

15 December 2022

Tracy Livingston

By email: fyi-request-15191-7ae053d0@requests.fyi.org.nz

Ref: H2022017466

Dear Tracy

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 23 November 2022 for information regarding Pfizer reports as a response to your previous request for information ref: H202104571. You requested:

1. *"obligation of confidence" - please explain how could releasing this information could 'damage the public interest'?*
2. *Why would releasing Pfizer's reports addressing the conditions "unreasonably prejudice the commercial position of the person who supplied the information"? Surely not supplying the data means that we assume that there is something to hide? In which case surely, men and women and children of this state who want this injection have a right to check the reports advising Medsafe "addressing the conditions" for full informed consent which I believe is required under the Health and Disability Commission Act?*

While the Act allows New Zealanders to ask for information from Ministers and government agencies, there is no requirement for agencies to create new information, compile information they do not hold or provide or prove an opinion. Your questions and the statements that support them appear designed to engage in a debate about the Government's COVID-19 vaccination programme, rather than a request for official information. The Act does not support requests where an opinion, comment, argument, or hypothetical statement is put to the Ministry for response, couched as a request for information. Therefore, your request is refused under section 18(g) of the Act on the grounds that it is not held by Manatū Hauora.

The information provided by Pfizer shows the data, research and science behind their particular vaccine. If the information was released, competitors (other pharmaceutical companies) would be in a position to take advantage of it. This would have a major effect on the pharmaceutical companies' cost, profit margin and competitiveness in the industry. This is particularly the case in the pharmaceutical industry where substantial effort and money are required in order to develop new medicines, including Covid-19 vaccines, which the protections in section 23B reflect.

If pharmaceutical companies do not supply information to Medsafe, it will have a detrimental effect on the availability of medicines for New Zealand. These companies may choose not to sell or market their medicines in New Zealand if their commercial information, including patents and trade secrets, is released.

Disclosure of the information you requested would be likely to result in pharmaceutical companies not applying for their medicines to be approved for use in New Zealand.

Pfizer, as with other pharmaceutical companies, submit medicine application information to regulators globally with the understanding that it is treated as commercially sensitive information. It believes that release of this information by Medsafe could damage Medsafe's international reputation as a competent and independent regulator.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at:

ombuds@doj.govt.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Yours sincerely



Chris James
Group Manager
Medsafe