

4 May 2016

Lee M.

Email: fyi-request-3894-95dcd476@requests.fyi.org.nz

Dear Lee M

Request for information under the Official Information Act 1982

Thank you for the above request dated 13 April 2016.

Your request seeks information on the relationship between the Privacy Act 1993 and section 154(2) of the Accident Compensation Act 2001 (ACC Act). I consider your request is essentially a request for legal advice and not a request for specified official information coming within the scope of the Official Information Act.

While your request does not fall under the Official Information Act I provide the following general information on the matter you raised.

Section 154(2) of the ACC Act expressly provides for persons bringing or involved in a review hearing under Part 5 of that Act to have access, on request, to the full record of the review hearing (s 154 of the ACC Act is set out below). Section 7 of the Privacy Act provides that nothing in principle 6 derogates from any provision contained in any Act that authorises or requires personal information to be available, or that regulates the manner in which personal information may be obtained (s 7(1) and (2) of the Privacy Act is set out below). As section 154(2) of the ACC Act entitles individuals to be provided with certain personal information (their review information) and provides for how that information may be obtained it will override principle 6 of the Privacy Act as s 7(1) and (2) will apply.

Accident Compensation Act 2001

154 Corporation's duty to make record available

- (1) On receiving a copy of the notice of appeal, the Corporation must provide to the Registrar any of the following that exist:
 - (a) a copy of the decision appealed against; and
 - (b) the record of the review hearing; and
 - (c) all documents, items, and exhibits relating to the review that are in the custody of the Corporation or the reviewer; and
 - (d) a copy of any notes made by, or by direction of, the reviewer relating to the hearing of the review.
- (2) A person who had a right to be present and heard at the hearing of the review may request the Corporation to provide any of the items described in subsection (1) that exist, and the Corporation must comply with the request as soon as practicable.

Privacy Act 1993

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- (1) Nothing in principle 6 or principle 11 derogates from any provision that is contained in any enactment and that authorises or requires personal information to be made available.
- (2) Nothing in principle 6 or principle 11 derogates from any provision that is contained in any other Act of Parliament and that—
 - (a) imposes a prohibition or restriction in relation to the availability of personal information; or