

03 December 2021

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Tēnā koe [REDACTED]

Your Official Information Act request, reference: GOV-015250

Thank you for your email of 10 November 2021, asking for the following information under the Official Information Act 1982 (the Act):

1. *How many claims were received from 2019 to 2021 (Current) due to injuries related to the Vaccination against Covid-19*
2. *How many of the aforementioned claims was paid out/settled*
3. *How many of the claims can be classified as "serious injuries"*
4. *How many of the claims can be classified as "minor injuries"*
5. *How many of the claims can be classified as "resulted in death"*
6. *How much compensation has been paid out for injury and death as a result of Covid 19 Vaccinations.*
7. *The total number of claims received due to Injuries/Adverse Effects from Covid 19 Vaccinations.*

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, 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.

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.

Between 18 February 2021 and 16 October 2021, ACC 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.

ACC has recently published a data set related to COVID-19 vaccines on the data.govt.nz site which can be found [here](#). We are also going to proactively release information on this topic on our website shortly and will be found [here](#) under OIA responses.

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](#).

Question one and seven: TI claims related to the COVID-19 vaccine

As at 16 October 2021, ACC had received 684 claims for injuries relating to the COVID-19 vaccination. The first COVID-19 vaccine that was administered to the public worldwide occurred in December 2020. We have run a search for COVID-19 vaccine treatment injury claims lodged with ACC from the first date vaccines were administered and found no claims were lodged with ACC in 2020. Prior to 2020, the COVID-19 vaccination had not been developed. As such, we are refusing to provide this data, as the information does not exist. This decision has been made under section 18(e) of the Act.

Questions two, five and six: Payments made for TI injuries related to the COVID-19 vaccine

ACC will be proactively releasing the OIA response GOV-014622, which contains information on this topic, on our website shortly and will be found [here](#) under OIA responses. This will include data of compensation paid to clients that had an accepted claim for injuries that occurred as a result of the COVID-19 vaccination. Therefore, we are refusing to provide the information for this question under section 18(d) of the Act as the information is or will be publicly available. This response also includes a table with a breakdown of the amounts of compensation, which is indicative of the severity of injury (serious or minor).

As at 8 November 2021, no claims for fatalities in relation to the COVID-19 vaccination had been lodged with ACC. Due to this, we are refusing to provide you the total compensation for these claims, as this information does not exist. This decision has been made under section 18(e) of the Act.

Questions three and four: Serious and minor injuries

Measuring the impact of an injury (whether the injury is *serious* or *minor*) on a person or the permanence of an injury is challenging. ACC uses the overall cost of a treatment injury claim as an indicator of the severity of the injury because more costly claims are likely to indicate claims where there has been a more severe impact on the person injured. While not always directly related, overall cost is one measure of severity and impact.

Of the 260 accepted claims, 14 resulted in payments of over \$500 by 16 October 2021. 102 accepted claims had not applied for an entitlement by 16 October 2021.

How to get in contact

If you have any questions, you can email me at 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 or by phoning 0800 802 602.

Nāku iti noa, nā



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