



24 December 2021

Thomas Beagle
Chairperson
New Zealand Council of Civil Liberties
fyi-request-16693-398e2a6f@requests.fyi.org.nz

Ref: OIA-2021/22-0261

Dear Thomas Beagle

Official Information Act request relating to contact tracing information

Thank you for your Official Information Act 1982 (the Act) request received on 10 September 2021. You requested:

- a) *“Consideration of, advice on, or responses to communications received from third parties about statutory limitations on the use of contact record information provided by members of the public to a workplace; and*
- b) *Advice to Ministers or senior officials since 1 January 2021 about mandating the provision and collection of contact information from members of the public when they visit a workplace; and*
- c) *Advice to Ministers or senior officials since 1 January 2021 on limitations on the use of contact record information provided by members of the public to a workplace; and*
- d) *Advice to Ministers or senior officials since 1 March 2020 on privacy protection for contact record information provided by members of the public to a workplace; and*
- e) *Advice to Ministers or senior officials since 1 March 2020 on police, intelligence and security agency, or public service department access to information provided by the public to organisations undertaking contact tracing for Covid-19 public health purposes; and*
- f) *All advice on the retention and disposal of contact records by workplaces since 1 January 2021 that informed the drafting of clause 11(2) of the Order.”*

On 8 October 2021, the time limits for responding to your request were extended by an additional 30 working days because your request necessitated searching through a large quantity of information and consultations were needed before a decision could be made on your request. Following this extension, I am now in a position to respond.

I understand that you have also sent this request to the Ministry of Health, therefore I refer you to that agencies response for any information held by that agency.

I am releasing to you the following documents, subject to redactions under the Act:

Item	Date	Document Description	Decision
1.	11/08/2021	Cabinet paper: Mandatory Face Coverings and Record Keeping for Contact Tracing Purposes	S9(2)(f)(iv); S9(2)(g)(i); and S9(2)(h).

2.	11/08/2021	SWC Minute: Mandatory Face Coverings and Record Keeping for Contact Tracing Purposes (SWC-21-MIN-0120)	Released with out of scope material removed.
3.	16/08/2021	Cabinet Minute: Mandatory Face Coverings and Record Keeping for Contact Tracing Purposes (CAB-21-MIN-0315)	Released with out of scope material removed.
4.	2/07/2021	Briefing: Mandatory Record Keeping for Contact Tracing Purposes and Face Coverings	S9(2)(a) S9(2)(g)(i); S9(2)(h).
5.	2/07/2021	Briefing: Mandatory Record Keeping: Compliance and Enforcement Issues	S9(2)(a) S9(2)(f)(iv); S9(2)(g)(i); and S9(2)(h).

I have decided to release the relevant parts of the documents listed above, subject to information being withheld under one or more of the following sections of the Act, as applicable:

- section 9(2)(a) – the withholding of this information is necessary to protect the privacy of natural persons;
- section 9(2)(f)(iv) - the withholding of the information is necessary to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- section 9(2)(g)(i) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty;
- section 9(2)(h) – the withholding of the information is necessary to maintain legal professional privilege.

Please note that we have excluded information relating to mandatory face coverings, as we did not deem it relevant to your request and believed that consideration of this material would further delay the provision of a response to your request. Where this has occurred, we have marked the material 'not relevant to your request'.

Within scope of your request are briefing notes provided by the DPMC Policy Advisory Group to the Prime Minister. These briefings are provided to the Prime Minister in confidence in order to support her in her role as leader of the Government and Chair of Cabinet. The titles and dates of these briefings are withheld in their entirety under the following sections of the Act:

- section 9(2)(f)(iv) - the withholding of the information is necessary to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- section 9(2)(g)(i) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty;

- section 9(2)(h) – the withholding of the information is necessary to maintain legal professional privilege.

In making my decision, I have taken the public interest considerations in section 9(1) of the Act into account.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

We do not intend to publish this response on the Department of the Prime Minister and Cabinet's website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amber Bill', is written over a faint circular stamp.

Amber Bill
Deputy Chief Executive (Acting)
COVID-19 Group