

# Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



27 April 2022

Mr Jones

fyi-request-18672-ef184bb6@requests.fyi.org.nz

Ref: OIA0633

Dear Mr Jones

## Official Information Act request relating to COVID-19 Behavioural Insights

Thank you for your Official Information Act 1982 (the Act) request, received on 25 February 2022. You requested:

1. *The documents of advice pertaining to specific strategies being used to encourage compliance of Government COVID-19 response measures and safe practices.*
2. *The documents of implementation pertaining to specific strategies being used to encourage compliance of Government COVID-19 response measures and safe practices.*
3. *The documents of advice pertaining to specific strategies being used to discourage what the Government deems as unsafe practices in COVID-19 response measures and safe practices.*
4. *The documents of implementation pertaining to specific strategies being used to discourage what the Government deems as unsafe practices in COVID-19 response measures and safe practices.*
5. *The documents of advice pertaining to the Ethical considerations to the use of Behavioural Insights in response to COVID-19 measures.*
6. *The documents of implementation pertaining to the Ethical considerations to the use of Behavioural Insights in response to COVID-19 measures.*

The time frame for responding to your request was extended under section 15A of the Act by 20 working days because it necessitated consultations to be undertaken before a decision could be made on the request. Following this extension, I am now in a position to respond.

I have interpreted your request for documents to include formal written advice provided to me in my capacity as the Minister for COVID-19 Response. I have interpreted questions 5 and 6 of your request to refer to the Unite Against COVID-19 Campaign and the Vaccine Campaign.

Regarding questions 1 to 4 of your request, there are two documents within scope of your request:

1. *COVID-19 Orders: Increased Penalties for Non-Compliance* dated 11 August 2021
2. *Regulatory Impact Statement: COVID-19 Orders: Increased Penalties for Non-Compliance* dated 6 September 2021.

The first document is publicly on the following website: [AU02-11082021-COVID-19-Orders-Increased-Penalties-for-Non-Compliance.pdf \(covid19.govt.nz\)](https://www.covid19.govt.nz/AU02-11082021-COVID-19-Orders-Increased-Penalties-for-Non-Compliance.pdf)

Some information from this document has been withheld under the following sections of the Act:

- 9(2)(a) of the OIA, to protect the privacy of natural persons, including that of deceased natural persons
- 9(2)(g)(i) of the OIA, 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 department or organisation in the course of their duty

The second document is publicly available on the following website:

[RS1-20092021-Regulatory-Impact-Statement-COVID-19-Orders-Increased-Penalties-for-Non-Compliance.pdf \(covid19.govt.nz\)](https://www.covid19.govt.nz/RS1-20092021-Regulatory-Impact-Statement-COVID-19-Orders-Increased-Penalties-for-Non-Compliance.pdf)

Some information from this document has been withheld under section 9(2)(h) of the Act to maintain legal professional privilege.

This part of your request is therefore refused under section 18(d) of the Act as the information requested is publicly available.

Further, there is information relating to the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 on the Ministry of Health website as set out below:

<https://www.health.govt.nz/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-public-health-response-infringement-offences-regulations-2021>

Regarding questions 5 and 6, I am advised that behavioural insights are not used in relation to the Unite Against COVID-19 Campaign and the Vaccine Campaign. These campaigns employ a research-led approach.

These campaigns are targeted to reach all people in New Zealand, communicating vital information including alert level and traffic light setting changes and the associated actions required by New Zealanders, as well as encouraging key public health behaviours including encouraging vaccine uptake and encouraging compliance from the general public with COVID-19 regulations and behaviours.

This research approach includes using regular sentiment and behaviour-based research that informs campaign approaches. The research helps tease out what factors motivate people to carry out the key health behaviours - for example protecting whānau and friends, or members of the community at high risk from COVID-19. It also feeds into the campaign by helping provide what people may see as any barriers to compliance and preventing carrying out behaviours. This all flows into the messaging and creative approaches in the campaign advertisements and content created for Unite Against COVID-19 channels.

New Zealand's communication approach has been internationally recognised, and it is acknowledged as one of the pillars of the country's successful COVID-19 response. There has been a focus on ensuring the public receive clear information through key channels to guide them through the different phases of the pandemic, taking the actions required at given time. In 2021, this included a comprehensive, multifaceted campaign to support the COVID-19 Vaccine rollout, ensuring communities across Aotearoa were well informed about the vaccine and motivated to protect themselves, their whānau, and community.

I advise that there are no documents within scope of questions 5 and 6 your request. Therefore, these parts of your request are refused under 18(e) of the Act as the document alleged to contain the information requested does not exist.

Further, key decision-making documents on the Government's response to the COVID-19 pandemic are available on the following website: [Unite against COVID-19 \(covid19.govt.nz\)](https://www.covid19.govt.nz)

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'CHIPKINS', written in a cursive style.

**Chris Hipkins**  
**Minister for COVID-19 Response**