



PCC Information Requests

What do they mean for me?

Introduction

This sheet provides information on how Professional Conduct Committees (**PCCs**) request information, what powers they must obtain information, what they do with information they receive, and answers some frequently asked questions.

Background

A PCC is a committee established under the Health Practitioners Competence Assurance Act 2003 (the HPCAA) to investigate concerns about a doctor's conduct. Once the investigation is complete a PCC makes recommendations and / or determinations based on what it finds during the investigation.

Te Kaunihera Rata o Aotearoa | The Medical Council of New Zealand (the Medical Council) and the PCC both have a responsibility to protect public health and safety. For this reason, they have various tools they can use to get information to determine whether a doctor's conduct puts public health and safety at risk. Sometimes PCCs need to look at a doctor's (or their patient's) personal information to help them determine whether the doctor presents a risk to the public (and whether anything needs to be done about the risk). To help them do this, PCCs will be looking at whether the doctor's conduct may have breached the accepted standards of medical or ethical conduct.

The Council establishes a PCC and determines the scope of its investigation, but once an investigation commences the PCC is independent of the Council. This means that the Council cannot tell the PCC how it should make its decisions at the end of an investigation. It can also mean that sometimes the Council has information that the PCC does not – this can be necessary to make sure that the PCC's decision isn't influenced by matters that are outside its investigation scope.

How does a PCC get information?

The PCC can receive any statements, documents, information or other matters that may help it to deal with the subject of its investigation.¹

- 1 This might include talking to a doctor's colleagues, patients, other people involved in an incident, or an expert in a particular area.
- 2 This can also include data and records for things like prescribing, clinical notes, emails and photographs.
- 3 The PCC will usually get information by sending an information request in a letter and asking a person (or organisation) to provide it. es a PCC get information

¹ Health Practitioners Competence Assurance Act 2003, s 76.



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What happens if I say no?

If you receive an information request and you (or your organisation) don't comply with this request within a reasonable time, and the PCC can't get that information from anywhere else, the PCC can *require* the information by sending a notice.²

This means that you (or your organisation) must comply with the request within 10 working days. It is a criminal offence to not comply with a notice unless you have a reasonable excuse. For example, you do not have to comply if that information is legally privileged, or you are under an obligation of secrecy or non-disclosure imposed by a law.³

This does not include obligations under the Official Information Act 1982 (OIA) or the Privacy Act 2020 (Privacy Act) – as the HPCAA provides an exception to those Acts. Because the Health Information Privacy Code 2020 (Privacy Code) is part of the Privacy Act, this exception also includes the Privacy Code. This means that a request made by a PCC under the HPCAA by a PCC may override your obligations under the Privacy Act to keep personal or health information confidential.

No civil or disciplinary proceedings can be brought against you in relation to any evidence (such as statements or submissions) you give to the PCC, unless you give this information in bad faith.⁴

Why don't I get to know the name of the doctor under investigation?

Sometimes an information request won't name the doctor under investigation. This is because the PCC has an obligation to protect that doctor's privacy. You will only be told the doctor's name if:

- 1 You already know about the investigation; or
- 2 Knowing the doctor's name is necessary for you to respond to the request.

How do you want me to provide the information?

To help keep information secure, the PCC prefers you provide information by email – each request will contain the details of the person to send the response to. This helps to make sure that hard copies aren't sent to the wrong place or lost in transit.

If you can't provide the information by email because it's too big, or you don't have the facilities, please let the PCC know. The PCC can look at other secure options for you to provide the information.

How does the Privacy Act 2020 and the Health Information Privacy Code 2020 apply to personal health information sought by a PCC during its investigation?

As explained above, the Privacy Act and the Health Information Privacy Code do not prevent someone from providing information sought by the PCC. That said, if you have concerns about the scope of the PCC's request we encourage you to contact the PCC. It might be that the PCC can obtain what it needs without receiving everything that falls within the scope of a request – the PCC doesn't know what it doesn't know.

² Health Practitioners Competence Assurance Act 2003, s 77.

³ There are some laws that prevent disclosure of certain information to anyone – if you think one of these laws applies to your information, please let the PCC know.

⁴ Health Practitioners Competence Assurance Act 2003, s 76(7).



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Conversely, please don't provide information that falls outside the scope of the request. This may create a risk that the PCC receives information that isn't relevant to the investigation. This could mean that you and the PCC have breached someone's privacy by releasing and receiving personal information without justification. To help with this, the PCC's legal adviser will review any information provided before it is passed onto the PCC. This is to ensure that nothing has been provided that is outside the scope of the request. If the legal adviser notices information has been provided that is outside the scope of its request, they will let you know promptly to ensure this is managed appropriately.

When the PCC receives information, it must observe the requirements of the Privacy Act as they relate to the collection, use, storage and release of personal information.⁵

What about unique identifiers?

The Privacy Act and Health Information Privacy Code create specific protections for unique identifiers such as National Health Index (NHI) numbers, community service card numbers, and Person Record Numbers (PRN)'s. Unless the PCC specifically asks for personal identifiers, please do not provide these as part of any response. While the PCC will always endeavour to redact them from any copies, we recommend that these are redacted from copies provided to us if possible.

Can I anonymise the medical records so that patients aren't identified?

It depends. Sometimes a request relates to a specific patient – in this case, the PCC need to know that they are looking at the right patient's records. In other cases, the PCC doesn't need to know the patient's name. If you aren't sure from the wording of the request, please get in touch with the PCC's legal adviser.

