



9/05/2024

Erika Whittome

fyi-request-26479-eb1129d7@requests.fyi.org.nz

Tēnā koe Erika

OIA: 1327318 – COVID-19 Vaccination Exemptions

Thank you for your email of 19 April 2024 via the FYI website to the Ministry of Education (the Ministry) requesting the following information:

There were clause 9 and 12A exemptions available in the Covid-19 Public Health Response Vaccinations Order, so that education staff in Part 9 of this order could remain working at a school to avoid school disruption.

Kindly would you share the following information on the schools that enquired about these exemptions in 2021:

- 1. Which staff members at the MoE fielded such enquiries, eg the Director of Education, The Secretary of Education.*
- 2. Any correspondence with these staff members and unions regarding these cl9 and 12A exemptions, eg the NZEI, PPTA unions in 2021.*
- 3. The name of the school enquiring about exemptions.*
- 4. Please share the copies of the advice given regarding the operational disruption to losing teaching and support staff (who were in Part 9 of the order).*
- 5. Whether or not the exemption application process was encouraged or discouraged, eg was it described as lengthy with little chance of success. Please share any template letters sent to schools regarding these exemptions.*
- 6. The number of enquiries received.*
- 7. The number applications received.*
- 8. The number of applications accepted.*
- 9. The number of applications denied.*

Your request has been considered under the Official Information Act 1982 (the Act).

Please note that section 12A of the COVID-19 Public Health Response (Vaccinations) Order 2021 has regard to exemptions granted by the Minister for COVID-19 Response, which is a portfolio which has been disestablished. As such, I am refusing your request for information regarding section 12A of the COVID-19 Public Health Response (Vaccinations) Order 2021 under section 18(g)(i) of the Act, as the information requested is not held by the organisation dealing with the



request and have no grounds for believing the information is held by a Minister of the Crown subject to the Act.

Regarding the **first part** of your request, the Ministry established a COVID-19 response team from November 2021 to December 2022. This team has been disestablished and no longer exists within the Ministry's workforce. The two key roles involved with the creation, dissemination, oversight, and changes to the policy were the Head of COVID Response (November 2021 – May 2022), and the Chief Advisor for COVID-19 (March 2020 – December 2022). I am withholding the names of these individuals under section 9(2)(a) of the Act, to protect the privacy of natural persons.

As required under section 9(1) of the Act, I have considered the public interest in releasing the information withheld under section 9(2)(a). I do not consider the public interest considerations favouring the release of this information are sufficient to outweigh the privacy interests of the individuals concerned.

Regarding the **second, third and sixth parts** of your request, queries, feedback, and complaints were received from education-related staff from across the sector concerning these policies through different channels of communication. These were not centrally collated or stored in one place. Therefore, I am refusing this part of your request under sections 18(f) of the Act, as the information requested cannot be made available without substantial collation or research; and 18(g) of the Act, as the information requested is not held by the Ministry, and I have no grounds for believing that the information is either held by or connected more closely with the functions of another agency subject to the Act.

Regarding the **fourth and fifth parts** of your request, relevant communication with sector staff was sent out through the Ministry's Education Bulletins website. These bulletins contained updates relating to vaccinations and exemptions, as part of a wider policy and action plan against COVID-19. I am therefore refusing these parts of your request under section 18(d) of the Act, as the information requested is publicly available at the following links:

- Information regarding vaccinations and exemptions (11 October 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-11-october-2021/date/2021-10-11>
- Information regarding exemption from testing requirements (19 October 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-19-october-2021/date/2021-10-19>
- Detail regarding exemptions from testing requirements (27 October 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-19-october-2021/date/2021-10-19>
- Information regarding medical exemptions for staff (28 October 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-28-october-2021/date/2021-10-28>
- Information addressing concerns regarding "bogus" exemptions (1 November 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-1-november-2021/date/2021-11-01>
- Application of vaccination requirements for various roles (3 November 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-3-november-2021/date/2021-11-03>
- FAQs (10 November 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-10-november-2021/date/2021-11-10>

- Information regarding managing staff, including exemptions (11 November 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-11-november-2021/date/2021-11-11>
- Information relating to vaccines that were available (12 November 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-12-november-2021/date/2021-11-12>
- Further information regarding managing staff with exemptions (18 November 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-18-november-2021/date/2021-11-18>
- Changes to the Employment Relations Act 2000 (7 December 2021): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-7-december-2021/date/2021-12-07>
- Medical exemption update notice regarding boosters (25 January 2022): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-25-january-2022/date/2022-01-25>
- Another medical exemption update notice regarding boosters (24 February 2022): <https://bulletins.education.govt.nz/bulletin/he-pitopito-korero/issue/covid-19-update-24-february-2022/date/2022-02-24>

Regarding the **seventh, eighth and ninth parts** of your request, the Ministry did not have a dedicated application form for this exemption, however as advised in the bulletins, an individual could apply for an exemption through their General Practitioner and make the application to their school Board. If there is a particular school you wish to receive information regarding, please approach the school's Board directly with your request.

As advised in my response of 8 November 2023 to your request of 10 October 2023, seven applications were received and processed by the Ministry with all decisions referred to the Minister for approval. All of these applications were declined.

Please note, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review my decision on your request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Lorraine Monahan
Manager Ministerial Services
Te Pou Rangatōpū | Corporate