

30 July 2024

Joe

fyi-request-27125-26cb9182@requests.fyi.org.nz

Kia ora

Your Official Information Act request, reference: GOV-033426

Thank you for your email of 2 July 2024, in which you noted the following:

Thank you for your response of 01/07/24, but it was incomplete.

Response 2:

My 2nd request was for:

ACC's documents that describe

(a) the meaning of "email redirection",

(b) how the email redirection is to be implemented, and

(c) the approval process for the email redirection.

Your response to Request 2 was:

"Our process documents do not specifically mention email redirection. As such, we are refusing this request under section 18(e) as the information does not exist."

I did not request your process documents. You have already stated in other OIA responses that ACC holds no policies or process documents for email redirection (GOV-032919, GOV-029712, GOV-028030, GOV-027062).

I requested documents ACC holds which describe (a) the meaning of "email redirection", (b) how the email redirection is to be implemented, and (c) the approval process for the email redirection.

The types of documents would include, discussion notes and minutes by executives, ACC committees, ACC policy and process makers, Board members, or other employees. The documents would include correspondence with the IS Team, recommendations by the IS Team, internal Legal Counsel, or other employees, correspondence with Datacom, advice from the Ombudsman, Department of Internal Affairs, Privacy Commissioner, or any other outside agency or consulting agency.

Before making a decision to use email redirection, there must have been some internal discussion on the matter, as well as a discussion on how to implement the email redirection, who had the authority to implement email redirection, and when it would be appropriate and lawful to implement the email redirection. I seek those documents.

Documentation of discussions, planning, and implementation are standard practice in any organisation, and more so in government owned agencies.

Please make sure you obtain the requested information from the IS Team, Datacom, the

Executive Team an the Owner and Expert who informed the Communication Plan Policy and processes for implementing, revisiting and removing communications plans, the persons who developed the notices you attached to your response, and any other person who contributed to the decision making to engage in email redirection during the transit of emails with the assistance of Datacom.

Response 3:

Your response to request 3 did not address how ACC determined that the emails belonged to a "claimant and not to the claimant's family, friends, advocate, or other representative". ACC has already admitted that some of the emails are linked to "non-client records" (GOV-029712), which indicates that some of the email addresses belong to persons who do not have a claim with ACC such as a family member, friend or advocate.

Response 4:

My request 4 was a request for "A copy of ACC's notice to claimants and non-claimants which clearly describes the implementation of the email redirection and the effect of that email redirection."

The notices you provided me (1) did not mention email redirection, (2) did not state the effect of the email redirection, and (3) did not include any information regarding review rights or how ACC's decision was consistent with the Code and privacy legislation.

Again, I request "A copy of ACC's notice to claimants and non-claimants which clearly describes the implementation of the email redirection and the effect of that email redirection."

Response 1:

My 1st request was:

"In which of ACC's databases the information on claimant email redirection is held at ACC, which allowed Jason Hope to provide very specific numbers of email addresses that are being subjected to email redirection."

Your response was: "The list of emails with email redirection rules is held within the Active Directory Database managed by the Information Security team."

Thank you for confirming that all information about (a) whose emails are being redirected, (b) who requested the email redirection, (c) the reasons for redirection and (d) the method of redirection is all held in a single location – the Active Directory Database.

Thank you for confirming that a single team (the Information Security Team) manages all of the information about email redirection.

Response 5:

Response 5 was irrational. You have acknowledged all of the relevant information is held in a single location and managed by a single team (Response 1). The information is readily accessible because ACC could determine exactly how many email addresses are subject to redirection (GOV-029712) and that 15 of those are in the Te Ara Tika unit (GOV-032919).

Clearly, the information is readily accessible and section 18(f) of the OIA does not apply.

You made the following request under the Official Information Act 1982 (the Act):

Repeat request:

Please make sure the following request is sent to the IS Team to respond to. If they are even marginally capable IT personnel, this request will take very little time and effort for them to complete.

For each year from 01/01/2014 to present, I request from the IS Team:

1. The number of claimants and non-claimants whose email communications were subjected to redirection, and please specify the numbers into categories of
(a) claimant,
(b) claimant's family, friend, advocate, or other representative; and
(c) other person.

2. The length of time each of the claimants' and non-claimants' email communications were subjected to redirection.

3: For each claimant and non-claimant email address subjected to redirection, please specify whether this email redirection was implemented as a "communication plan" or not.

4: For each claimant and non-claimant email address subjected to redirection, please specify whether the email redirection was implemented with the assistance of Datacom or other IT support (please specify the company or agency who provided the IT support). To date ACC has only acknowledged the assistance of Datacom (GOV-028030) for email redirection.

5: For each claimant and non-claimant email address subjected to redirection, please specify whether the email redirection:

(a) occurred during transit, that is at the Datacom or ACC server, and before reaching the intended recipient, or

(b) occurred after the intended recipient opened and read the communication, which is email forwarding.

Given that ACC has stated that Datacom is assisting in the email redirection (GOV-028030), this would indicate to me that 100% of email redirection is done during transit, at the Datacom or ACC server.

In addition, please provide all of the records held by the IS Team regarding email redirection, with the names of the claimant and their email addresses redacted to protect their privacy. Please ensure that all ACC employee names, and their business groups are legible, as well as any names of persons who work for Datacom and have assisted ACC with the redirection of emails during transit.

Our response

We have considered your 'repeat request' and have decided to decline it, for the reasons set out below.

- 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.
- ACC has determined that these related requests appear to have been made by, or for the same person. The person concerned had already been making many requests for a large amount of detailed information and ACC had written to them advising them how to make a high volume of official information requests in order to allow ACC to consider and respond to them as required by the Act, without undue confusion, expense or delay.
- The 40 or more requests over the past two months appear to have been made by the same person, except that the requests have been made anonymously, in modified forms of the requestor's name, in other names or, potentially, by other people acting with or for the high-volume requestor. The requests have not been made in the way that ACC requested.
- Your request made via fyi.org.nz, follows up on a response from ACC dated 1 July 2024 to a request made by you on 4 June 2024. After your request ACC received four further requests in the same name from the same fyi.org.nz account on 4, 5, and 6 July 2024 that ACC considers are from you.
- On those four other requests, ACC has asked you to provide details about who you are and why you are making your official information requests. You have not responded.
- Unfortunately, your request, as well as your four subsequent requests, seem to be associated with these 40 related requests. There are significant features of your requests that are consistent with the other requests, including your refusal to respond to ACC's questions about who you are and why you are making the requests.
- ACC has concluded that you, or people acting with or for you, have made all of these many requests; and that you are also probably the person that ACC wrote to advising you to make your requests in a way that reduced the administrative burden on ACC of responding to them. The five requests made by you from the one fyi.org.nz account, including this request, do not follow ACC's advice.
- The way that you, or people acting with 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 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.
- 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. Your request also appears to be made to avoid the reasonable requirements that ACC asked of you, to minimise the burden on ACC of responding to your requests. There is no reason that ACC is aware of for you making numerous, detailed, and onerous requests that incur unreasonable effort and expense for ACC that could be avoided.
 - 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.

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