

29 January 2016

Lee M

fyi-request-3499-d0190259@requests.fyi.org.nz

Dear Lee M

Official Information Act Requests

Thank you for your follow-up request of 27 January 2016 in response to information ACC provided under the Official Information Act 1982 (the Act).

You stated that your original request of 19 December 2015 had “not been satisfied” and therefore you rephrased your original question 2 into two parts. Your questions and ACC’s responses are below.

Question 2 - part 1:

If the ACC were to receive personal health information about a claimant that it had not requested from the information provider, would the ACC refuse a request from the claimant asking for the "unsolicited" information to be returned to him/her?

Please note that the Act does not require an agency to provide opinions, and ACC’s answers to your rephrased question reflect this.

Your question appears to relate to information being returned to the individual, with the implication that it would also be removed from ACC files. Removal of the information from ACC files would depend on a number of factors including but not limited to: where the information came from, the content of the information, and significantly, its relevance to the client’s claim.

In addition, as stated in our previous response of 26 January 2016, if a client requests access to personal information ACC holds about them, this request will be managed under the Privacy Act 1993. There are a number of provisions in that legislation (sections 27-29) that enable personal information to be withheld by an agency. Further, once the information is held ACC has obligations under the Public Records Act 2005, Health (Retention of Health Information) Regulations 1996 and section 66 of the Accident Compensation Act 2001 to retain information for set periods.

Due to the various considerations involved, therefore, ACC cannot definitively say whether a request for information to be returned to the client would or would not be refused.

Question 2 - part 2:

Does the ACC have a policy, procedure, guideline or rule that addresses the issue of the ACC receiving "unsolicited" information, and does that policy, procedure, guideline or rule instruct management and staff how to deal with the "unsolicited" information? If both or either of the aforementioned applies, please provide me with a copy the policy, procedure, guideline or rule.

ACC does not have a policy, procedure, guideline, or rule that addresses the issue of ACC receiving “unsolicited” information. This part of your request is declined under section 18(e) of the Act as the information you request does not exist.

You have the right to complain to the Office of the Ombudsman about response. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to The Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

Government Services

Government Services