

13 June 2023

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Tēnā koe Chris

Your request for official information, reference: HNZ00016320

Thank you for your email on 14 April 2023, asking for the following which has been considered under the Official Information Act 1982 (the Act):

1. *"FIRST PART - availability questions*
 - a. *Do Health New Zealand (HNZ) owned and funded labs have the ability to test for SARS-COV2 Spike Protein and Nucleocapsid? That is, if a patient requested a tissue sample be tested for these, do Health New Zealand owned or funded labs acquired the immunohistochemistry technology to do this staining/test?*

For context, this pdf provides some background with respect to an autopsy.
<https://scanmail.trustwave.com/?c=15517&d=xv-45NHgZ8q6EarpjQdPimQyGC2Aanus1Yo50Fnevw&u=https%3a%2f%2fwww%2eskirsch%2ecom%2fcovid%2fBurkhardt%2epdf>
 - b. *Which labs is a patient or specialist able to refer a specimen to? - as opposed to labs that are only available for research purposes and not for "general health" use.*
 - c. *Is HNZ aware of any private labs in NZ offering these tests? Eg do you have a licensing role or use private labs (unfunded and not owned by HNZ) as suppliers?*
2. *SECOND PART - if no such tests are available in NZ via HNZ funded or owned labs. If there has been a decision by Health New Zealand to not acquire or use the immunohistochemistry technology for this test, or to not make it available for the public's use, then please provide:*
 - a. *an explanation of the rationale in summary form*
 - b. *the policy paper(s) that discussed and recommended this approach and*
 - c. *any minutes for the meeting that confirmed the decision. This meeting might have occurred at any Auckland labs, the Auckland DHB, MoH, HNZ or cabinet level. I am not interested in other geographic areas for this question, but want to account for the previous health sector structure in my geographic area.*
3. *How does HNZ detect conditions/deaths/safety signals that are a result of harms from the SARS-COV2 virus, any treatments or mRNA technology be monitored in New Zealand? Please list the indicators/metrics monitored and provide the policy paper that lists the strategy and the metrics.*
4. *In HNZ's policy decisions with respect to SARS-COV2 or the mRNA technology, is an inability to request these tissue tests for Spike Protein or Nucleocapsid by clinicians considered an additional barrier to HNZ and/or clinicians:*
 - a. *effective measurement and ability to detect any safety signal - eg creating/capturing the raw data?*
 - b. *manage any underlying drivers of health and disability via an evidence/data driven approach - i.e. the analytics and decision support that is not possible?*

The Act enables people to request official information from government agencies, including Te Whatu Ora. However, the Act generally only applies to information that is already held by Te Whatu Ora. There is no obligation for Te Whatu Ora to create information or provide an opinion to respond to a request such as yours.

The information you are seeking is not held by Te Whatu Ora but would need to be created and sourced from individual laboratories in order to respond to your request. Under section 2(5) of the Act, any information held by an independent contractor engaged by Te Whatu Ora for the purpose of fulfilling that contract is deemed to be held by Te Whatu Ora. However, the laboratories in question are specifically contracted by Te Whatu Ora to "Perform COVID-19 NAAT PCR Tests ("Tests") of samples for individuals residing in districts of regions".

As the laboratories are not contracted to provide the service the information requested is about, I am refusing your request under section 18(g) of the Act, because Te Whatu Ora does not hold any relevant official information.

I am, however, able to advise that COVID-19 vaccine safety is monitored in a number of ways by Medsafe. Please refer to the following:

- www.medsafe.govt.nz/Consumers/Safety-of-Medicines/Vaccine-safety.asp
- www.medsafe.govt.nz/profs/particles/adrreport.htm
- www.medsafe.govt.nz/COVID-19/monitoring-process.asp
- www.medsafe.govt.nz/COVID-19/adverse-event-reporting-form.asp
- www.medsafe.govt.nz/COVID-19/vaccine-report-overview.asp

How to get in touch

If you have any questions, you can contact us at hnzOIA@health.govt.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Michael Cleary
Interim lead OIA and proactive release