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# FAQs for Working with AI in healthcare

a position statement for ACC health  
providers

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## Who is this document for?

This document is for health providers working with ACC clients. It supports the document [Working with AI in healthcare – a position statement for ACC health providers](#) when using AI in clinical and administrative settings.

AI can support your work, but it does not replace professional judgement. Health providers remain responsible for all decisions and outcomes that relate to client care.

Improper use of AI can affect the accuracy of client information, compromise client privacy and confidentiality, and influence clinical decision-making in inappropriate ways. The way AI is designed and used can also affect fairness, accountability, and risk management. Health providers must maintain oversight and put safeguards in place to prevent harm from errors or bias and to support equitable and fair care for all clients.

## What is the purpose of ACC’s position statement for health providers?

The position statement sets out principles and expectations to guide health providers to use AI safely when working with ACC clients. In particular

- ACC does not approve or certify AI tools
- ACC sets expectations for safe use and
- Providers remain accountable for tool selection and use.

## What is Artificial Intelligence (AI)?

AI refers to software tools that analyse data and generate outputs such as predictions, recommendations, content, or decisions.

Unlike traditional software, AI systems can:

- learn from data
- recognise patterns across large or complex datasets and
- produce different outputs even when given similar inputs.

Some AI systems can also change or adapt over time, depending on how they are trained or updated.



## How is AI technology different from rules-based automation?

AI technology and rules-based automation are not the same.

Rules-based automation follows fixed instructions or logic. For the same input, it will always produce the same output. These tools do not learn or change unless they are manually updated. In contrast, AI tools:

- analyse patterns in data rather than follow fixed rules
- can generate different outputs from similar inputs and
- may adapt over time, depending on how they are trained or updated.

Because AI outputs can be variable, they require greater human oversight, review, and judgement.

## What are some common examples of AI used in healthcare?

AI can be used in clinical and non clinical settings, including:

- Ambient voice and AI scribe tools that transcribe consultations into clinical notes or letters
- AI triage tools that assess symptoms through online questionnaires and suggest appropriate care pathways
- Results processing tools that sort test results and flag abnormal findings
- Clinical documentation tools that assist with drafting documents such as discharge summaries
- Diagnostic and treatment support tools, such as
  - clinical decision support systems that suggest possible diagnoses or investigations
  - tools that assist with interpreting medical images and
  - systems that help identify potentially serious conditions for further review.



## Does using AI replace human decision-making?

No. AI technology supports but does not replace professional judgement. Human oversight, review, and accountability remain essential whenever AI is used.

## Legal, regulatory and policy requirements

### What are the minimum requirements when working with AI in healthcare?

Health providers should approach artificial intelligence (AI) in healthcare with care, protect client information, and safeguard client safety and privacy. This means complying with New Zealand law including the:

- Health Practitioners Competence and Assurance Act 2003
- Privacy Act 2020 and the Health Information Privacy Code 2020 and
- Code of Health and Disability Services Consumers' Rights.

AI technology should only be used in a safe and transparent manner, follow international best-practice and the professional standards of your responsible authority.

### What are the rules for handling health information?

Any use of AI involving client data must comply with the Privacy Act 2020 and the Health Information Privacy Code 2020.

Key obligations include obtaining informed consent where required, being transparent about how data is used, having clear privacy policies, sharing information only on a need-to-know basis, and ensuring systems are secure.

Health providers should not enter identifiable client information into an AI tool unless they have assessed that the tool is secure and appropriate. This helps protect confidentiality and data sovereignty.



## Maintaining human oversight and accountability

### Who is responsible if an AI tool gives incorrect advice or causes harm?

The health provider remains responsible. Even if AI is used to assist with diagnostic or administrative use, all health providers are legally and professionally accountable for all decisions and outcomes. AI must be supervised and its outputs verified at all times.

Using AI to support clinical or administrative work does not transfer accountability to the technology, its developer, vendor, or ACC. AI outputs are advisory only and do not replace your professional judgement.

ACC remains responsible for the claim decisions it makes, but the use of AI does not change existing legal, professional, or regulatory responsibilities for health providers or ACC decision makers.