Do I need to obtain patient consent before providing patient records to the PCC?

In most cases, patient consent is not required to be able to provide information to the PCC – the HPCAA allows the PCC to receive this information without patient consent.⁶ However, there may be instances where you would prefer to contact the patient first i.e. if the records relate to something particularly sensitive.

If you or your organisation are not sure how to approach a request, we suggest that you obtain independent advice about this.

Will the PCC tell my patients that it has their records?

Again, this depends. In some investigations, the patient may be aware of the investigation and the PCC will let them know that they either have their records, or that they will be asking for them.

- 1 In some cases, the patients aren't aware the PCC has their records. If there are no concerns raised by the records, and the PCC do not need to contact the patient anyway, the PCC may not let them know that they have their records.
- 2 If the PCC lays a disciplinary charge in the Tribunal and a patient's care may be the subject of the charge (or part of it) the PCC will contact the patient directly.

⁵ For more information on the Privacy Act please see, <https://www.privacy.org.nz/>

⁶ There are some very specific exceptions to this – if you think these apply to your organisation please let the PCC know.



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- 3 Sometimes the records reveal a concern that the PCC wasn't previously aware of, and that the PCC needs to discuss with the patient directly.

Where the PCC needs to contact a patient and the patient has no prior knowledge of the investigation, it may consult with the patient's relevant practitioner to make sure that this is done in a sensitive way.

My organisation usually deals with Official Information Act 1982 requests – why isn't this request made under the Official Information Act?

The PCC has legal powers to receive and require information under the HPCAA (as set out above). This allows it to get information others may not be able to obtain – this why the PCC makes requests under the HPCAA instead of any other Act.

How do PCC's protect personal information they obtain during an investigation?

By law, the PCC is only allowed to use or disclose information it obtains during an investigation for the purposes of the HPCAA.⁷ PCCs are experienced in dealing with sensitive information. As with all other information received during the course of its investigation, the PCC will treat any personal information received with sensitivity. All personal information is held securely and any copies destroyed at the conclusion of the investigation. In addition to this:

- 1 PCC members and Council staff (such as the PCC's legal adviser) are bound by confidentiality agreements
- 2 PCC members are required to identify any potential conflicts of interest. If one arises, the PCC member will usually step aside

At the end of the investigation the PCC will send a letter to the Council to let it know about the outcome of the investigation. This will only set out specific personal information about others if this is absolutely necessary. Specific information from the PCC investigation may also be passed onto the Council, or teams within the Council, from time to time if:

- 1 The PCC makes a recommendation that, if followed, needs to be implemented by the Council (and the information is necessary for this);
- 2 The PCC has immediate concerns for the safety of patients (and the public) arising from the information that require the Council to consider its powers to impose interim conditions or suspension of a doctor's practising certificate; or
- 3 The information creates a new concern that is outside the scope of the PCC's investigation and needs to be freshly considered by the Council.

A coordinated approach is taken by the Council to ensure decision making about public health and safety is fully informed. This means that there may also be occasions in the future where the information gathered by the PCC could be considered to inform a future decision by the Council.

Who receives a copy of the information?

Any information you provide to the PCC will be provided to the doctor under investigation. This usually occurs near the end of the PCC's investigation. However, in some circumstances it may be provided earlier.

⁷ Health Practitioners Competence Assurance Act 2003, s 83.



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This is because the PCC is required to provide the doctor under investigation with the opportunity to be heard by or make submissions to the committee before it can make a decision as to the outcome of its investigation.⁸ As part of this obligation the PCC must provide the doctor with a copy of all information obtained, to ensure that the doctor has the opportunity to respond to all allegations against them.

In what circumstances will personal information be provided to people outside the PCC investigation?

Referral to the Health Practitioners Disciplinary Tribunal

The PCC may consider that there is sufficient concern to lay a disciplinary charge in the Tribunal. The information it gathered during its investigation then becomes part of the case against the doctor. In that case, the Tribunal will need to consider the information to decide if the charge is proved. It is sometimes possible to present the case without including personal patient details. If this can't happen, and it is necessary to include specific details about patients in the charge and evidence presented to the Tribunal, the PCC will contact those patients.

Disclosure of information because of statutory requirements

From time to time the PCC (and the Council) may be required to respond to requests for information made under a range of laws. This includes requests from the Coroner, Police, Commissions of Inquiry, the Ministry of Health, the Director of Proceedings (in relation to the Health Practitioners Disciplinary Tribunal) and Accident Compensation Corporation. These organisations have different statutory powers to obtain information, and the information disclosed will depend on these powers as well as the relevance of the information to the request.

I've provided information to the PCC and / or spoken with the PCC. Do I get to know the outcome of the investigation?

By law, the PCC can only notify "complainants" of the outcome of the investigation. If you aren't a complainant, then the PCC can't tell you the outcome. There are some very limited exceptions to this, such as when a charge is going to be filed in the Tribunal and you may be asked to be a witness in the Tribunal proceedings. If you're not sure if this applies to you, feel free to get in touch with the PCC.

Finally, thank you – the PCC appreciates that responding to an information request can be time consuming. The PCC is grateful for your cooperation and contribution towards maintaining standards within the medical profession.

Date: January 2026

Disclaimer: This information is not intended to replace independent legal advice. If you are not sure how an information request applies to you or your organisation, we suggest you seek independent advice from your indemnity provider (or similar).

⁸ Health Practitioners Competence Assurance Act 2003, s 80(4).