



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

17 November 2015

**PRIVATE &
CONFIDENTIAL**

Street

AUCKLAND 1

Dear Mr

Re: Information request
Our refs: 11HDC and 12HDC

I write further to your emails of 19 and 23 October 2015 requesting information from the above complaint files. In particular, you have requested:

1. all documents from complaint file 11HDC for the period 8 August to 16 August 2011; and
2. all written correspondence and attachments HDC received from Dr D in relation to complaint file 12HDC

I have considered your request under the Privacy Act 1993 (the PA) and the Official Information Act 1982 (the OIA). Please find **enclosed** the information you have requested. Pursuant to Principle 7 of the Privacy Act 1993, you may request correction of your personal information.

Please note that I have withheld the following:

- Information from HDC's triage form, dated 11 August 2011. This information has been withheld pursuant to section 9(2)(g)(i) of the OIA, in order to maintain the effective conduct of public affairs through the free and frank expression of opinion between HDC employees in the course of their duty.
- Mr Davies' telephone and email contact details. This information has been withheld pursuant to section 9(2)(a) of the OIA, in order to protect Mr Davies' privacy.
- Dr 's Medical Council registration number. This information has been withheld pursuant to section 9(2)(a) of the OIA, in order to protect Dr 's privacy.

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."

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

You have also asked why Dr [redacted]'s letter to HDC, dated 20 September 2012 was "withheld from you as complainant for nearly one year after your Office received it from Dr [redacted]". Please note that Dr [redacted]'s letter was not withheld from you. HDC does not routinely provide complainants with copies of a provider's response to their complaint. When you requested that information in October 2013, it was provided to you pursuant to the OIA and PA.

Yours sincerely



Helen Davidson
Principal Legal Advisor

Enc: As above