

18 January 2018

Anthony Jordan
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Dear Mr Jordan

Reference: 0051128

Official Information Act request

Thank you for your request of 12 December 2017, asking for the following information under the Official Information Act 1982:

Official Information request - Corporation conduct to Cut/Pasting/Use in any way another claimants similar injuries or scans as evidence to argue a case in another Claimants review with similar Injury(ies)

1/ Please provide information that would indicate that ACC is permitted to/or not permitted to copy, paste or in any way, use another claimant(s) or any medical imaging as evidence to argue a case at review or court hearing

2/ In the event that ACC do use such practice, or use evidence, not belonging to the claimant at all, what would be the likely consequences to the Corporation

Our response

Question 1

ACC has very particular obligations surrounding its use of clients' personal and health information as legislated under the Health Information Privacy Code 1994 (the Code), Privacy Act 1993, Accident Compensation Act 2001 and Official Information Act 1982. These three Acts and the Code can be found online through: www.legislation.govt.nz/, and detail how agencies are expected to manage personal and health information.

Therefore, we are not providing any documentation with this letter as this information is already publicly available. This decision is made under section 18(d) of the Act.

If a client's case went to review or court, ACC would not use another client's personal or health information to support its argument. However, there is a chance that case studies and/or case law precedent referring to another individual's information might be used if referring to it. Any use of health information as case studies would either be garnered from their public availability online or would be generic in nature and not have any identifying information. Case law precedents would already be in the public domain. The Code and Privacy Act allow use and disclosure of personal information where the information was obtained from a publicly available source (refer to Rules 10 and 11 of the Code).

Question 2

As stated above, ACC would not use another client's personal or health information to support its argument at review or appeal. However, if you are aware of an instance in which information is not being used appropriately or used in a manner that breaches a client's privacy please contact us as soon as possible so we can fully investigate.

ACC takes its responsibilities with regard to personal and health information collected very seriously. ACC staff must report any breach of privacy to its Privacy Team and their own Manager. Clients are also able to make a complaint to ACC if they believe their information has been used inappropriately or their privacy has been compromised. Once a complaint has been investigated, if a client remains unsatisfied with ACC's response they can make a complaint to the Privacy Commissioner who may decide to investigate it on their behalf.

Questions or concerns

If you have any questions about the information provided, ACC will be happy to work with you to answer these. You can contact us at GES@acc.co.nz or in writing to *Government Engagement and Support, PO Box 242, Wellington 6140*.

You have the right to complain to the Office of the Ombudsman about our 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

OIA Services
Government Engagement and Support