

11 July 2024

M Bell

[fyi-request-25291-f51939f4@requests.fyi.org.nz](mailto:fyi-request-25291-f51939f4@requests.fyi.org.nz)

Tēnā koe

## Your request for official information, reference: HNZ00043207

Thank you for your email on 5 April 2024, asking Health New Zealand | Te Whatu Ora for the following under the Official Information Act 1982 (the Act):

*Please refine the request to email communication only, focused on Margie Apa's email box to the Health NZ executive team between the dates of Nov 27 2023 and February 29 2024. If this is still refusible under 18(f) of the act please provide a very specific explanation in what way that is the case, and also provide alternative suggestions that could make this information available.*

*As another suggested alternative please provide any meeting minutes of the Health NZ ET discussing this subject from November 23 through to March 24 inclusive.*

For completeness, the requests outlined above are in the context of a previous request you made (reference HNZ00035319) for the following:

*"Please provide all internal communications between the members of the executive team for Health NZ including meeting minutes, instant messages etc that discuss the response / damage control in relation to the ongoing analysis of the leaked vaccination data indicating very significant safety signals for death. (refer [link omitted])"*

On 6 May 2024, Health NZ contacted you about refining the scope of your request, as we had identified that a significant amount of information was potentially in scope, such that your request may be refused under section 18(f) of the Act. Following further consultation with you, on 21 May 2024 you agreed to refine the scope of your request to the following:

*"...email communication only, focused on Margie Apa's email box to the Health NZ executive team between the dates of November 27 2023 and December 11 2023."*

## Response

Late last year a former Health NZ employee allegedly released sensitive COVID-19 vaccination data, some of which was then posted on overseas websites. Health NZ takes data security seriously and are deeply disappointed by this gross breach of trust. Protecting data and ensuring the privacy of individuals is incredibly important to us. As soon as we became aware, we immediately started an internal investigation to understand the impact of the alleged breach and took urgent steps to have the information removed from websites. Alongside our operational response we are looking at our processes for data security and will make any changes that are needed to further increase the security of information.

Following the alleged unauthorised release of information, personal identifying information of approximately 12,000 individuals, largely people who administered COVID-19 vaccines, was made available online. We immediately requested for the information to be removed and it was later taken down.

The role played by vaccinators during the pandemic was invaluable and helped to keep communities safe and save lives.

More information about the alleged breach and our response is available in the following updates on our website:

- [www.tewhātuora.govt.nz/corporate-information/news-and-updates/older-news-items/reminder-of-vaccine-safety-and-effectiveness-following-release-of-misinformation/](http://www.tewhātuora.govt.nz/corporate-information/news-and-updates/older-news-items/reminder-of-vaccine-safety-and-effectiveness-following-release-of-misinformation/)
- [www.tewhātuora.govt.nz/corporate-information/news-and-updates/older-news-items/investigation-ongoing-into-release-of-data-and-spread-of-misinformation/](http://www.tewhātuora.govt.nz/corporate-information/news-and-updates/older-news-items/investigation-ongoing-into-release-of-data-and-spread-of-misinformation/)
- [www.tewhātuora.govt.nz/corporate-information/news-and-updates/older-news-items/update-unauthorised-data-breach-and-attempt-to-spread-misinformation/](http://www.tewhātuora.govt.nz/corporate-information/news-and-updates/older-news-items/update-unauthorised-data-breach-and-attempt-to-spread-misinformation/)
- [www.tewhātuora.govt.nz/corporate-information/news-and-updates/older-news-items/update-2-unauthorised-data-breach-and-attempt-to-spread-misinformation/](http://www.tewhātuora.govt.nz/corporate-information/news-and-updates/older-news-items/update-2-unauthorised-data-breach-and-attempt-to-spread-misinformation/)
- [www.tewhātuora.govt.nz/corporate-information/news-and-updates/update-3-notifications-begin-following-unauthorised-data-breach/](http://www.tewhātuora.govt.nz/corporate-information/news-and-updates/update-3-notifications-begin-following-unauthorised-data-breach/)
- [www.tewhātuora.govt.nz/for-health-professionals/health-sector-updates/data-breaches/unauthorised-data-breach-and-attempt-to-spread-misinformation/](http://www.tewhātuora.govt.nz/for-health-professionals/health-sector-updates/data-breaches/unauthorised-data-breach-and-attempt-to-spread-misinformation/)
- [www.tewhātuora.govt.nz/for-health-professionals/health-sector-updates/data-breaches/unauthorised-data-breach-update/](http://www.tewhātuora.govt.nz/for-health-professionals/health-sector-updates/data-breaches/unauthorised-data-breach-update/)

