Information Act 1982 (the Act):

*There have been new reports of acts of harassment and violence against hospital staff, in the workplace, by patients. However, I've found no articles of acts of harassment and violence against ACC staff, in the workplace, by claimants. Thus, I am making a request for this information.*

1. *Request 1: Threats of violence and harassment by claimants For each year, since 01/01/2014, I request the number of employees who have alleged to have been:*
  - 1) *harassed or was threatened with an act of violence by a claimant;*
  - 2) *harassed or was threatened with an act of violence by a claimant, which resulted in ACC and the employee seeking assistance from the police;*
  - 3) *harassed or was threatened with an act of violence by a claimant, which resulted in the Courts issuing a restraining order against the claimant;*
  - 4) *harassed or was threatened with an act of violence by a claimant, which resulted in a conviction of the claimant of an offence in either the District or High Court.*
  
2. *Request 2: Victim of physical violence (i.e., physical assault) by claimants For each year, since 01/01/2014, I request the number of employees who have alleged to have been a:*
  - 1) *victim of physical violence (i.e., physical assault) by claimants;*
  - 2) *victim of physical violence (i.e., physical assault) by claimants, which resulted in ACC and the employee seeking assistance from the police;*
  - 3) *victim of physical violence (i.e., physical assault) by claimants, which resulted in the Courts issuing a restraining order against the claimant;*
  - 4) *victim of physical violence (i.e., physical assault) by claimants, which resulted in a conviction of the claimant of an offence in either the District or High Court.*

*For clarity, the employee must have been working at ACC in the capacity of their employment with ACC, when the alleged offence occurred. That is not about domestic violence, employee-to-employee harassment or violence, or harassment or violence that occurred while not at the work place (e.g., the bar or beach).*

*For the numbers in Requests 1 & 2, please provide the total numbers, and numbers based on gender.*

3. *Request 3: Safety measures If the NZ Courts have upheld the allegations of ACC employees, that he employee had been found by the Courts to be harassed, threatened, or assaulted by a claimant while in the capacity of employment, please specify the changes that ACC put in place to prevent future harm. Please provide the reports that evaluated the success of those measures taken to prevent future harm.*

*To be clear, harassment and threats do not include persistent claimants who seek information, or who are disgruntled with ACC's treatment of them and express their frustration, anger, or other reasonable feelings, based on perceived service failures or breaches of rights.*

4. *This request is related to my request on May 29, 2024, regarding "Acts of violence by claimants against ACC employees in the work place". I am writing to request the following information, which I request to be in the underacted form:*

- ACC159 Client risk profile summary*
- ACC2222 Remote Claims Unit referral form*
- ACC29 File summary and overview*
- ACC7408 Security guard request for ACC or a provider form (171KB).*
- Activate Care Indicator*
- Activate, review and remove a client Care Indicator*
- Activating the Client Care Indicator*
- Add a care indicator to a client's Eos record*
- Advise a provider that a client has a care indicator*
- Aggressive and threatening behaviour guidelines*
- Arrange and order security*
- Assess management plan.*
- Assess RCU transfer request*
- Assess Te Ara Tika transfer request*
- Complete Te Ara Tika referral form*
- Complete file summary and transfer ownership in Eos*
- Complete RCU referral form*
- Complete risk profile and make client management recommendation*
- Confirm whether to issue written warning to client*
- Contact client to confirm transfer.*
- Create a purchase order*
- Create or update management plan.*
- Criteria for activating the care indicator*
- Deactivate Care Indicator*
- Follow up overdue management plan reviews*
- Guidelines for making a client management recommendation.*
- Guidelines for when to remove a care indicator*
- Issuing a trespass notice*
- Managing care indicated clients*
- Managing unreasonable complainant conduct*
- Ordering security for staff and provider safety.*
- Removing a Client Care Indicator*
- Request information from the police or other government agency*
- Review identified management plan and assess Care Indicator*
- Reviewing the Client Care Indicator*
- Transfer ownership in Eos*
- Transferring a client with a Client Care Indicator*
- Transferring care indicated clients to another branch*
- Transferring care indicated clients to Te Ara Tika*
- Transferring care indicated clients to the RCU*
- WorkSAFE: Dealing with aggressive/dangerous clients*

5. *If any of the above documents are no longer in effect then please provide me with the last version, and specify the date that it was archived. Please then provide me with the current equivalent, even if it is under a different name.*
6. *Please provide the information in an underacted, searchable pdf format. Ideally, this information would be provided as a list of links which are dedicated to ACC's policies, processes, forms, notices, etc. However, if that is not possible, providing them through FYI.org.nz works.*

### **Our response**

I refer to your message via [fyi.org.nz](https://fyi.org.nz) of 15 July 2024 declining to provide the further information that ACC sought to be able to deal with your request.

I note that ACC has received seven other messages in identical terms on 15 July 2025 from someone using the same name as you in relation to requests that ACC is still considering and one in relation to a request that ACC has recently declined, however none of those messages acknowledge that they are all sent by the same person, despite ACC's request that you should do so if that is the case.

ACC sent a message to you on 5 July 2024 explaining in detail why ACC needed information about yourself and the reasons for this official information request.

ACC notes that you do not accept ACC's explanation justifies it asking for the information it has sought and claim that ACC is treating you inconsistently with the way it treats others.

As ACC has previously explained to you, the Ombudsman accepts that where an agency receives an official information request like yours it may need to ask the requestor about themselves and the reasons for their request.

ACC is treating you no differently than it would anyone else whom it might reasonably ask if their request was one of many related requests that could potentially be responded to together or refined in the ways allowed by the Official Information Act.

For the reasons that follow, ACC now declines your request.

- Over the past two months ACC has received more than 40 apparently closely related official information requests that also appear to be made by or on behalf of the same person.
- These include a significant number of requests apparently made by you under the same name, including the eight other separate requests where ACC received identical messages from the requestor on 15 July, and other requests that are either anonymous or made under other names.
- All of these 40 or more 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.
- In one of the requests apparently made under your name, the requestor has acknowledged having made more than one request, but neither they nor you have provided any details of any other requests so to assist ACC to consider them together.

- ACC has decided that you, or people closely related to you, have probably made all of the large number of recent requests mentioned above whether made under your name or not.
- 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.
- ACC considers that your request is frivolous or vexatious in terms of s18(h) of the Act. 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 unreasonable effort and expense in responding to official information requests. You have declined to assist ACC by providing information that might permit ACC to deal with your request along with many other related requests. ACC has received similar refusals to assist in the eight other requests referred to above. Your request and your refusal to answer questions about it appear to be part of a course of conduct designed to prevent ACC from taking legitimate steps to minimise the costs and inconvenience of responding to a series of related requests.

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 information from any of them to allow it to work out how to consider and respond to the requests in the way required by the Act.

**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



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