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Erika Whittome

fyi-request-26759-52fcdbc8@requests.fyi.org.nz

fyi-request-26810-ab6f402c@requests.fyi.org.nz

fyi-request-26850-3b26a2af@requests.fyi.org.nz

Tēnā koe Erika

OIA: 1328719/1328940/1329041 – COVID-19 and vaccinations

Thank you for your emails of 13, 15 and 17 May 2024 via the FYI website to the Ministry of Education (the Ministry) requesting the following information, which we have combined for the purposes of responding, and re-numbered for ease of reference:

1. *The COVID-19 Public Health Response (Vaccinations) Order 2021 did not come in to affect for education workers until 2 Jan 2022. I will copy and paste clause 8 of this order:*

8 Transitional provision for relevant PCBUs of affected education services Clause 8(1) and (3) does not apply to a relevant PCBU of an affected education service until 2 January 2022.

Would you kindly share any memos, correspondence, legal advice, inter-ministry comms etc around Oct and Nov 2021 regarding this clause 8 and which Education bulletins this information was discussed for and published.

2. *The MoE appears to have given advice in a document for people entering schools needing to be vaccinated here "Schools and Kura Vaccination Order process for their employees":*
<https://web.archive.org/web/20211203032241/https://assets.education.govt.nz/public/Documents/School/SchoolsBulletin/2021-Bulletins/2021COVID/Oct-COVID-documents/28OCTMandatoryVaccinationFlowcharts.pdf>

This document appears to be a process flow chart and remains on the MoE website as of today: <https://assets.education.govt.nz/public/Documents/School/SchoolsBulletin/2021-Bulletins/2021COVID/Oct-COVID-documents/28OCTMandatoryVaccinationFlowcharts.pdf>

Would you please share the minutes, emails, any correspondence and policy documents for the decision to publish this document above saying that a service provider, contractors and volunteers would need their vaccination status considered to work (paid or unpaid) at a school?



Please include any legal discussions and legal advice, and also refer to the specific sections of the Health and Safety at Work Act 2015 as the basis for this process flow chart and the "Schedule 2 Groups of Affected Persons" in the Covid-19 Public Health Response (Vaccinations) Order 2021.

3. *Was Covid 19 a disease reported to WorkSafe by The Ministry of Education?*
4. *Did Covid 19 arise out of the nature of work at Ministry of Education and any of its facilities or schools?*
5. *Is there or was there in the past, any genetic "gain of function" work taking place at the Ministry of Education facilities on corona viruses, or the nursing of corona virus patients?*
6. *Please provide the written authorisation from the Director General specifying persons at The Ministry of Education who were authorised enforcement person(s) under section 18 (2) the Covid-19 Public Health Response Act 2020. Please provide the functions and powers that could be carried out by the authorised enforcement person(s) and;*
7. *Please provide the number of exemptions issued to The Ministry of Education workers under clause 9 of the Covid 19 Public Health Response (Vaccinations) Order 2021;*
8. *Please provide any other exemptions issued to staff, please provide grounds and number issued and;*
9. *In relation to covid 19 vaccines, any payment The Ministry of Education and/or its subsidiaries received for each staff member that was vaccinated, the amount and the scheme the payment was provided under and;*
10. *Any payment the Ministry of Education and/or its subsidiaries received for leasing or renting floor space, or allowing mobile clinics on-site for vaccination in 2021 and 2022 and the scheme the payment was provided under.*

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

Regarding **part one** of your request, I have identified one Cabinet Paper in scope. I am refusing to provide a copy of this paper under section 18(d) of the Act, as it is publicly available at the following link: <https://assets.education.govt.nz/public/Documents/our-work/information-releases/Advice-Seen-by-our-Ministers/October-2021/Education-System-Vaccination-and-Testing-Requirements-Redacted.pdf>.

Due to the significant volume of remaining correspondence at the time regarding the topics shared with schools via the Bulletins which is not centrally stored in a manner in which it would be easily retrieved, I am refusing the remainder of this part of your request under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

In any case, I note that correspondence seeking or receiving legal advice would be withheld under section 9(2)(h) of the Act, to maintain legal professional privilege.

Regarding **part two** of your request, again, information relating to the publishing of the *Schools and Kura Vaccination Order process for their employees* flowchart is not centrally stored in a manner in which it would be easily retrieved. Any attempt to collate such information would require a keyword search of the Ministry's systems that would be likely to generate a significant volume of 'hits' to search through in order to determine if they were in scope. I am therefore also refusing this part of your request under section 18(f) of the Act, as above.

In coming to this decision, as required by sections 18A and 18B of the Act, I have considered whether the Ministry would be able to meet your request by seeking further refinement, fixing a charge, or extending the time limit for responding. However, we have determined that none of these mechanisms would be appropriate, and any possible refinement would be unlikely to reduce the volume of material significantly.

Regarding **parts three, four and five** of your request, I can advise that COVID-19 is not a disease that the Ministry reported to WorkSafe, there was no “gain of function” work at the Ministry, and COVID-19 did not arise out of the nature of the Ministry’s work. Please note that the Ministry did acknowledge that teaching would be a high-risk profession due to community transmission in the place of work.

As **parts six, nine and ten** of your request are for information not applicable to the Ministry, I am refusing these parts under section 18(e) of the Act, as the information requested does not exist.

Regarding the **part seven** of your request, approximately 59% of the approximately 4,352 Ministry employees were covered under the COVID-19 Public Health Response (Vaccinations) Order 2021 (the Public Health Order) when it was in effect and none of these staff were granted a vaccine exemption. Please note, Ministry staffing numbers are not static and therefore it is difficult to provide exact figures on how many staff were covered under the mandate.

Regarding **part eight** of your request, no other exemptions were made.

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



Emma Drysdale
Manager Official and Parliamentary Information
Te Pou Rangatōpū | Corporate