### Do I need to tell clients if I use AI in their care?

Yes. Clients should be informed when AI is used in their care, particularly where it relates to diagnosis, treatment, or involves the use of their personal or health information.

Transparency is an important part of informed consent. Clients have a right to understand how decisions about their care are made and the role AI technology plays in supporting those decisions. Using AI does not change existing obligations under privacy, consumer rights, or professional standards.

### What should I do if I suspect an AI tool is unsafe or biased?

Report concerns to your clinical governance team, privacy officer, or Health's NZ/Te Whatu Ora's National Artificial Intelligence and Algorithm Expert Advisory Group. Stop using the tool until it has been reviewed, ensure client safety and privacy are prioritised, and document any incidents.



**What should I do if an incident relating to AI use or systems occurs (for example unauthorised disclosure of information through an AI tool, a cybersecurity incident involving an AI system or an unsafe use of generative AI in clinical care)?**

There are several appropriate places where you can seek advice and escalate your concerns. Raise concerns first within your organisation. Get in touch with your organisation’s privacy officer and/or digital security lead as well as your clinical governance and risk teams. This is important because

- there can be breaches to personal or health information
- internal assessment will be required to determine whether the breach is “notifiable” under the Privacy Act 2020 and
- Health organisations are expected to record and manage all expected breaches even near misses.

Inform ACC if you think client information may have been compromised.



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<b>Office of the Privacy Commissioner</b>	<p>If an AI breach has caused, or is likely to cause, serious harm, you must notify the Office of the Privacy Commissioner. The Office of the Privacy Commissioner is the primary authority for</p> <ul style="list-style-type: none"><li>• Privacy and data breaches involving AI</li><li>• Health information breaches under the Health Information Privacy Code 2020</li><li>• General information on managing privacy obligations when using AI Health practitioners can</li><li>• Seek guidance from the Office of the Privacy Commissioner</li><li>• Escalate concerns if organisational responses are inadequate</li></ul>
<b>National Cyber Security Centre</b>	<p>If the suspected AI breach involve hacking, ransomware, data exfiltration and/or a compromise of clinical or AI enabled systems, you should report the incident to the National Cyber Security Centre which provides incident response advice, coordinates cross-organisation cyber responses and operates a “no wrong door” approach and can redirect concerns appropriately.</p>
<b>Health New Zealand</b>	<p>If you work within Health New Zealand, you should raise AI related concerns through</p> <ul style="list-style-type: none"><li>• local cyber or digital health teams</li><li>• national digital health or AI governance channels</li></ul> <p>Health NZ has issued guidance restricting the use of unapproved AI technology, especially where patient data is involved, and provides advice pathways for suspected breaches or unsafe AI use.</p>
<b>Health and Disability Commissioner</b>	<p>If the AI incident impacts patient rights and results in unsafe care, misinformation, or lack of informed consent and/or raises ethical or standards of care concerns, you can seek advice from the Health and Disability Commissioner, particularly if you think the AI use may breach the Code of Health and Disability Services Consumers’ Rights.</p>
<b>Responsible Authorities</b>	<p>Depending on your role, you may also be able to get additional advice from the Medical Council of New Zealand, Nursing Council of New Zealand, or allied health regulators. These bodies increasingly expect practitioners to understand and manage AI-related risks, even when technology is supplied by third parties.</p>

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## **What role does ACC have in approving AI solutions?**

ACC does not regulate or approve new technologies or medical devices.

Working with AI in healthcare – a position statement for ACC health providers sets a framework that we expect all ACC health providers to meet. Depending on your role, your responsible authority will be able to provide further guidance on what to do.

As the pace of innovation and uptake of AI-based solutions is growing and changing rapidly, we will track developments to make sure any guidance and the position statement remain up-to-date and fit for purpose.

## **Is ACC undertaking any further work in AI in healthcare?**

ACC does not lead technology adoption in healthcare. Government agencies including Health NZ and the Ministry of Health are better placed to lead work on how AI will be used in healthcare.

ACC will continue to monitor developments and update its guidance as needed.

## **How do professional standards apply when AI-based solutions are used to treat ACC clients?**

ACC expects health providers to use their professional judgement to apply any guidance and policies from their responsible authority as well as ACC's policies. We recognise that not all health providers will be involved in product development, approval and audit processes but health providers remain accountable for the decisions they make when using AI solutions to treat ACC clients.

