

## **Terms of Reference – Independent Review of the Access and Use of Client Information within the Accident Compensation Corporation**

An independent review (the Review) has been requested by the ACC Board into the access and use of client information within the Accident Compensation Corporation (ACC). The Review is sought to provide recommendations on effectiveness and improvements following public attention on two specific issues:

- The number of ACC staff who may access client files: and
- Alleged inappropriate access and use of client information among ACC staff.

The Review will address:

1. The issues arising from the recent alleged inappropriate access and use of client information among ACC staff and resulting privacy breaches; and
2. A Review of:
  - Systems and policies in relation to access to and use of client information among ACC staff (including the potential for inappropriate use of client information including employee browsing and inappropriate access and use of client information among staff).
  - The oversight, monitoring and auditing of access and use (to detect and deter unauthorised access and use of client information) and, whether they are sufficient and fit for purpose to detect and deter the incidents described in item 1 above; and
  - Ongoing training related to such access and use of client information.

The review will provide recommendations where improvements can be made to systems, policies, oversight, monitoring and auditing activity and training in order to strengthen public confidence in ACC's ability to manage client information securely and with respect for the privacy and dignity of their clients' personal information.

### **1. Background**

Privacy and appropriate access to and use of client information has been, and is of, central concern to ACC and existing policies are in place. All new staff receive training regarding the appropriate way to handle information and this training is ongoing.

Any breaches of policies concerning the access to and use of client information are taken extremely seriously.

In recent weeks, concerns have been raised publicly about the number of staff who are able to access client files and about the access and use of client information among staff. ACC management has reviewed policies concerning access to client information and where client information has been shared, staff have been stood down while further investigations take place.

However, concern has been raised among members of the public about the way client information is handled by ACC as described in item 1 for the Review above and, as such, the Board has requested an independent review be undertaken as outlined above to ensure the public has confidence in how ACC manages client information.

The following are of potential relevance to the Review:

- The number of staff who have access to client files and the reasons for that access; and

- The impact on internal security of the recent changes in the way sensitive claims are administered; and
- Whether the systems have the ability to provide more limited or role-based access to certain types of claims or levels of data/information.

## 2. Scope of the Review

ACC will continue with its current investigations into the recent alleged inappropriate access to and use of client information as a matter of urgency. ACC's employment relations investigations and decisions are out of scope for the reviewer but there is an opportunity to review ACC's response for its appropriateness and to capture any insights relevant to this Review.

The objectives of the Review will be to:

- Carry out an overarching review of the issues raised by the recent alleged inappropriate access to and use of client information as described in item 1 for the Review above (and having considered the causes, including examining the potential impact on internal information security of the recent changes in the way sensitive claims are administered); and
- Make recommendations to the ACC Board about appropriateness, effectiveness and how to improve:
  - Systems and policies in relation to access to and use of client information among ACC staff;
  - The oversight, monitoring and auditing of access to and use of client information (to detect and deter unauthorised access and use of client information as in the incidents described in item 1 above); and
  - The ongoing training related to such access to and use of client information.

Excluded from the scope of the Review is any review, investigation, commentary or findings of fault regarding any individual at ACC or any employee investigations and outcomes and, accordingly, also excluded is any consideration or recommendation of any disciplinary, civil or criminal action to be taken. These matters will be addressed by ACC as an employer of ACC staff.

## 3. Roles and Responsibilities

In order to ensure that the Review has the appropriate powers to complete a thorough investigation, a partnership between the ACC Board and the Treasury (as ACC monitor) is proposed. The partnership between the ACC Board and the Treasury aims to achieve a structure that is enabled by the powers of the ACC Board and the independence of the Treasury as monitor. Under the RACI structure:

ACC Board	Responsible and Accountable
Treasury (as ACC monitor)	Responsible
Minister for ACC	Informed

The Senior Responsible Officer (SRO) for the Review will be Vanessa Oakley, Chief General Counsel of ACC, reporting to Steve Maharey, Board Chair of ACC for the purposes of this Review. The SRO will put in place an ACC support team, including resource from ACC to engage with the Review and to comment on a draft report.

Carolyn Palmer will be the Treasury's responsible officer for the Review and will work in partnership with the SRO at key stages of the review, signing off the Terms of Reference,

comments on a draft report and enabling resource from the monitoring team to engage with the Review as appropriate.

The Privacy Commissioner will be offered the opportunity to be consulted during the review and on the draft report. Issues that arise during the Review could also create an opportunity for consultation with the Privacy Commissioner rather than waiting for the draft report.

ACC and the reviewer will develop procedures to protect personal information of individuals (including staff and clients) and ensure that confidentiality in such information is maintained during the investigation and in the report.

The Minister for ACC will be informed about the Terms of Reference and the final report before these are publicly released.

#### **4. Leadership of the Review**

The Review will be led by Linda Clark, with support from Dentons Kensington Swan.

ACC will provide access to the following as are relevant to the scope of the Review:

- Policies and systems.
- Related training material.
- External and internal risk, assurance and audit reports.
- Briefings from key staff in relation to the above.
- Other requests or access to staff to be agreed.

#### **5. Timing**

The review will be conducted over a maximum six-month period starting from mid November 2021. A detailed project scope and timeline will be confirmed by the Reviewer once these Terms of Reference have been finalised with the Reviewer. Delivery against the timeline will be subject to availability and access to all relevant information.

#### **6. Deliverables**

The key deliverables of the Review to the SRO include the following:

- Regular feedback on findings as the Review progresses.
- A Draft report, enabling ACC and Treasury to provide comment.
- A final report following consideration of ACC and Treasury comments.

In conducting the Review, the reviewer will comply with all applicable laws, including in relation to personal information.

#### **7. Publication**

The expectation is that the final report (subject to any redactions) will be available for public release.

ACC will have the opportunity to review the final report and make redactions for publication (including if required to manage privacy, commercial sensitivity, or security concerns). Treasury will be engaged on this process to ensure redactions do not conflict with the public interest.

The details of the report should be kept in strict confidence until ACC and the Minister for ACC have determined the timing to release the final report.