

26 November 2021

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[REDACTED]

Tēnā koe [REDACTED]

**Your Official Information Act request, reference: GOV-015049**

Thank you for your email of 2 November 2021, asking for the following information under the Official Information Act 1982 (the Act):

1. *How many claims has ACC received during the period of 2000 to 2019 for all vaccine injuries?*
2. *How many claims has ACC declined during the period of 2000 to 2019 for all vaccine injuries?*
3. *How many claims were accepted by ACC during the period of 2000-2019 for all vaccine injuries?*
4. *How many claims has ACC received since February of 2021 until November 2021 for Comirnaty vaccine injuries?*
5. *How many claims has ACC declined from February of 2021 to November 2021 for Comirnaty vaccine injuries?*
6. *How many claims have been accepted since February of 2021 until November 2021 for Comirnaty vaccine injuries?*

**Background information about treatment injury claims**

Before responding to your request, we would first like to provide you some background information about treatment injuries.

ACC has provided cover for treatment injuries since 1 July 2005. The treatment injury provisions replaced the medical misadventure provisions of the Accident Compensation Act 2001 (AC Act), to bring it more in line with the no-fault nature of the scheme.

A treatment injury is a personal injury caused as a result of seeking or receiving medical treatment from, or at the direction of, 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.

**Context**

Treatment injury (TI) data is available from 1 July 2005, when treatment injury provisions came into law.

Further information about treatment injury can be found at the following links:

- <https://www.acc.co.nz/for-providers/treatment-safety/> and
- <https://www.acc.co.nz/assets/provider/ACC7971-Supporting-Treatment-Safety-2021.pdf> (overview of treatment injury in public and private surgical hospitals and general practice settings).

Claim lodgement rates are dependent on several factors. They can be influenced by:

- Population demography i.e the characteristics of the resident population, visitors and referred patients.
- Health status of the population treated.
- What level of facility the organisation provides i.e tertiary versus secondary.
- Familiarity of health providers or clients in recognising and/or lodging treatment injury claims.

### Vaccination related claims

ACC treatment injury data captures the treatment event that resulted in the claimed injury, if medication was associated with the injury the medication type and name are recorded under two data fields. In the response below, the vaccination figures include claims with treatment event was *vaccination*, or *injection/medication adverse reaction/medication error* with the medication type recorded as a *vaccine*. Vaccines used for immunotherapy rather than disease prevention have been excluded from this analysis.

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Your request asks for vaccine-related claims for the period of 2000 to 2019. However, as the treatment injury provision only came into effect from 1 July 2005, the data provided has been extracted for vaccine related treatment injury claims lodged with ACC from 1 July 2005 to 31 December 2019.

Given the above, we are refusing to provide data for vaccine related treatment injuries prior to 1 July 2005, as the information does not exist. This decision has been made under section 18(e) of the Act.

Please find Table 1 below with the treatment injury data requested. This data was extracted on 16 November 2021 and includes claims lodged between 1 July 2005 and 31 December 2019.

**Table 1: Number of Vaccination Injury Claims Received - July 2005 to 31 December 2019**

Lodgement Year	Accepted	Declined	Total
2005	56	55	111
2006	48	68	116
2007	66	78	144
2008	82	77	159
2009	78	93	171
2010	86	108	194
2011	83	86	169
2012	116	70	186
2013	111	83	194
2014	112	102	214
2015	115	110	225
2016	142	101	243
2017	114	130	244
2018	116	123	239
2019	117	130	247
Total	1,442	1,414	2,856

4. *How many claims has ACC received since February of 2021 until November 2021 for Comirnaty vaccine injuries?*
5. *How many claims has ACC declined from February of 2021 to November 2021 for Comirnaty vaccine injuries?*
6. *How many claims have been accepted since February of 2021 until November 2021 for Comirnaty vaccine injuries?*

#### COVID-19 vaccine related treatment injury claims

The data below was extracted on 18 October 2021 for treatment injury claims lodged with ACC between 18 February 2021 (when New Zealand began COVID-19 vaccinations) and 16 October 2021, where the treatment event was *vaccination or injection/medications, adverse reaction/medication error* and where the medication type was recorded as *vaccine*.

However, as these fields are only completed when cover for the claim is decided, the figures provided have been supplemented by a text search of the claim forms received by ACC which mention *Comirnaty* (the name of the Pfizer-BioNTech COVID-19 vaccine), or included the terms *covid* or *Pfizer* and *vacc*. This text search allows us to identify claims that have been lodged but where cover has not been decided.

During this period ACC has received 684 claims for injuries relating to the COVID-19 vaccination. Of these, 260 claims have been accepted, 123 have been declined and 301 are yet to be decided. As at 18 October 2021, no claims for fatalities in relation to the COVID-19 vaccination had been lodged with ACC.

Please note that we can only respond based on the vaccine related claims lodged with ACC, and the figures may differ to those previously reported or supplied. Up-to-date data on the number of adverse effects reported from the COVID-19 vaccine can be found on the MedSafe website [here](#).

ACC has recently published a data set related to COVID-19 vaccines on the [data.govt.nz](https://data.govt.nz) site which can be found [here](#). We are also going to be proactively releasing information on this topic on our website shortly and will be found [here](#) under OIA responses. Therefore, we are refusing to provide the data for these three questions past 18 October 2021 as the information is or will soon be publicly available. This decision has been made under section 18(d) of the Act.

#### How to get in contact

If you have any questions, you can email me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz).

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](https://www.ombudsman.parliament.nz) or by phoning 0800 802 602.

Nāku iti noa, nā



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 Government Engagement & Support