

02 November 2021

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Tēnā koe ██████████

Your Official Information Act request, reference: GOV-014619

Thank you for your email of 11 October 2021, asking for the following information under the Official Information Act 1982 (the Act):

Can I have a breakdown of ACC claims relating to treatment/adverse effects to the COVID-19 vaccine since January 2021 broken down by month, DHB, Age (5 year age bands are acceptable), ethnicity, permanence of effect, and clinical nature of effect?

Can this please be in Excel spreadsheet format.

Background information about treatment injury claims

Before responding to your request, we would first like to provide you some background information about treatment injuries.

ACC has provided cover for treatment injuries since 1 July 2005. The treatment injury provisions replaced the medical misadventure provisions of the Accident Compensation Act 2001, to bring it more in line with the no-fault nature of the scheme.

A treatment injury is a personal injury caused as a result of seeking or receiving medical treatment from, or at the direction of, a registered health professional. In order to fulfil the criteria for cover, the person must have suffered a personal injury and there must be a clear causal link between the treatment and the injury, and the injury must not be a necessary part or ordinary consequence of the treatment.

When considering treatment injury data, it is important to note that the number of claims lodged with ACC cannot be taken as an accurate indication of the occurrence of injury during treatment or the quality of care. This is because, among other reasons, not all occurrences of injury during treatment are lodged with ACC.

Context

Treatment injury (TI) data is available from 1 July 2005, when treatment injury provisions came into law.

Further information about treatment injury can be found at the following links:

- <https://www.acc.co.nz/for-providers/treatment-safety/> and
- <https://www.acc.co.nz/assets/provider/ACC7971-Supporting-Treatment-Safety-2021.pdf>
(overview of treatment injury in public and private surgical hospitals and general practice settings).

Claim lodgement rates are dependent on several factors. They can be influenced by:

- Population demography i.e the characteristics of the resident population, visitors and referred patients
- Health status of the population treated
- What level of facility the organisation provides i.e tertiary versus secondary
- Familiarity of health providers or clients in recognising and/or lodging treatment injury claims

Covid-19 vaccine related treatment injury claims

The data below was extracted on 18 October 2021, for treatment injury claims where the treatment event was *vaccination or injection/medications, adverse reaction/medication error* and where the medication type was recorded as *vaccine*.

However, as these fields are only completed when cover for the claim is decided, the figures provided have been supplemented by a text search of the claim forms received by ACC which mention *Comirnaty* (the name of the Pfizer-BioNTech COVID-19 vaccine), or included the terms *covid* or *Pfizer* and *vacc*. This text search allows us to identify claims that have been lodged but where cover has not been decided.

Please note that we can only respond based on the vaccine related claims lodged with ACC, and the figures may differ to those previously reported or supplied. Up-to-date data on the number of adverse effects reported from the COVID-19 vaccine can be found on the MedSafe website, [here](#).

TI claims related to the Comirnaty vaccine

Between 18 February 2021 (when New Zealand began COVID vaccinations) and 16 October 2021, ACC has received 684 claims for injuries relating to the COVID-19 vaccination. Of these, 260 claims have been accepted, 123 have been declined and 301 are yet to be decided. As at 18 October 2021, no claims for fatalities in relation to the COVID-19 vaccination had been lodged with ACC.

The tables below provide a breakdown of the COVID-19 vaccination claims received by ACC by: month; DHB region; age; ethnicity; permanence of effect (payments) and, clinical nature of effect (primary injury).

Table 1. TI claims related to the COVID-19 vaccination, by month

Month (2021)	Number of claims by accident date	Number of claims by date lodged with ACC
February - March	10	5
April	57	20
May	78	56
June	58	62
July	69	47
August	159	107
September	194	233
October*	59	154

* *October is a partial month to 16 October 2021.*

The above table shows the number of COVID-19 vaccination injury claims received by ACC, by month. This is grouped by the recorded accident date and by the date on which the claim was lodged with ACC. ACC records treatment injury accident dates as the date on which the client first sought treatment for the injury. This may not necessarily be the date on which the event leading to the injury occurred. However, for the purpose of the analysis, this date is used as a proxy for the date of vaccination.

Few vaccinations (and consequently vaccination claims) were administered/lodged in the month of February. As such, the data for February and March has been grouped together to protect our clients' privacy.

Seventy two percent of the COVID-19 vaccination injury claims received to date have been received since the beginning of August and many have not been assessed for cover. At this stage, it is difficult to provide meaningful data on the persistency of any injuries sustained.

