

4 May 2016

Lee M

Email: fyi-request-3892-5b5cdb67@requests.fyi.org.nz
fyi-request-3893-bbe9b82a@requests.fyi.org.nz

Dear Lee M

Requests for information under the Official Information Act 1982

Thank you for the following related requests received by the Privacy Commissioner on 13 April 2016:

fyi-request-3892-5b5cdb67@requests.fyi.org.nz
fyi-request-3893-bbe9b82a@requests.fyi.org.nz

Your requests relate to Case Note 232848 [2012] NZ PrivCmr 3, in which the Privacy Commissioner's determined that independent reviewers (engaged by Dispute Resolution Services Limited, now Fairway Resolution Limited) conducting review hearings under Part 5 of the Accident Compensation Act 2001 are not an agency for the purposes of the Privacy Act 1993.

Having considered your requests it is apparent that most of your queries are seeking explanations or a view on particular scenarios that are essentially requests for legal advice. Requests of this nature are not requests for specified official information coming within the scope of the Official Information Act. I cannot provide you with legal advice on the matters you raise.

While these queries do not fall under the Official Information Act, I note the following material may be of assistance to you:

The privacy policy of the Accident Compensation Corporation's available at:	http://www.acc.co.nz/privacy/privacy-notice/WPC120319
The privacy policy of Fairway Resolution Limited available at:	http://www.fairwayresolution.com/resources/policies-and-procedures/fairways-privacy-policy-statement
The information on ACC reviews conducted by Fairway Resolution Limited available at:	http://www.fairwayresolution.com/got-a-dispute/acc-disputes-and-reviews

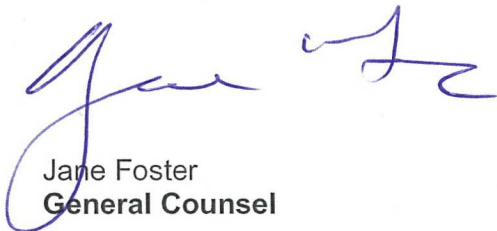
The other queries raised in your request seek the information relied on by the Commissioner when reaching the determination set out in Case Note 232848 [2012] NZ PrivCmr 3, including all information held in relation to the case.

The Official Information Act does not apply to information contained in correspondence between the office of the Privacy Commissioner and any government department or organisation that relates to any investigations conducted under the Privacy Act, other than information that existed prior to the commencement of the investigation. To the extent that the Official Information Act applies your request is declined under s 18(c) of the Official Information Act as making available the requested information would be contrary to the Privacy Act. As a matter of law, the information you sought cannot be made available to you as the Commissioner and all staff are required under section 116 of the Privacy Act to maintain secrecy in respect of any matters that come to their knowledge in the exercise of functions under the Act and this includes in respect of any investigations and complaints.

Under s116 the Commissioner has discretion to disclose any matter for the purposes of giving effect to the Act, but the Commissioner having considered your request does not consider disclosure to you would be giving effect to the one of the purposes of the Act.

You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely



Jane Foster
General Counsel