Health NZ has identified nine emails in scope of your request. Please find these itemised in **Appendix 1** to this letter, with copies enclosed. **Appendix 1** also outlines the grounds under which information has been withheld. Where information is withheld under section 9 of the Act, I have considered the public interest in releasing the information. However, I do not consider that this public interest outweighs the need to withhold at this time.

You will note information is withheld under section 9(2)(g)(i) of the Act. Particularly in the early days of responding to the alleged data breach, these records and communications were prepared under urgency to respond to the unfolding crisis and some information was not verified at that point in time. We therefore consider it necessary to withhold these communications, as disclosure would inhibit the future exchange of free and frank opinions and thereby inhibit the effective conduct of public affairs.

I apologise for the delay in providing our response. The time taken is not what we aspire to. This is something we are working to get on top of as we deal with a high volume of requests and the understandably high public interest in our work.

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](http://www.ombudsman.parliament.nz) or by phoning 0800 802 602.

As this information may be of interest to other members of the public, Health NZ may proactively release a copy of this response on our website. All requester data, including your name and contact details, will be removed prior to release.

Nāku iti noa, nā



**Sasha Wood**  
**Head of Government Services**  
**Office of the Chief Executive**

## Appendix 1: Decisions on release

#	Date	Title	Decision on release
1	30 November 2023	Re: DATA and DIGITAL Update	Some information withheld under section 9(2)(g)(ii) of the Act, to maintain the effective conduct of public affairs through the protection of Ministers, members of organisations, officers, and employees from improper pressure or harassment.  Information deemed out of scope of your request has been removed.
2	30 November 2023	Re: DATA and DIGITAL Update	Withheld in full under the following sections of the Act: <ul style="list-style-type: none"> <li>• 9(2)(a), to protect the privacy of natural persons; and</li> <li>• 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers and officers and employees of any public service agency.</li> </ul>
3	1 December 2023	RE: DISCLOSURE incident - approach for a proactive release	Some information withheld under section 9(2)(g)(ii) of the Act.
4	2 December 2023	CONFIDENTIAL_ DATA BREACH UPDATE	Withheld in full under the following sections of the Act: <ul style="list-style-type: none"> <li>• 6(d), as its release would likely endanger the safety of any person;</li> <li>• 9(2)(g)(i); and</li> <li>• 9(2)(h), to maintain legal professional privilege.</li> </ul>
5	3 December 2023	draft note for Coalition Government briefing	Withheld in full under section 9(2)(g)(i) of the Act.
6	3 December 2023	[subject line out of scope]	Withheld in full under section 9(2)(g)(i) of the Act.
7	4 December 2023	Re: On camera interview for this afternoon	Some information withheld under the following sections of the Act: <ul style="list-style-type: none"> <li>• 9(2)(a); and</li> <li>• 9(2)(g)(ii).</li> </ul>
8	5 December 2023	HAVE FORWARDED TO [s9(2)(g)(ii)] Re_ Data Leak, I was provided with the data and would like to report	Some information withheld under the following sections of the Act: <ul style="list-style-type: none"> <li>• 9(2)(a); and</li> <li>• 9(2)(g)(ii).</li> </ul>
9	8 December 2023	RE: FOR APPROVAL - MEDIA RELEASE - DATA BREACH UPDATE	Some information withheld under section 9(2)(g)(ii) of the Act.



Out of scope  
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**From:** [Margie Apa](#)  
**To:** s 9(2)(g)(ii); [Andrew Slater](#); [Peter Alsop](#); [Nick Chamberlain](#)  
**Cc:** s 9(2)(g)(ii)  
**Subject:** RE: DISCLOSURE incident - approach for a proactive release  
**Date:** Friday, 1 December 2023 7:00:20 am  
**Attachments:** [image001.jpg](#)

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Looks good thanks.