Table 2. TI claims related to the COVID-19 vaccination, by DHB region

DHB region	DHB of Treatment	DHB of Residence
Auckland	37	57
Bay of Plenty	8	34
Canterbury	13	57
Capital & Coast	19	42
Counties Manukau	<4	72
Hawkes Bay	7	19
Hutt Valley	4	22
Lakes	0	5
Mid Central	11	25
Nelson Marlborough	8	34
Northland	5	22
South Canterbury	4	9
Southern	19	57
Tairāwhiti	0	6
Taranaki	5	25
Waikato	30	85
Wairarapa	<4	5
Waitematā	17	81
West Coast	<4	7
Whanganui	6	20
Overseas	<4	0
Unknown	481	0
Total	684	684

The DHB region, as provided above, is based on the DHB of treatment (where this has been identified) and by the DHB of Residence of the client. As the number of claims received from some DHBs is quite small, only the total number of claims lodged has been shown in the table above.

Please note that the DHB of treatment is often not confirmed until the claim cover decision is decided. As such, a large number of claims are currently recorded with no known DHB of treatment.

Table 3. TI claims related to the COVID-19 vaccination, by age

Age Band	Accepted	Declined	Pending Decision	Total
12-19	5	--	--	25
20-24	9	5	26	40
25-29	14	7	17	38
30-34	12	13	29	54
35-39	16	11	32	59
40-44	16	7	38	61
45-49	28	15	24	67
50-54	19	15	24	58
55-59	18	11	23	52
60-64	17	14	23	54
65-69	14	4	20	38
70-74	6	5	11	22
75 plus	7	11	16	34
Unknown age	79	<4	<4	82
Total	260	123	301	684

Table 4. TI claims related to the COVID-19 vaccination, by ethnicity

Ethnicity	Accepted	Declined	Pending Decision	Total
Māori	19	<4	--	42
Pacific Peoples	11	5	16	32
Asian	28	17	28	73
European	185	86	214	485
Other/Unknown	17	--	--	52
Total	260	123	301	684

Seventy one percent of claims have been for clients with European ethnicity. Māori comprise 6% of claims lodged with ACC for Covid vaccination injuries and 7% of the claims accepted.

Ethnicity data

The ethnicity data provided is based on ACC's 'prioritised ethnicity' data field. This method reduces the six ethnic responses to a single response by a system of "prioritisation" where: Māori regardless of other ethnicities listed is classified as Māori; Pacific peoples with any other response other than Māori is classified as Pacific; Asian peoples with any other response other than Māori and Pacific are classified as Asian; Other ethnicity regardless of any other response other than Māori, Asian or Pacific is classified as Other. Those that listed European and did not list Māori, Pacific, Asian or Other are classified as European.

Table 5. TI claims related to the COVID-19 vaccination, by payments

The following table shows the number of accepted claims grouped by the total payments made per claim to 16 October 2021.

Payments to 16 October 2021	Number of Accepted Claims
No payment to date	102
Up to \$100	81
Over \$100 to \$500	63
Over \$500 to \$1,000	4
Over \$1,000 to \$5,000	6
Over \$5,000	4
Total	260

Measuring the impact of an injury on a person or the permanence of an injury is challenging. ACC uses the overall cost of a treatment injury claim as an indicator of the severity of the injury because more costly claims are likely to indicate claims where there has been a more severe impact on the person injured. While not always directly related, overall cost is one measure of severity and impact.

Of the 260 accepted claims, 14 resulted in payments of over \$500 by 16 October 2021. 102 accepted claims had yet to receive a payment by 16 October 2021.

Table 6. TI claims related to the COVID-19 vaccination, by primary injury

Primary Injury	All Accepted Claims
Allergic Reaction	75
Anaphylactic Reaction*	25
Adverse Drug Reaction	24
Cellulitis	7
Cardiac injury	7
Contusion	6

Primary Injury	All Accepted Claims
Wound Infection	6
Nerve Damage	4
Infection	4
Other Specified	17
Other Unspecified	85
Total	260

**All cases identified as anaphylactic reactions were accepted.*

Treatment injuries are confirmed and recorded when a claim is decided. The above table shows the primary injury recorded for the accepted COVID-19 vaccination claims, where the cover decision was made by 16 October 2021.

ACC takes privacy seriously

ACC does not routinely disclose claim counts fewer than four. Accordingly, some entries in the table provided only indicate that the claims count is fewer than four (denoted as <4). In other instances, cells are suppressed and denoted as two dashes (--). This limits the potential for particular individuals or matters pertaining to certain individuals from being identified.

Withholding the data in this way is necessary to protect our clients' privacy. This decision has been made under section 9(2)(a) of the Act. In doing so, we have considered the public interest in making the suppressed data available and determined that it does not outweigh the need to protect our clients' privacy.

Provision of data in a Word document as opposed to excel as requested

We are refusing to provide the information requested in an excel document as doing so would impair the efficient administration of our response. This decision has been made under section 16(2)(a) of the Act.

How to contact us

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Sasha Wood
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