

PRIVATE &
CONFIDENTIAL



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

19 February 2016

Street

AUCKLAND 1

Dear

Re: Correspondence regarding response to information request processed pursuant to the Official Information Act 1982 and the Privacy Act 1993

Our ref: C11HDC and C12HDC

I refer to your correspondence dated 24 November 2015, 15 December 2015 and 15 February 2016, regarding HDC's response to a previous information request you made to this Office. In particular I refer to your concerns relating to:

- a letter dated 16 August 2010 which was referred to by Dr D in correspondence with this Office, which was withheld pursuant to section 9(2)(a) of the Official Information Act 1982; and
- a file note from A L of 9 August 2011, which was released to you pursuant to the Official Information Act and the Privacy Act 1993.

Letter referred to by Dr

You raise concerns that the withheld letter dated 16 August 2010 referred to by Dr in correspondence with this Office may be of "significant relevance" to your complaint on the basis that the letter presents a position taken by HDC. You state that "the interests of the wider public outweigh any privacy concerns of the persons mentioned in that document" and suggest that the privacy interests of other individuals could be addressed by removing their names and other identifiable details.

As you are aware, that letter was withheld pursuant to section 9(2)(a) of the Official Information Act, the reasons for which were clearly stated in Helen Davidson's letter to you dated 17 November 2015. In particular, I note that Ms Davidson stated:

I have not included the letter dated 16 August 2010, referred to in Dr's 20 September 2012 letter to this Office, as it relates to a matter involving other individuals. Accordingly, I am withholding that letter pursuant to section 9(2)(a) of

the Official Information Act to protect the privacy of those individuals. The "policy" that Dr [redacted] refers to as being outlined in the 16 August 2010 letter is not, in fact, a statement of HDC policy, but a comment made in relation to another matter that states: "[T]he Medical Appeals Board (MAB) is best placed to consider these concerns."

The additional information contained in this document is such that the privacy interests of other individuals cannot be addressed in the way you suggest.

Should you have any outstanding concerns relating to the decision to withhold the information, these can be raised with the Office of the Ombudsmen.

File note from Mr [redacted] of 9 August 2011

You also raise concerns with a file note by Mr [redacted] of 9 August 2011, including that the note recorded incorrect information, has been improperly altered, and that the file note was not provided to you when you made previous requests for information to this Office.

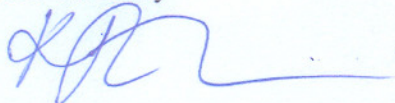
As is evident from the file note, this was originally lodged under a previous complaint you had made to this Office, but was loaded under C11HDC [redacted] in March 2012. I understand that it is for this reason that the date "6 March 2012" is present on the file note; this was the date on which a file note was transferred to file C11HDC [redacted] once it became apparent that the file note had been placed on an older file. While it is clear that the file note was moved to the appropriate file, there is nothing to indicate that it has been improperly altered by Mr [redacted] as you allege. In particular, I note that there is no change in wording from the original file note of 9 August 2011 on your older file and the file note on C11HDC [redacted] other than to acknowledge the movement between files.

Notwithstanding this, I acknowledge that you disagree with Mr [redacted] record of your conversation, and, as requested, your position regarding the accuracy of that record has been recorded alongside that file note on your complaint file.

I note that the file note did not fall within the ambit of previous information requests you have made to this Office, with the exception of your request of 4 March 2012. Unfortunately it was not evident at that point that the file note in question had been placed on the file for a previous complaint you had made. We apologise for that oversight and note that you have now been provided with a copy of the file note.

I trust that this information is of assistance.

Yours sincerely



Dr Katie Elkin
Associate Commissioner
Legal and Strategic Relations