

BACKGROUND INFORMATION ON BRONWYN PULLAR ACC CLAIM

1. Bronwyn Pullar suffered a head injury in a bicycle accident in December 2002. Prior to this she was a highly successful senior marketing executive who was respected by her peers. Following the accident, Bronwyn suffered significant cognitive impairment and in the first two years following the accident, both her insurance company and ACC did not respond appropriately with rehabilitative care that would have allowed her optimum recuperation. As a consequence Bronwyn suffers serious fatigue every day, gets headaches and has cognitive impairments which affect her ability to pick up errors in her writing (she requires assistance to check all her communications as she often makes mistakes that she does not recognise. This did not happen before the accident).

2. In 2007 Bronwyn reached a confidential settlement with the insurance company who had covered her for income protection insurance. This followed five years of extensive engagement during which time the insurance company mishandled her claim, breached privacy and lost her file, amongst other things.

3. Prior to the accident Bronwyn was always meticulous. After the accident this meticulousness became obsessive – she records all communications in detail, focuses on minutiae and has interpreted some of ACC's actions as conspiracy rather than mistake – with some justification. For example, an ACC Doctor (Burgess) was found to have colluded with a medical assessor to pre-determine an assessment for Bronwyn, alleged fraud in internal emails and after he was removed from the case, attempted to obtain Bronwyn's personal medical records from her GP while fraudulently posing as a person authorised by ACC to collect this data. It was this considerable breach of her privacy that was the subject of Bronwyn's complaint to ACC. It was in response to this complaint that ACC inadvertently sent to Bronwyn a file containing thousands of names, contact details and summary statistics regarding matters of review, branch identifiers and dates. I have full details of this particular breach of privacy if you want to see them. It should be stated that while this staff member was apparently "reprimanded" he remains on staff with no apparent consequences.

4. Addressing the issue of the major privacy breach – I am sending you under separate cover an email from Bronwyn enclosing the details of the meeting held in December, at which I was present, where, after years of extensive mishandling of Bronwyn's claim and after she had approached a board member, senior management (Phil Murch and Hans Verbene) met with us to attempt to come to a reasonable settlement on the way forward. The documents in the email I am forwarding to you represent the objectives Bronwyn had for the meeting, which included recognition that she was unable to work a full time week, but allowed her some space (two years) to get on with trying to re-establish her consultancy business. Bronwyn also asked for the privacy breach to be investigated.

5. At that meeting in December Bronwyn advised the ACC managers that a serious breach of privacy had occurred. As she says in her email which follows, it

was verbally agreed in that meeting that on agreement on the way forward, Bronwyn would return that document. We walked away from that meeting thinking we had an agreement which Mr Murch would put in writing. When it was received 8 days later, it did not reflect our discussions, including the fact that it only allowed her one year to re-establish her business rather than two years, which she did not regard as sufficient.

6. You will see in the correspondence attached to the email I am forwarding that while Mr Murch asked for the return of the data, he did not acknowledge that this would be contingent on reaching an agreement acceptable to both parties, which was our understanding. It also needs to be stated that Bronwyn had advised ACC that as she was getting married in early January and organising the wedding was placing substantial pressure on her impaired cognitive state, she would be unable to respond to any communication for 6 weeks. This was responsible for the delay in any further negotiation with Mr Murch.

7. You should also be aware that Bronwyn has an email tracking device that allows her to know when her emails are opened. Following the meeting in December, the email where she was inadvertently sent the unauthorised data was not opened until 12 March 2012. If ACC had been serious about getting the data returned and investigating the breach, then surely the first thing they would have done on returning to the office would have been to go through all emails to her to see what material had been inadvertently sent. As I said, this was not in fact done until the story had appeared in the Dominion Post.

8. It is also important to note that the email sent to the Dominion Post journalist contained no names, no contact details or identifiers. Bronwyn blacked out all this information and only left undeleted summary statistics of review data, review dates and branch statistics. Therefore she has not breached the personal privacy of anyone on that spreadsheet.

9. Bronwyn has also advised that she complained to the Privacy Commissioner, the Ombudsman and the State Services Commissioner about the privacy breach made by Burgess (referred to in 3. above), in each case forwarding an email received from ACC about the actions taken in respect of Dr Burgess. It was this email responding to her complaint that contained the unauthorised spreadsheet. Bronwyn deleted the spreadsheet from the email she forwarded to the Privacy Commissioner and the Ombudsman, but inadvertently failed to delete it on the copy she sent to Mark Holman at the State Services Commission, who therefore is the only other party to now hold that file after Bronwyn has deleted it from her hard drive and her email system (an assurance that has been given to ACC).

10. This saga is one of extensive incompetent handling and privacy breaches, no doubt consuming thousands of hours of ACC management time. Since the meeting in December Bronwyn has been asked to undergo further assessments. It would be good to reach an agreement with Bronwyn on the way forward so that the issue can be put to bed, she can get on with trying to reduce her

dependence on ACC in the future by rebuilding her consultancy business and the ACC can get on with more productive tasks.

Please feel free to call me with any questions.

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