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**From:** s 9(2)(g)(ii)  
**Sent:** Friday, 1 December 2023 6:12 am  
**To:** Margie Apa <xxxxxx.xxx@xxxxxx.xxxx.xx>; Andrew Slater <Andrew.Slater@health.govt.nz>; Peter Alsop <xxxxx.xxxxx@xxxxxx.xxxx.xx>; Nick Chamberlain <xxxx.xxxxxxxxxx@xxxxxxxxxx.xxxx.xx>  
**Cc:** s 9(2)(g)(ii)  
**Subject:** DISCLOSURE incident - approach for a proactive release

Hi – please see below for the suggested approach to a proactive release on this – it is a different tone than the stronger reactive approach that we’d need to take. The messaging for that, which went to the Minister’s office last night, is further below.

#### Proactive

We remind people that vaccines remain safe and effective and that they should keep up to date with their shots to protect themselves, whanau and their communities.

We are aware that one of our staff, with no clinical background or expert vaccine knowledge, is trying to spread misinformation.

What he is claiming is completely wrong and ill-informed and his comments demonstrate this. Sadly, we have continued to see conspiracy theorists disseminating false and harmful misinformation.

We assure people there is no evidence whatsoever that vaccination is responsible for excess mortality in New Zealand and that they can continue to have confidence in vaccines.

Publicly available data shows that four deaths in New Zealand are possibly linked to adverse reactions following COVID-19 vaccination. This is in the context of 3,361 people whose deaths have to date been directly attributed to COVID-19 in New Zealand, with more than 12.6 million vaccines administered to eligible New Zealanders as of 2 October 2023.

By chance, and separate to a prior COVID-19 vaccination event, some people will experience new illnesses or die from a pre-existing condition shortly after vaccination, especially if they are elderly. The Centre for Adverse Reactions Monitoring (CARM) and Medsafe have investigated these deaths.

In addition to this, the COVID-19 Vaccine Independent Safety Monitoring Board (CV-ISMB) has compared natural death rates to observed death rates following vaccination.

In the monitoring period for the Pfizer/ BioNTech COVID-19 vaccine (19 February 2021 to 30 September 2022), the observed number of deaths was less than the expected number of natural deaths.

It is extremely disappointing to see a staff member trying to misuse our data to spread misinformation. He is no longer at work and an employment investigation is underway.



## Reactive

### Primary messaging:

- We're extremely disappointed at the behaviour of this staff member – what he is claiming is completely wrong and ill-informed.
- He has no medical background or expert knowledge, and his comments demonstrate this.
- An employment investigation process is underway.
- There are many conspiracy theorists out there unfortunately who disseminate harmful disinformation.
- The public can and should continue to have confidence in vaccines.
- There is no evidence whatsoever that vaccination is responsible for excess mortality in New Zealand.

### Secondary messaging:

- We take the security of the information we hold extremely seriously and this is a significant breach of trust.
- As soon as we became aware of what he was up to we took immediate steps to investigate and respond.
- We blocked his access to our systems and began assessing what information may have been accessed.
- At this stage we haven't seen evidence to suggest personal data has been downloaded and we are continuing to examine the databases, devices (including computers and phones) and the emails of the staff member.
- We are seeking a court injunction over the improper and unauthorised public disclosure and use of the information.
- Publicly available data shows that four deaths in New Zealand are possibly linked to adverse reactions following COVID-19 vaccination.
- This is in the context of 3,361 people whose deaths have to date been directly attributed to COVID-19 in New Zealand, with more than 12.6 million vaccines administered to eligible New Zealanders as of 2 October 2023.
- By chance and separate to a prior COVID-19 vaccination event, some people will experience new illnesses or die from a pre-existing condition shortly after vaccination, especially if they are elderly.
- The Centre for Adverse Reactions Monitoring (CARM) and Medsafe have investigated these deaths.
- In addition to this, the COVID-19 Vaccine Independent Safety Monitoring Board (CV-ISMB) has compared natural death rates to observed death rates following vaccination.
- In the monitoring period for the Pfizer/ BioNTech COVID-19 vaccine (19 February 2021 to 30 September 2022), the observed number of deaths was less than the expected number of natural deaths.

s 9(2)(g)(ii)

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TeWhatuOra.govt.nz



**From:** [Margie Apa](#)  
**To:** s 9(2)(g)(ii)  
**Cc:** s 9(2)(g)(ii)  
**Subject:** Re: On camera interview for this afternoon  
**Date:** Monday, 4 December 2023 12:12:58 pm  
**Attachments:** [image001.jpg](#)

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Thanks s 9(2)(g)(ii) will someone come and set up a room or find a place to do this?

