

04 February 2022



Tēnā koe [REDACTED]

Your Official Information Act request, reference: GOV-016216

Thank you for your email of 10 January 2022, asking for the following information under the Official Information Act 1982 (the Act):

- 1. How many applications for a COVID-19 vaccine injury have you received*
- 2. How many applications have you approved for COVID-19 vaccine injuries*
- 3. What are all of the reasons that applications have being declined*

Background information about treatment injury claims

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 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 or ordinary consequence of the treatment.

How ACC assess treatment injuries

A personal injury resulting from the COVID-19 vaccine may be covered by ACC if the criteria for treatment injury are met. The following outlines how we assess applications for cover for treatment injuries:

1. Determine whether the client has suffered a personal injury.
2. Assess whether the personal injury occurred within the context of treatment by, or at the direction of, a registered health professional.
3. Determine if there is a direct causal link between the treatment (ie, in these circumstances, the vaccination) and the personal injury.
4. Determine whether the injury was a necessary part of ordinary consequence of treatment.

For further information about ACC cover for treatment injuries, please refer to section 32 of the Accident Compensation Act 2001, which you can access through this link:

<https://www.legislation.govt.nz/act/public/2001/0049/latest/DLM100934.html>.

Reasons for declining COVID-19 vaccine injury claims

The majority of treatment injury claims for COVID-19 vaccine injuries that were declined, were declined for one of the following reasons:

- There is no physical harm or damage caused
- The injury was not caused by the vaccine
- The injury was considered an ordinary consequence of the vaccination
- The client requested their claim be withdrawn

Data regarding the reasons why COVID-19 vaccine injury claims were declined is due to be made publicly available in February 2022. As such, we are refusing to provide this data as it will soon be publicly available. This decision is made under section 18(d) of the Act.

COVID-19 vaccine data and information available online

ACC has recently published two data sets related to COVID-19 vaccines one on the data.govt.nz site which can be found here: <https://catalogue.data.govt.nz/dataset/3d063af7-b605-411b-8a08-cdcb6c305b23/resource/9e004154-c3f1-4398-944f-443970fe803b/download/gov-014568-response.pdf>.

ACC has published data for COVID-19 vaccine treatment injury claims. This includes data on the types of COVID-19 vaccine related injuries ACC has covered. This data can be accessed via this link:

<https://www.acc.co.nz/assets/oia-responses/IPA5361-Covid-Vaccination-Claims-Refresh-Jan22.pdf>.

Please note this dataset will be updated monthly.

Also, on our website are the published OIAs on this topic which can be found here:

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

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 contact us

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