

12 November 2021

New Zealand Council of Civil Liberties

By email: fyi-request-17162-ef0eb377@requests.fyi.org.nz
Ref: H202114169

Tēnā koe

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 12 October 2021. A full copy of your request is enclosed as Appendix 1.

On 27 October 2021, the majority of your request was transferred to the Department of Prime Minister and Cabinet (DPMC). You can expect a response from DPMC in due course.

I will now respond to the remainder of your request. You asked for:

“A copy of the speaking and briefing notes officials had to hand when presenting the vaccination certificate scheme in the press conference on 5 October 2021, including any answers to questions from the media that were not in fact asked on the day, and any ‘lines to take’”

Please find a copy of the requested document attached as Document 1. Some information has been withheld as it is outside of the scope of your request.

Please note that while the document states, “You’ll need to carry a piece of ID that matches the name on the vaccination certificate,” this is not accurate. ID is not required to accompany the vaccine certificate, although ID may separately be required for different reasons such as access to a venue where there is a minimum age requirement.

I trust this information fulfils your request. 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: info@ombudsman.parliament.nz or by calling 0800 802 602.

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

Nāku noa, nā



Jo Gibbs
**National Director
COVID-19 Vaccine and Immunisation Programme**

This is a request under the Official Information Act. Under section 12(3) of the OIA we are requesting that you treat this request as urgent. Our reasons for requesting urgency are set out below.

In the press conference held on 5 October 2021, the Prime Minister announced that the Cabinet had decided to introduce vaccination certificates. The Prime Minister said that the government is 'consulting on this framework now' and that this included their use in hospitality venues. Later in the press conference, the Prime Minister responded to a question about the use of certificates to access church services, and suggested the consultation was also including 'what kind of measures do those organisations want to have in place'. The Prime Minister said that 'they're very open conversations'.

Unfortunately, NZCCL has been unable to find any consultation documents relating to the framework for vaccination certificates on the websites of the DPMC, Ministry of Health, <http://scanmail.trustwave.com/?c=15517&d=94zl4XF6ht56uGDURuCZR71xICzMj9Fe307udkJasA&u=http%3a%2f%2fCovid-19%2egovt%2enz> or the central consultation listing website.

We therefore request the following information held by the Ministry:

1. Copies of all the information provided to those people or organisations outside government that the Prime Minister said were being consulted on vaccination certificates; and
2. Information, correspondence, or advice received from the Privacy Commissioner or his officials, and minutes of meetings with the Commissioner or his officials, on the subject of vaccination certificates since 1 January 2021; and
3. Advice held, or received, on the Human Rights Act and NZ Bill of Rights Act implications of introducing vaccination certificates; and
4. Advice to Ministers since 1 January 2021 on police, intelligence and security agency, or public service department access to information gathered when a vaccination certificate is scanned or authenticated by a place that a certificate holder visits; and
5. Advice to Ministers since 1 May 2021 about vaccination certificates (not 'vaccination passports' for international use); and
6. A copy of the speaking and briefing notes officials had to hand when presenting the vaccination certificate scheme in the press conference on 5 October 2021, including any answers to questions from the media that were not in fact asked on the day, and any 'lines to take'.

If the Ministry is unwilling to disclose the advice received and provided please provide the information that you hold in relation to the following questions:

1. Why is the government not consulting the public on vaccination certificates?
2. How is the government upholding Te Tiriti by working with Māori?
3. Why has the government not published the advice from the Privacy Commissioner, officials working on the Human Rights Act and NZ Bill of Rights Act implications, and the papers considered by Cabinet?
4. Will there be any limits on who can download and use the app for scanning vaccination certificates? If so, what limits?
5. What data will be collected by the app that scans the certificates? How much of this data will be retained on the app, or will it all be deleted once a certificate has been verified as genuine?
6. What data will be logged by the government when a vaccination certificate is scanned by a venue? Will this include location, date and time of the scan? If yes to any of this, for how long will this information be retained?
7. Will any of the data logged by the government when a certificate is scanned be shared with any other government agency? Will the government legislate to prevent this data from being shared or accessed by any other agency?
8. Will the data retained by the government be shared in aggregate form?
9. Will the data retained by the government be shared in so-called 'anonymous' form?
10. Will the government legislate to protect people's rights by prohibiting supermarkets, dairies, health centres, pharmacies, and other essential public services such as transport and Work and Income offices from requiring people to show a vaccination certificate?

11. Will the government put a sunset clause in the legislation to shut down the domestic vaccination certificate system?

The Council is seeking this information urgently so that we and the public are better informed and more able to consider the proposals and provide commentary on them before the plans are finalised. The Prime Minister indicated that the timeframe for finalising the policy and introducing the necessary legislation was tight given the desire to have the scheme in place in November. The primary purpose of the Official Information Act is to enable people to participate in the making of policy. Therefore the public should have this information as soon as possible, not just after decisions have been made and legislation introduced to Parliament. In addition, the Council believes there is a strong public interest in accountability for advice and internal discussion of issues pertaining to privacy and extraordinary state powers to record, trace and share information about the movement of people. This public interest, and that in participation on an issue affecting our rights, outweighs any grounds for withholding information under the section 9 withholding grounds.

If the Ministry decides to withhold any information in response to this request we further request, under section 19(a)(ii) of the OIA that the Department provide the specific reasons for citing each withholding ground.

Yours sincerely,

The New Zealand Council for Civil Liberties