

Reference: CR1 .2

9 June 2016



**Private and confidential
To be opened by addressee only**

Mr

Street

Auckland 1

Level 6, 80 The Terrace, Wellington 6011
PO Box 10509, The Terrace, Wellington 6143
New Zealand
Telephone: +64 4 384 7635 or 0800 286 801
Email: mcnz@mcnz.org.nz
Website: www.mcnz.org.nz

Dear Mr

Disclosure of documents under Privacy Act 1993

Thank you for your letters dated 15 April and 17 May 2016. My sincere apologies for not responding to you sooner regarding these.

You have requested disclosure of documents held by the Medical Council of New Zealand (the Council) about yourself. Please find enclosed a copy of the information about you that the Council holds, disclosed by the Council under the Privacy Act (PA) 1993.

The PA relates to personal information about identifiable individuals. The Council has withheld and redacted information under section 43 of the PA, which includes:

- information about other people, including about Dr H withheld under section 29(1)(a) of the PA
- information that is not your personal information.

The Council and the Health and Disability Commissioner (HDC) have a Memorandum of Understanding whereby in particular circumstances the HDC provides the Council with information about complaints received by him, but which did not lead to a full investigation.

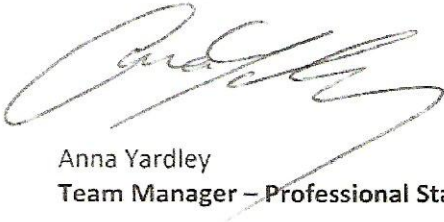
Please note that the Council does not investigate individual complaints raised about a doctor's practice that relate to a doctor's competence, therefore, you have not been provided with any information in relation to any decisions the Council has made in relation to Dr H's practice of medicine. The reason for this is that no correspondence other than what has been disclosed to you, and is enclosed with this letter, mentions your name, or is personal information about you. I am aware that you have been advised by the HDC's office that the Council has not taken any further action in relation to the concerns the HDC referred to the Council, and I can confirm that this is correct.

I note that in your letter dated 15 April 2016 you request copies of information other than those which specifically contain personal information about you. Due to the privacy laws the Council is not able to release any information that does not contain personal information about you.

Further assistance

If you have any queries regarding the documents provided, please contact me on 0800 [redacted] extn [redacted]
or at [redacted] @mcnz.org.nz.

Yours sincerely



Anna Yardley
Team Manager – Professional Standards

for Registrar

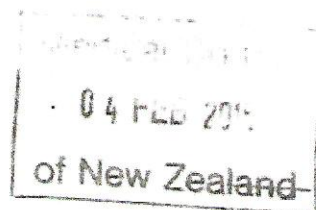
encl file disclosure documents

29 January 2015



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Mr A [redacted]
Chairperson
Medical Council of New Zealand
PO Box 11649
Manners Street
WELLINGTON 6142



Dear Dr C [redacted]

Complaint:
Our ref:

Dr D [redacted]
[redacted]

C12HDC07 [redacted]

[redacted]

I have decided to bring [redacted] to your attention in accordance with section 59(4) of the Health and Disability Commissioner Act 1994 and the Memorandum of Understanding between MCNZ and HDC.

I would appreciate being informed of any action Council may take. Please update Senior Complaints Assessor - Recommendations J [redacted] [@hdc.org.nz](http://www.hdc.org.nz) by 29 March 2015.

Thank you for your assistance with this matter.

