



28 January 2016

Lee M

[fyi-request-3500-98a9631a@requests.fyi.org.nz](mailto:fyi-request-3500-98a9631a@requests.fyi.org.nz)

Dear Lee M

### Official Information Act Requests

Thank you for your follow up questions of 26 January 2016 in regard to information provided by ACC under the Official Information Act 1982 (the Act). Your questions and ACC's responses are set out below.

#### Branch Medical Advisor opinions

You objected to ACC's response to your first question and reframed it. The Act concerns information held by an agency and ACC interpreted your initial request as asking for documents that matched the scenario you set out. To answer your revised questions in accordance with the Act, ACC's response is framed in general terms. This is because seeking data to verify this as a fact would require a manual search of every claim and would be refused under section 18(f) of the Act because the information cannot be made available without substantial collation or research.

In response therefore:

*Question 1 - part 1: (primary issue)*

*Are Branch Medical Advisor "opinions" ever requested by ACC management and/or staff purely in response to a client submitting new medical evidence?*

Branch Medical Advisor opinions are requested from time to time by ACC management and staff in response to new medical evidence being submitted by a client.

*Question 1 - part 2: (primary issue)*

*Are Branch Medical Advisor "opinions" requested solely for the purpose of using this information at a review hearing?*

It is also possible that Branch Medical Advisor opinions are requested from time to time by ACC management and staff for the sole purpose of presenting this information at a review hearing.

*Question 1 - part 3: (supplementary issue) Does an ACC policy, procedure, guideline or rule provide for either or both of the abovementioned situations, and if so please provide me with copies of same.*

There is no ACC policy, procedure, guideline or rule that provides for either or both of the abovementioned situations. Therefore this part of your request is declined under section 18(e) of the Act.

### **Correction of review applications**

In reply to ACC's response regarding the ability to correct information in review applications, you submitted that: "There are no grounds to refuse my requests under questions 2 and 3 and I am now insisting that you provide me with this information without further delay."

In response, we reiterate that ACC has no legislative obligation to correct information held by the reviewer for the purpose of review. As you point out, the reviewer is not subject to Privacy Act 1993 or Health Information Privacy Code 1994 and is therefore not subject to Information Privacy Principle 7 or Rule 7 respectively.

If you disagree with our further response to your questions, you have the right to complain to the Office of the Ombudsman. 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**