

2 March 2022

ASE

By email: fyi-request-18405-ffc192d3@requests.fyi.org.nz

Ref: H202201532

Tēnā koe ASE

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) by the Ministry of Health (the Ministry) on 1 February 2022 for:

“What due diligence has The Ministry of Health undertaken in assessing and understanding potential risks and harmful effects (including lack of efficacy) of lock-downs, “traffic lights”, and similar measures? When were such risks and harmful effects assessed? How is such due diligence ongoing?”

What due diligence has The Ministry of Health undertaken in assessing and understanding potential risks and harmful effects (including lack of efficacy) of face-mask recommendations and requirements? When were such risks and harmful effects assessed? How is such due diligence ongoing?”

What due diligence has The Ministry of Health undertaken in assessing and understanding potential risks and harmful effects (including lack of efficacy) of COVID inoculations for the general public; for employees in specific roles and/or industries and/or employed by certain employers; for children younger than 16; for children younger than 12? When were such risks and harmful effects assessed? How is such due diligence ongoing?”

What due diligence has The Ministry of Health undertaken in assessing and understanding potential risks and harmful effects (including lack of efficacy) of the “My Vaccine Pass” system? When were such risks and harmful effects assessed? How is such due diligence ongoing?”

For clarity, please define “efficacy” for each of the COVID response measures, as specified above.

To the extent that any of the due diligence, as specified above, in assessing and understanding potential risks and harmful effects (including lack of efficacy) of these COVID response measures has not been undertaken by The Ministry of Health, please explain why such due diligence has not been done.”

While the Act enables people to request official information from the Ministry, it only applies to information it holds. There is no obligation to create information or compile information it does not hold in order to respond to requests, nor is the Ministry obliged to provide or prove an opinion.

Due diligence is a concept related to commercial law, particularly procurement and investment (e.g., before negotiating or awarding a contract or buying a major asset). Asking what “due diligence” the Ministry has undertaken in assessing elements of the Government’s COVID-19 response is not a request for official information but is instead designed to engage in a debate about the merits of that response. As the Ministry has advised in its letters of 8 October 2021, 1 December 2021, 17 December 2021, 25 January 2022, 9 February 2022 and 22 February 2022, the Act does not support requests where a requester quotes information or statements or asks leading questions and then seeks some form of comment on them, couched as a request for official information. While the Ministry could again refuse your latest request under section 18(g) on the grounds that the information sought is not held by it, as you have repeatedly ignored this advice, your request is refused under section 18(h) of the Act, as frivolous or vexatious.

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 of Health website at: www.health.govt.nz/about-ministry/information-releases.

Nāku nōa, nā



Jan Torres
Acting Manager OIA Services
Office of the Director General