

27 January 2022



Tēnā koe [redacted]

Your Official Information Act request, reference: GOV-016267

Thank you for your request of 13 January 2022, asking for the following information under the Official Information Act 1982 (the Act):

Are injuries or deaths counted from the time of being injected, or not until a specified time e.g. 2 weeks?

Are injuries or deaths counted from the time of being injected, or not until a specified time e.g. 2 weeks? From FirstCoastNews (July 2021) - The CDC said reports of adverse events to the system following vaccination do not necessarily mean that a vaccine caused a health problem.

Background information about treatment injury data

Before responding to your request, we would first like to provide you with 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 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 injury, and the injury must not be a necessary part of ordinary consequence of the treatment.

The date of injury for treatment injury claims is the date a client first seeks or receives treatment for the symptoms of their personal injury. A treatment injury claim can be lodged immediately after the treatment injury occurs or at a later date. As such, a treatment injury claim does not need to be lodged by or at a specific point after the injury occurred e.g. two weeks after it occurred. If a treatment injury is lodged more than 12 months after the date of injury, ACC can only decline the claim if the late lodgement prejudices ACC's ability to make a cover decision.

Please note that ACC can only comment on the vaccine related claims lodged with ACC. As such, we are not in the position to comment regarding data from other entities such as the CDC.

How ACC assess treatment injuries

A personal injury resulting from the COVID-19 vaccine may be covered by ACC if the criteria for treatment injury are met. The following outlines how we assess applications for cover for treatment injuries:

1. Determined whether the client has suffered a personal injury
2. Assess whether the personal injury occurred within the context of treatment by, or at the direction of, a registered health professional
3. Determine if there is a direct causal link between the treatment (ie, in these circumstances, the vaccination) and the personal injury.
4. Determine whether the injury was a necessary part or ordinary consequence of treatment.

For further information about ACC cover for treatment injuries, please refer to section 32 of the Accident Compensation Act 2001, which you can access through this link:

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

Fatal claims data

ACC is not able to provide comprehensive fatality statistics as ACC data is collected on the basis of claims made. Our data may not represent the total number of fatalities related to accidents for the following reasons:

1. Many people are not aware that they can make a claim related to an accidental death of a family member and therefore ACC only ever receives claims for a subset of accidental deaths.
2. If a person who has an open claim with ACC dies of their injuries, or other causes, ACC is not necessarily notified of this.

Fatal claims are claims which resulted in the death of the injured person. The death may have occurred at the scene of the injury or at any later time. The number may increase in the future if any claimants of non-fatal claims subsequently die of their injuries.

For more accurate fatality data, we suggest that you contact the Ministry of Health Mortality Collection (MORT), which classifies the underlying cause of death for all deaths registered in New Zealand. MORT uses a range of sources (Police, funeral director, coroner, hospital records) to validate data reliability.

More information on MORT is available on www.health.govt.nz/nz-health-statistics/national-collections-and-surveys/collections/mortality-collection or by contacting data-enquiries@moh.govt.nz.

COVID-19 vaccine injury data available on the ACC website

ACC has published data regarding treatment injury claims related to the COVID-19 vaccine, including the number of fatal treatment injury claims related to the COVID-19 vaccine. The latest data set is up to date as at January 2022 and can be found here:

<https://www.acc.co.nz/assets/oia-responses/IPA5361-Covid-Vaccination-Claims-Refresh-Jan22.pdf>.

Also, on our website are the published OIAs on this topic which can be found here:

<https://www.acc.co.nz/resources/#/category/12>.

How to contact us

If you have any questions, you can email me at GovernmentServices@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](#).

Nāku iti noa, nā



Sasha Wood

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Government Engagement & Support