

16 February 2022



Tēnā koe [REDACTED]

Your Official Information Act request, reference: GOV-016620

Thank you for your email of 04 February 2022, asking for the following information under the Official Information Act 1982 (the Act):

All Covid 19 Vaccine adverse reaction claims from January 2021 to January 2022.

- a. Disabilities; short term, long term and permanent as well.*
- b. Vaccine adverse reactions by each of these; Pfizer/Bio NTech and Comirnaty , AstraZeneca, Janssen Pharmaceutical*
- c. I also need all need the number of pending claims to date as well.*
- d. I do not need any department staff names just all claims as outlined in my request.*
- e. I also need the declined claims as well*

Background information about treatment injury data

Before responding to your request, we would first like to provide you with 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.

The ACC website contains further information on treatment injury <https://www.acc.co.nz/for-providers/treatment-safety/>.

A full overview of treatment injury in public and private surgical hospitals and general practice settings is available at <https://www.acc.co.nz/assets/provider/ACC7971-Supporting-Treatment-Safety-2021.pdf>.

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 12 January 2022 for treatment injury claims lodged with ACC between 18 February 2021 (when New Zealand began COVID-19 vaccinations) and 8 January 2022, 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* together with *vacc* or *injection*. This text search allows us to identify claims that have been lodged but where cover has not been decided. Free text search methods are not reliable data extraction methods and can result in anomalies in the data. Therefore, claims identified by this method above have been manually reviewed and some false positive matches removed.

Data

Between 18 February 2021 and 8 January 2022, ACC has received 1,708 claims for injuries relating to the Covid vaccination. 627 claims have been accepted, 513 have been declined and 568 are yet to be decided.

Comirnaty had until very recently been the only Covid vaccine that has been used as part of New Zealand's vaccination response but more recently the Astra Zeneca Covid-19 vaccine has also been used. Given the vaccination policy, the vast majority of the claims reported relate to the Pfizer-BioNTech Comirnaty vaccine. The specific vaccine used, if not recorded on the claim itself, *may* be held somewhere on the claim file. However, extracting this information, if it were held, would require substantial collation and research. Regardless, the specific vaccine used cannot be reliably determined even if manual collation or research is undertaken. As such, we are refusing to provide COVID-19 vaccine injury data by vaccine type (Pfizer/Bio NTech and Comirnaty, AstraZeneca, and Janssen Pharmaceutical). This decision has been made under section 18(f) of the Act.

In making this decision, we have considered extending our response timeframe for your request and/or charging (under the Act). However, we have determined that the resources required to extract the information would have a significant impact on the everyday functions of the team(s) involved.

Disabilities

1,382 (81%) of the Covid vaccination injury claims received to date have been received since the beginning of September 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.

Publicly available information

ACC publishes information relating to COVID-19 vaccinations on our website

here: <https://www.acc.co.nz/assets/oia-responses/IPA5361-Covid-Vaccination-claims-Refresh-Jan22.pdf>. This set of data was extracted on 12 January 2022 and includes claims lodged between 18

February 2021, when New Zealand began COVID-19 vaccinations, and 8 January 2022. Please note that this data is updated monthly.

We also publish OIA response on various topics including the COVID-19 vaccine here:

<https://www.acc.co.nz/resources/#/category/12>.

There are datasets published on data.govt about the COVID-19 vaccine which can be found here: <https://catalogue.data.govt.nz/dataset/vaccine-injury-compensation>.

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: <https://www.medsafe.govt.nz/COVID-19/vaccine-report-overview.asp>.

How to get in contact

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

As this information may be of interest to other members of the public, ACC has decided to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available [here](#).

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
Manager Official Information Act Services
Government Engagement & Support