

26 January 2022

[REDACTED]

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[REDACTED]

Re: Official Information Request for DHB apologies

On 26 November 2021 you made a request under the Official Information Act (OIA) for “information, including but not limited to emails, applications, reports, meeting minutes, memos, data, audiovisual materials and correspondence to/from the DHB about:

- **The number of formal apologies, including apologies in writing, offered by senior management, including but not limited to the chief executive, deputy chief executive(s), executive managers and board members to:**
 - Any DHB staff member
 - Any former DHB staff member
 - Anyone employed, contracted, or working in any capacity for the DHB
 - Any patient
 - Any former patient
 - Any family of a patient or former patient
 - Any member(s) of the public
 - Any other government agency
 - No date range – please provide information as far back as is reasonably practicable.

Auckland DHB, Waitemata DHB, Counties DHB and Technical Advisory Services were concerned at the breadth of this request and sought clarification pursuant to s18B OIA in an endeavour to limit the possible application of s18(e) or (f) OIA. You advised DHBs on 7 December:

“I do not need information from, for instance, what we might call “auto-generated” apologies. By that, I mean if for example when someone complains on social media and the DHB replies with “Sorry for the inconvenience” messages. That’s not what I’m interested in.

I am interested in more serious cases, in which for example, a chief executive or senior manager has apologised to staff, former staff, or a member of the public, or another government agency, for any mistake or wrongdoing.

Under the Official Information Act, please provide information, including but not limited to emails, applications, reports, meeting minutes, memos, data, audiovisual materials and correspondence to/from the DHB about:

- **The number of formal apologies, including apologies in writing, offered by senior management, including but not limited to the chief executive, deputy chief executive(s), executive managers and board members relating to:**
 - **To Health and Disability Commission (HDC), Privacy Commission and Ombudsman's complaints over the past five years**
 - **Any DHB staff member**
 - **Any former DHB staff member**
 - **Anyone employed, contracted, or working in any capacity for the DHB**
 - **Any patient**
 - **Any former patient**
 - **Any family of a patient or former patient**
 - **Any member(s) of the public**
 - **Any other government agency.**

Consistent with your clarification we asked the Chair, Chief Executive, Privacy Officer, Chief Medical Officer and Human Resources for details of formal apologies offered by as a result of a Health and Disability Commission (HDC), Privacy Commission or Ombudsman complaint or relating to employees or individuals over the past five years. This is necessary as communications to staff, patients and the public where an apology is offered are not filed under 'apology'. More commonly, they will be filed by the name of the individual which makes identifying apologies extremely difficult and time consuming.

Your request is therefore declined under s18(f) Official Information Act – it requires substantial research into numerous files held by a number of senior staff and then collation based on your stated criteria of an apology to an individual for a mistake or wrongdoing. It would also require a review of personal information held about an individual, thus we also rely on s9(2)(a) OIA – to protect the privacy of those individuals.

Finally, in respect to the most common category, HDC complaints, we note that the HDC publishes the outcomes of all formal investigations on her website and will in the summary of the investigation specify if an apology is required. If a DHB is found at fault, that DHB is commonly named following current policy at the the HDC. This information is thus declined under s18(d) OIA – the information is publicly available.

You are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act. Information about how to make a complaint is at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely,



Ailsa Claire, OBE
Chief Executive
Auckland District Health Board

Encl. Auckland DHB Cartwright Apology Aug 2018.pdf