

10 March 2022



[REDACTED]

Tēnā koe [REDACTED]

**Your Official Information Act request, reference: GOV-014657**

Thank you for your email of 12 October 2021, asking for the following information under the Official Information Act 1982 (the Act):

1. *The number of ACC employees that ACC is aware have accessed sensitive claims files without justification in the last five years, broken down by year, case type and what action was taken.*
2. *The number of complaints ACC has received from patients regarding staff accessing their sensitive claim file without justification in the last five years, broken down by year, case type and what action was taken.*
3. *In the last five years what's the average number of times a sensitive claim file is viewed by ACC staff.*
4. *In the last five years what's the average number of ACC staff that view a sensitive claims file.*

**Privacy at ACC**

ACC takes the privacy of the information we hold very seriously. All information provided to us by clients and providers is handled with care and respect. How we collect, secure, use and share information is governed by the Privacy Act 2020 and the Health Information Privacy Code 2020.

We take additional steps to protect information provided to us by clients with sensitive claims.

Client information is held in files on our case management system, Eos. Each client file contains information such as the client's name, contact details, payment details, claim notes, reports, and medical records. Sensitive claims are also held and managed in this system.

Eos restricts access to certain types of information, including sensitive claim files. This means that only staff who need to access sensitive claims to do their job can do so.

Each claim file is divided into tabs, or compartments, so contact information and payments, for example, are in different parts of the file to reports and medical records relating to the client's injury. When our people need to access a file, they only work in the tabs that hold the information they need to see to complete their task.

Our Recovery Team members who work directly with clients who have a sensitive claim will access a file as part of organising support and services for that client. Other staff members only have access if they need it to carry out their role, for example members of our Payments team may access a file to set up, process, or approve a payment.

**Scope of our response**

In order to provide you with a response to parts one and two of your request, we have defined 'without justification' to be where an employment issue, relating to the access of a sensitive claim file(s), was raised with our HR team.

1. **The number of ACC employees that ACC is aware have accessed sensitive claims files without justification in the last five years, broken down by year, case type and what action was taken**

To provide you with information on the number of staff ACC is aware of, that have accessed sensitive claims without justification, our HR team has completed a manual review of the file descriptions of all employment relations cases recorded in our HR system over the last five years.

Some lesser issues may not be raised with HR, and may be handled instead by an individual's manager. Such cases will not be identified in our search. If an access issue was identified following an employee ceasing employment with ACC for unrelated reasons, it will also not be identified in our search.

A review of the file descriptions did not identify any access to sensitive claims without justification. Accordingly, your request for the case types and actions taken against staff is being refused under section 18(e) of the Act, as the information could not be found.

**2. The number of complaints ACC has received from patients regarding staff accessing their sensitive claim file without justification in the last five years, broken down by year, case type and what action was taken**

As above, we did not identify any access to sensitive claims without justification. We have instead provided you with information below on the complaints ACC has received from clients regarding access to their sensitive claims file.

Complaints can be made to a number of different places in ACC and depending on the nature of the complaint may be resolved at different levels around ACC. ACC takes all complaints seriously and works to resolve the client's issues with them.

Many complaints are recorded only on the client's claim file and are resolved without needing to be escalated beyond the case owner. In most instances, these form the basis of a client's correspondence with their case owner and it is not easily identified in our system as a complaint.

To determine the number of complaints ACC has received regarding staff access to sensitive claims, we carried out a search of client claim files. This involved a free-text search of the word's 'privacy' and 'access' within the feedback section of client claim files, where client complaints and compliments are recorded. This search was only undertaken of feedback linked to a sensitive claim within ACC's file management system. The results of this search were manually reviewed to determine whether the complaint was specifically about staff accessing client sensitive claim files.

Our search resulted in seven complaints from clients being found between October 2016 and October 2021, related to staff accessing sensitive claims, over the last five years. Additionally, we approached our Privacy team for any complaints notified to ACC by the Office of the Privacy Commissioner and can confirm no Office of the Privacy Commissioner complaints were identified as being in scope of this request.

As our search involved a free-text search of client feedback identified as complaints, the figures provided should not be considered definitive.

ACC does not generally release the details of specific complaints or employment issues to the level of detail requested. However, we can confirm that the case types of complaints were *customer service* and *privacy*. Of these complaints:

- Fewer than four were considered to be less than acceptable conduct, being escalated to management or having a Code of Claimants Rights finding issued. These did not meet the criteria to be included in our response to question one. It is ACC's policy to not release specific data of any kind that involves fewer than four people, in order to protect the privacy of individuals.

- The remainder found ACC staff behavior to be acceptable, either being escalated to management to resolve, or worked through between ACC's Customer Resolutions team and the client.

All seven complaints have been resolved.

Any further details on these complaints are unable to be provided to protect the privacy of the individual's involved, this includes the specific figure breakdown of complaint outcomes. This decision is made under section 9(2)(a) of the Act. In making this decision we considered the public interest and determined that it does not outweigh the need to protect the privacy of those involved.

**3. In the last five years what's the average number of times a sensitive claim file is viewed by ACC staff**

**4. In the last five years what's the average number of ACC staff that view a sensitive claims file**  
To provide the information requested ACC would need to manually search the action logs of individual claims to determine access numbers.

On 25 January 2022, we notified you of our decision to release the requested information, but we needed additional time to complete the extraction and manual review of the data involved. Given the complexity of the data involved in your questions three and four, we did not have a complete understanding of the data prior to making our decision and as such did not correctly notify you of all the withholding grounds which would be applied under the Act.

We subsequently determined that we are unable to provide a response to your questions three and four as to provide you with the average sensitive claim viewing information request would require a substantial amount of manual collation and research. This decision is made under section 18(f) of the Act.

#### How to get in touch

If you have any questions, you can email our Media team at [media@acc.co.nz](mailto:media@acc.co.nz).

As this information may be of interest to other members of the public, ACC has decided to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available [here](#).

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by phoning 0800 802 602.

Nāku iti noa, nā



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