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**From:** s 9(2)(g)(ii)  
**Sent:** Monday, December 4, 2023 12:11:34 PM  
**To:** Margie Apa <xxxxxx.xxx@xxxxxx.xxxx.xx>; Andrew Slater <Andrew.Slater@health.govt.nz>;  
s 9(2)(g)(ii)  
**Cc:** s 9(2)(g)(ii)  
**Subject:** RE: On camera interview for this afternoon

They are coming to Spark.

s 9(2)(g)(ii)

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[TeWhatuOra.govt.nz](http://TeWhatuOra.govt.nz)

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**From:** Margie Apa <xxxxxx.xxx@xxxxxx.xxxx.xx>  
**Sent:** Monday, 4 December 2023 12:11 pm  
**To:** s 9(2)(g)(ii) Andrew Slater  
<xxxxxx.xxxxxx@xxxxxx.xxxx.xx>; s 9(2)(g)(ii)  
**Cc:** s 9(2)(g)(ii)  
**Subject:** Re: On camera interview for this afternoon

When we say on camera do we mean on zoom or are they coming to Spark?

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**From:** Margie Apa <[xxxxxx.xxx@xxxxxx.xxxx.xx](mailto:xxxxxx.xxx@xxxxxx.xxxx.xx)>  
**Sent:** Monday, December 4, 2023 12:10:04 PM  
**To:** s 9(2)(g)(ii) Andrew Slater  
<[xxxxxx.xxxxxx@xxxxxx.xxxx.xx](mailto:xxxxxx.xxxxxx@xxxxxx.xxxx.xx)>; s 9(2)(g)(ii)  
**Cc:** s 9(2)(g)(ii)  
**Subject:** Re: On camera interview for this afternoon

Thanks can we check the first question on any other detection with s 9(2)(g)(ii)? I have not been alerted to any.

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**From:** s 9(2)(g)(ii)  
**Sent:** Monday, December 4, 2023 12:08:21 PM  
**To:** Andrew Slater <[xxxxxx.xxxxxx@xxxxxx.xxxx.xx](mailto:xxxxxx.xxxxxx@xxxxxx.xxxx.xx)>; s 9(2)(g)(ii)  
Margie Apa <[xxxxxx.xxx@xxxxxx.xxxx.xx](mailto:xxxxxx.xxx@xxxxxx.xxxx.xx)>  
**Cc:** s 9(2)(g)(ii)

**Subject:** On camera interview for this afternoon

Hi Margie,

We have confirmed your availability for two on camera interviews this afternoon. 3pm with s 9(2)(a) from TVNZ and 3.15pm with s 9(2)(a) from Newshub. The interviews will be at the Spark building.

I have explained to them both that you are limited in what you can say due to the ongoing employment investigation and because the matter is before the court.

A general question line is below –

Has the data ended up on any more websites? Or have there been any more attempts to upload it that have been stopped?

Has any personal information been uncovered in the data leak?

What is happening with Barry Young's employment?

What were your vetting processes around him and do these now need to be changed?

Can the public have confidence in TWO?

We will come back to you before the interviews with any additional messaging.

Cheers,

s 9(2)(g)(ii)



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[TeWhatuOra.govt.nz](http://TeWhatuOra.govt.nz)

**From:** Margie Apa  
**To:** [xxxxxxx.xxxxx@xxxxxxxxxx.xx.xx](#); [xxx.xxxxxxx@xxxxxxxxxx.xx.xx](#); [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#); [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#); [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#); [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#); [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#); [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#); [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#); [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#); Margie Apa-Ext; [xxxxx.xxx@xxxxxxxxxx.xx.xx](#)  
**Subject:** HAVE FORWARDED TO <sup>s 9(2)(g)(ii)</sup> Re: Data Leak, I was provided with the data and would like to report  
**Date:** Tuesday, 5 December 2023 5:05:54 pm

