

23 July 2024

Anon

fyi-request-27488-d3af3ad9@requests.fyi.org.nz

Kia ora

Your Official Information Act request, reference: GOV-033473

Thank you for your email of 3 July 2024, asking for the following information under the Official Information Act 1982 (the Act):

Thank you for providing me with copies of the business rules regarding notifications of legislative timeframes for decisions on claims (GOV-032585).

This is a request for information which covers from 2016 to present. If any of the letters are no longer in effect, please specify the dates the letters were in use by ACC.

Request 1. I request copies of ACC's standardised letters about cover, which include:

- acknowledge the lodgment of an uncomplicated claim, and clearly states the legislative timeframe for ACC's cover decision (21 days) and the effect if ACC does not meet that timeframe; and*
- acknowledge the lodgment of a complicated claim, and clearly states the legislative timeframe for ACC's cover decision (2 months) and the effect if ACC does not meet that timeframe; and*
- notification to claimants that ACC requires a time extension to make a cover decision (beyond the initial 21 days for uncomplicated claims), the reason for the decision to extend the timeframe, the details of the claimant's right to review the decision, and the effect if ACC does not meet that timeframe; and*
- notification to claimants that ACC requires a time extension to make a cover decision (beyond the 2 months for complicated claims), the reason for the decision to extend the timeframe, the details of the claimant's right to review the decision, and the effect if ACC does not meet that timeframe; and*
- notification to claimants of a decision for cover on the claim, the reason for the decision, and the details of the claimant's right to review the decision; and*
- notification to claimant that a deemed decision had been made in their favour when legislative timeframes had not been met, the reason for the decision, the effect of the decision, and the details of the claimant's right to review the decision.*
- notification to claimant that ACC revoked or revised their decision, the reason for the decision, the effect of the decision, and the details of the claimant's right to review the decision.*

Request 2: I request copies of ACC's standardised letters about entitlements, which include:

- notification to claimant about the types of entitlements they may be eligible for; and*
- acknowledgement that a claimant had made a request for entitlements, the timeframe in which*

ACC will issue a decision on the entitlement, and the effect of not meeting the timeframe; and

- notification to of a decision about entitlements, the reason for the decision, and the details of the claimant's right to review the decision; and

- notification of a deemed decision about entitlements, the reason for the decision, and the details of the claimant's right to review the decision.

Request 3. I request copies of ACC's standardised letters about reviews, which include:

- acknowledgement of a request for review which includes the legislative timeframe for the dated of the hearing, the effect of not meeting the legislative timeframe (a deemed decision is made in their favour), and the effects of the deemed decision; and

- notification to claimant that a deemed review decision had been made in their favour, and the effect of that decision.

You have referred to our response under GOV-032585 as one of your requests. The FYI.org.nz record for GOV-032585 (found here: <https://fyi.org.nz/request/26950-rules-linked-to-two-month-maximum-cover-decision-time-frame>) shows that ACC also responded to another request from you (under GOV 032953), where you used the same FYI email address as GOV-032585. I refer to ACC's letter to you of 5 July 2024 (under GOV 032953) explaining in detail why ACC asked for information about you for other requests you have made, and the reasons for your official information requests. We said:

Thank you for your message via fyi.org.nz of 3 July 2024, regarding our other responses to your requests where we have asked for proof of identity

Please consider again your option to provide personal information to ACC confidentially.

If there is some other way that you would prefer to give ACC some of the necessary information about you and the reasons for your requests, then please let us know.

Since 5 July you have still not provided the information sought for those other requests where we asked for proof of identity. Instead, you have made this further request which is similar to your previous requests. For the reasons set out below, ACC is declining your request:

- 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.

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 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