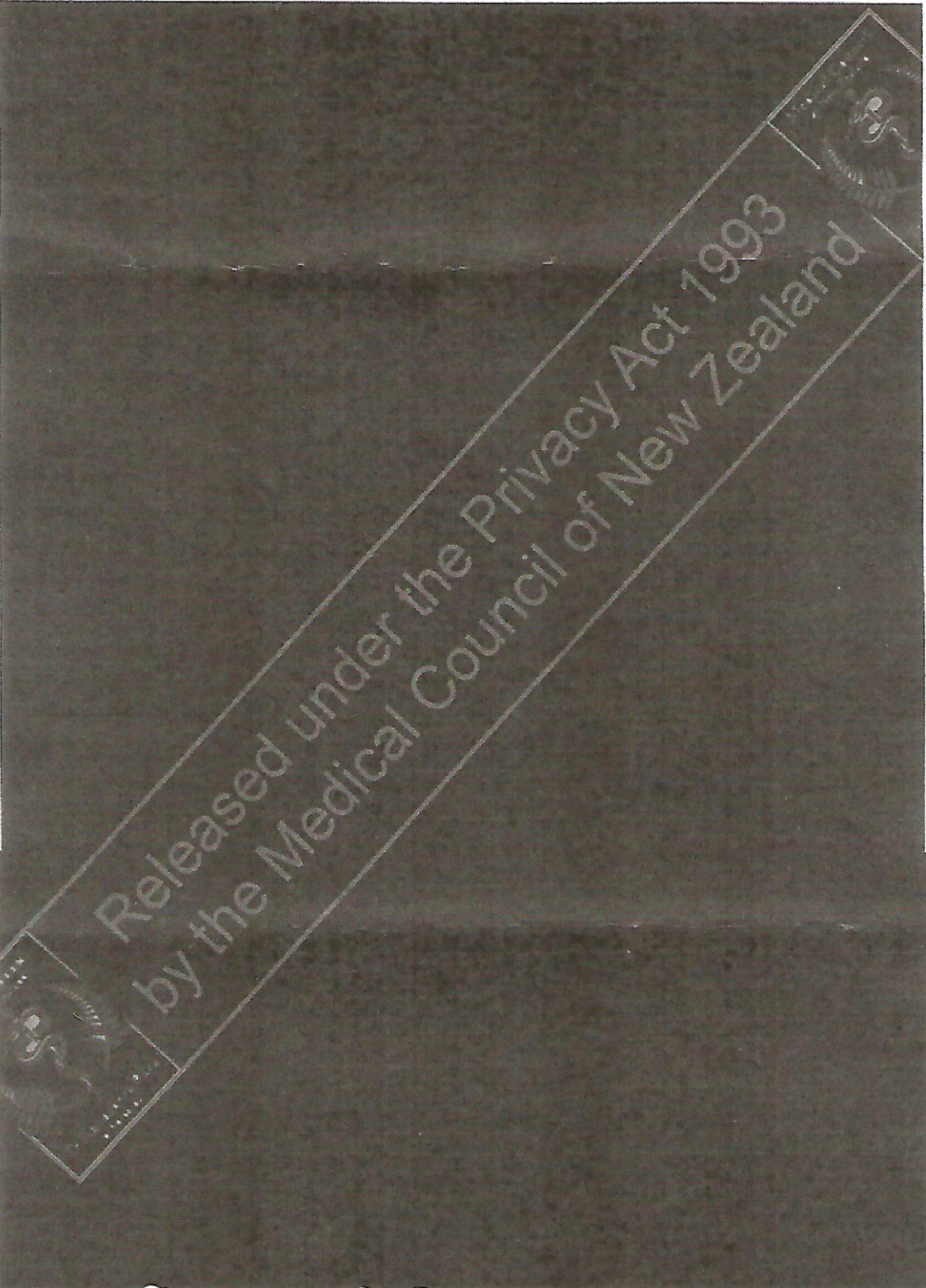
Yours sincerely

Ms Theo Baker
Deputy Health and Disability Commissioner

Enc: Copy of complaints
HDC letters to consumers
Dr H [redacted]'s responses

Cc: Dr E [redacted]

Appendix – List of Complaints

Complaint reference Complainant	Nature of Complaint	Outcome
		
C12HDC01	Mr [redacted] had a medical examination performed by	No further action taken as the matter was better dealt

	<p>Dr F [redacted] as part of an assessment review for WINZ. Mr [redacted] complained that Dr H [redacted] referred to him as a "binge drinker" who lacked motivation. The report also failed to mention Mr [redacted] was receiving [redacted] current treatment/intervention, and stated he was able to engage [redacted] in work planning/training and part-time work. It concluded he was not eligible for the Invalids benefit and should be working 20 hours a week. WINZ accepted Dr H [redacted]'s report and Mr [redacted]'s invalid benefit was declined, which he claimed put him under immense stress and led to a break down.</p>	<p>with [redacted] by WINZ. The consumer [redacted] was also successful at appealing the decision to the Medical Appeals Board.</p>
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