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**From:** <sup>s 9(2)(a)</sup>  
**Sent:** Tuesday, December 5, 2023 5:00 PM  
**To:** [xxxxxxx.xxxxx@xxxxxxxxxx.xx.xx](#) <[xxxxxxx.xxxxx@xxxxxxxxxx.xx.xx](#)>; [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#) <[xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#)>; [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#) <[xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#)>; [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#) <[xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#)>; [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#) <[xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#)>; [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#) <[xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#)>; [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#) <[xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#)>; [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#) <[xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#)>; [xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#) <[xxxx.xxxxxxx@xxxxxxxxxx.xx.xx](#)>; Margie Apa-Ext <[xxxxxx.xxx@xxxxxxxxxx.xx.xx](#)>; [xxxxxx.xxx@xxxxxxxxxx.xx.xx](#) <[xxxxxx.xxx@xxxxxxxxxx.xx.xx](#)>

**Subject:** Data Leak, I was provided with the data and would like to report

Hi,

I would like to report an individual, <sup>s 9(2)(a)</sup> as he published the NZW Leaked data and received it directly from your suspect. After his account was suspended from the hosting site he reposted it and it's currently available for download. It was "deidentified" from what was said. <sup>s 9(2)(a)</sup> also emailed me the data to analyze a few weeks ago and it was NOT fully deidentified. That data file I received showed internal batch numbers, location of vaccination, type of vaccine, age and date of death. Enough info I could see someone being able to identify someone based on the information using obituaries. I was unaware at the time that it was illegally accessed and I have NOT shared the data since learning this information and I wanted to report to your office immediately.

Please let me know if you would like me to send you a copy of what I was sent and if you would like details for the individual who posted the information for download and sent it to me. I'm also willing to make any statements you might need or file the information with the police if warranted. I have never spoken to or dealt anyone except <sup>s 9(2)(a)</sup>.

Now that I am aware that the information was illegally obtained I am prepared to delete the file from my possession after hearing back from your office. If I do not hear back by this Friday December 8th 11:59pm PST I will be deleting the file at that time so that I am not in possession of the information.

Please advise if you would like me to give any information or how I should proceed. And if I do not hear back I will simply delete the data on Friday.

Thanks,

<sup>s 9(2)(a)</sup>

**From:** [Margie Apa](#)  
**To:** s 9(2)(g)(ii) [Andrew Slater](#); [Peter Alsop](#); s 9(2)(g)(ii)  
**Subject:** RE: FOR APPROVAL - MEDIA RELEASE - DATA BREACH UPDATE  
**Date:** Friday, 8 December 2023 7:37:39 am  
**Attachments:** [image001.jpg](#)

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I am sorry for delays can you see highlights below. Happy to go with your judgement on this  
s 9(2)(g)(ii)

We are keen to get this out today so your review and response asap would be appreciated.

#### **UPDATE: Unauthorised data breach and attempt to spread misinformation**

The Te Whatu Ora investigation into the unauthorised disclosure of data by a staff member is making progress.

We are treating this very seriously and **continue to expand resources including international expertise in cyber security** to the investigative work. We have also brought in outside expertise to help with the investigation and are beginning to better understand the nature of the information involved in this breach. **It seems that the information of interest continues to focus on pursuing a particular line of inquiry on excess deaths – to date our analysis suggests the the information impacts New Zealanders whom have deceased.** **Investigation is ongoing.**

We have liaised with the Office of the Privacy Commissioner and are keeping them informed as we move through the process.

Alongside the work to identify the material **disclosed** by the individual, we have continued to pursue all avenues to take down the information if it reappears and appreciate the cooperation we have received from some domestic and international platforms.

Police are continuing to investigate, and we are cooperating fully with them. We can't comment any further on the proceedings before the court.

Alongside our operational response we are looking at our processes for data security and making any changes that are needed to further improve the security of information.

The misinformation about vaccines that has been put in the public arena in relation to our data is completely wrong. The person behind those claims was a data administrator with no clinical knowledge or expertise **in vaccines.**

ENDS

Thanks,

s 9(2)(g)(ii)  
[Redacted signature block]



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