



Graham Burger

fyi-request-16547-449c8671@requests.fyi.org.nz

21 October 2021

Dear Mr Burger

Ref: DOIA 2122-0656

I refer to your request of dated 28 August 2021 to the Ministry of Health for information under the Official Information Act 1982 (the OIA) that was transferred to MBIE for reply on 17 September:

“Have any COVID19 vaccine manufacturers been provided with liability waivers of any kind, including negligence by the NZ government or any agency?”

Please provide details of any such waivers and the companies and agencies involved.”

The New Zealand government has provided indemnities to the four companies from which it has purchased vaccines: Pfizer, Janssen Pharmaceuticals, AstraZeneca and Novavax. The indemnities for Pfizer have been extended at the request of the Ministry of Health to allow the supply of vaccine to Polynesia (Niue, Cook Islands, Tonga, Tuvalu, Samoa and Tokelau), Fiji, and to acquire additional doses from Spain and Denmark.

In accordance with S65ZD(3) of the Public Finance Act the Minister of Finance has presented statements to the House of Representatives that these four indemnities have been given. Statements of indemnity can be found on the Parliament website www.parliament.nz.

The specific details of the indemnities are confidential, and are therefore withheld under the following sections of the Act:

s9(2)(ba)(i) in order to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied

9(2)(ba)(ii) in order to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest;



9(2)(j) in order to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);

We are, however, able to provide you with the MBIE business cases on the indemnities granted to the four companies from which we purchased pharmaceuticals. These business cases are effectively MBIE's request to the Minister of Finance to grant the indemnity. Please note that some information in the documents has been withheld under the sections of the Act above as well as:

9(2)(h) in order to maintain legal professional privilege

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

Simon Rae

Manager, International Science Partnerships
Ministry of Business, Innovation and Employment