



07 August 2024

Kia ora [REDACTED]

Your Official Information Act request, reference: GOV-033847

Thank you for your email of 10 June 2024, asking for the following information under the Official Information Act 1982 (the Act):

1. *aggregated statistics of how many claims ACC for gastric band reversals has received for the the last five years;*
2. *how many of those claims were successful and how many were unsuccessful;*
3. *for claims in the two years that (both claims that were successful and unsuccessful), ACC's reasons for the outcome*
4. *any internal memos, policies, or other correspondence relating to claims involving gastric band reversals.*

Your request for information was referred to ACC's OIA Services after the statutory time frame to respond had passed. We apologise for the delay in providing the information below.

Background information about treatment injury data

A treatment injury is a personal injury caused as a result of seeking or receiving medical treatment from a registered health professional. In order to fulfil the criteria for cover, the person must have suffered a personal injury and there must be a clear causal link between the treatment and the injury, and the injury must not be a necessary part or ordinary consequence of the treatment.

When considering treatment injury data, it is important to note that the number of claims lodged with ACC cannot be taken as an accurate indication of the occurrence of injury during treatment or the quality of care. This is because, among other reasons, not all occurrences of injury during treatment are lodged with ACC.

Data available on gastric band reversals

ACC's structured data does not routinely record *Gastric banding* or *Lap band* as treatment events. To identify relevant claims for your request we ran a free text search of our treatment injury claims data for the terms *lap band* and *gastric banding*, and then another free text search for the terms *reversal* and *removal*. Please note that using a free text search to identify claims provides an indicative, but not definitive count of claims.

We identified six accepted treatment injury claims that mentioned gastric banding reversal and were lodged between 1 July 2019 and 30 June 2024. For accepted treatment injury claims, the reason of acceptance is that the treatment injury criteria in section 32 of the Accident Compensation Act 2001 have been met. You can view this section online here:

<https://www.legislation.govt.nz/act/public/2001/0049/latest/whole.html#DLM100934>

There was one declined treatment injury claim that mentioned gastric banding reversal and was lodged between 1 July 2019 and 30 June 2024. The declined reason of this claim is *no injury*.

Please note the data was extracted on 29 July 2024, and may change if re-run at a later date.

There are no memos, policies or other correspondence available

We have not been able to locate any memos, policies or other correspondence relating to gastric band reversals. For this reason, we are refusing to provide the information requested in part four as the documents alleged to contain the information do not exist, or cannot be found. This decision is made under section 18(e) of the Act.

As this information may be of interest to other members of the public

ACC may publish 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 www.acc.co.nz/resources/#/category/12

If you have any questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you can also contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz.

Ngā mihi



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Government Engagement