## **Informed consent**

### **What should I say to clients about AI technology used in their treatment?**

Keep explanations simple and relevant. Explain what the AI technology does, its limitations, and that you remain responsible for decisions about their care.



### **Do I need to tell clients if I'm using AI technology in their care?**

Yes. If the AI technology you are using relates to diagnosis, treatment, or uses client data, clients should be informed. Transparency is essential. Clients have a right to know who or what is contributing to their care.

### **What role does public trust play in AI safety in health care?**

Public trust is essential. If AI systems are perceived as unfair, unaccountable, or opaque, trust in healthcare can be undermined.

Transparency, explainability, and accountability all help support public confidence in the use of AI.

### **Should my organisation conduct a Privacy Impact Assessment (PIA)?**

A PIA helps organisations identify and address privacy risks when collecting, using, or sharing personal information.

Organisations remain responsible for complying with the Privacy Act when using AI. The 13 [Information Privacy Principles](#) apply across the lifecycle of an AI system, from training data through to outputs.

If you are unsure whether a PIA is required, refer to [guidance and templates](#) from the Office of the Privacy Commissioner.

## **Transparency**

### **What can health providers do to promote transparency when working with AI technology?**

Health providers should be transparent about using AI technology by openly explaining to clients when and how AI is used, and what role AI tools play in their care. Clients need to know that AI technology supports rather than replaces clinical judgement, and how data is used and protected. You should document AI use, seek informed consent where relevant, and be accountable for all final decisions.



## Māori data

### What guidance is available for working with Māori data?

While ACC has no formal Māori data policy, health providers can refer to [guidance](#) from the Government Chief Digital Officer on working with Māori data and [voluntary guidance](#) for businesses from the Ministry of Business Innovation and Employment.

## Equity

### What equity and bias issues should health providers be aware of when using AI?

AI technology may not perform equally well for all population groups. Some systems are trained on data that does not fully represent diverse communities, which can result in biased or inaccurate outputs.

Health providers remain responsible for ensuring care is fair, clinically appropriate, and justified for each individual client. AI technology should be used in ways that supports equitable and fair outcomes and does not disadvantage Māori or other under-represented populations.

### What are the equity considerations that health providers need to consider when working with AI in healthcare?

When working with AI in both therapeutic and non-therapeutic settings, health providers should:

- Ensure the task is clinically justified and safe for the client
- Verify that AI-generated information is appropriate before acting on it
- Confirm that client information is stored securely and in accordance with relevant legal and regulatory requirements as well as relevant best practice guidance
- Recognise that AI tools may be based on assumptions specific to certain populations which may lead to incorrect recommendations when applied to diverse population groups and
- Ensure regular audits, and evaluations of AI tools for accuracy, bias, fitness for purpose, privacy, data security, and compliance with legal requirements including data sovereignty.



## Testing and monitoring

### What are the risks of using AI in clinical settings?

Risks include misdiagnosis, false alarms, over-reliance on AI by clinicians, algorithmic bias that may affect certain underrepresented population groups and data privacy breaches. If AI is trained on non-representative data, it may perform poorly for underrepresented groups. This can lead to misdiagnosis or unequal treatment.

It is important to have risk management procedures in place to address risks. The Ministry of Business, Innovation and Employment [guidance](#) for responsible use of AI, provides tips and tools for risk management including creating and regularly updating risk inventories. The Office of the Privacy Commissioner's guidance on ensuring privacy while working with AI sets out legal requirements about collecting, using, and sharing personal information. See [Information Privacy Principles](#) and AI for further details.

### What are some of the safeguards to improve AI safety?

Health providers can implement human-in-the-loop systems, run bias audits, check for explainability and ensure continuous monitoring to facilitate safe use of AI systems in healthcare.

## Training and education

### What training is available for health providers on AI?

Professional colleges, universities, and Health NZ are beginning to develop training options. Consider continuous professional development in digital health, AI ethics, and data governance provided by these organisations. Your organisation may also offer internal workshops or guidance to support ongoing training and development.