

PRIVATE &
CONFIDENTIAL



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

18 July 2013

[Redacted] Street
AUCKLAND CITY [Redacted]

Dear Mr [Redacted]

Complaint: [Redacted] (Waitemata District Health Board)
Our ref: C11HDC [Redacted]

Thank you for your letters of 24 June, 25 June, and 2 July 2013. In those letters you requested a variety of information in relation to this complaint.

I have considered your requests under the Privacy Act 1993 and the Official Information Act 1982. My responses to each of your requests are set out below.

A copy of the letter sent by HDC Complaints Assessment Manager, Deborah O'Flaherty, to the Waitemata District Health Board (WDHB) on 16 May 2012

I **enclose** that document.

Any other correspondence, and any notes and transcripts of phone calls, exchanged between WDHB and HDC in relation to this complaint

I **enclose** the following documents:

- letter from HDC to Dr Dale Bramley (CEO of WDHB), dated 6 October 2011;
- file note of phone call from W [Redacted] Manager) to HDC, dated 20 October 2011;
- letter from Dr Bramley to HDC, dated 26 October 2011, together with attachments:
 - letter from Mr [Redacted] to you dated 30 June 2010;
 - your clinical notes for 2008-2009; and
 - your clinical notes for 2009-2011.
- letter from HDC to Dr Bramley, dated 24 February 2012;
- letter from Dr Bramley to HDC, dated 6 June 2012; and
- letter from HDC to Dr Bramley, dated 14 June 2013.

There is no record on file of any other communication between WDHB and HDC in relation to this complaint.

"...a detailed list of all complaint related submissions [you] presented in this matter which were presented to WDHB and / or [redacted]"

I have interpreted this request to mean, any submissions you sent to HDC in relation to this complaint, which HDC then provided to WDHB and / or [redacted]

As you will see from the information released to you and set out above, HDC sent a copy of your original complaint to WDHB as an attachment to our letter dated 6 October 2011. Your original complaint was made up of three emails, with a total of 14 attachments. I am not able to say with absolute certainty whether all of that material was sent to WDHB; though it is HDC's usual practice to send the entire complaint to the provider concerned.

There is no record on file of any of your other communications to HDC being presented to WDHB by HDC.

All memos or other written communications exchanged between HDC staff acting in relation to this complaint such as existing file records, notes or transcripts of internal phone calls or formal discussions of any relevant aspects of this complaint

I enclose a copy of HDC's triage form, dated August 2011. Please note that I have removed information from this document pursuant to section 9(2)(g)(i) of the Official Information Act, in order to maintain the effective conduct of public affairs through the free and frank expression of opinions between HDC employees in the course of their duty.

I have withheld in their entirety:

- requests for legal advice in relation to this complaint from HDC staff to HDC's legal team; and
- legal advice provided in response to those requests.

These documents are withheld pursuant to section 9(2)(h) of the Official Information Act and section 29(1)(f) of the Privacy Act, in order to maintain legal professional privilege.

There is no record on file of any other communications between HDC staff in relation to this complaint.

Information on whether – and in what form – HDC staff consulted or corresponded with, in relation to this complaint:

- the Office of the Privacy Commissioner
- your general practitioner, Dr [redacted], of the [redacted] Medical Centre

- your former counsellors, M [redacted] S [redacted] and L [redacted] (employed by [redacted])
- your former facilitator, psychotherapist [redacted] of [redacted] Specialist Psychotherapy Services
- the Mental Health Commissioner
- the Addiction practitioners' Association Aotearoa (DAPAANZ), including their chairperson W [redacted] and any other staff or member

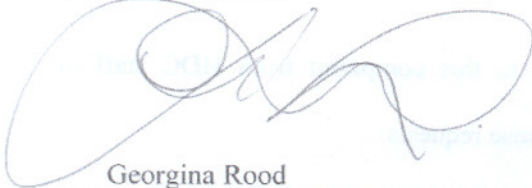
If there has been any contact with these parties, you ask that we provide copies of those records.

With the exception of the phone call to HDC from Mr T [redacted] (in his role as Manager of [redacted]), there is no record on file of any direct correspondence or contact between HDC and these parties in relation to this complaint. I do note that M [redacted] S [redacted] L [redacted] and Mr T [redacted] all contributed to WDHb's response to your complaint. WDHb's response is included in the material released with this letter.

You may seek a review of this decision from the Office of the Ombudsman or the Privacy Commissioner.

Please note that, pursuant to Principle 7 of the Privacy Act 1993, you may request correction of your personal information.

Yours sincerely



Georgina Rood
Legal Advisor