

6 September 2024

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Our ref: OIA 113667

Tēnā koe Chris

Official Information Act request

Thank you for your email of 2 July 2024 to the Ministry of Justice (the Ministry), requesting information about the alleged release of COVID-19 vaccine data by Barry Young and the associated criminal proceedings, under the Official Information Act 1982 (the Act).

On 30 July 2024, the Ministry decided to partially grant your request pursuant to section 15(1) of the Act, and noted that some information may be refused under sections 18(e) and 18(g) of the Act. I understand a further update was provided to you on 9 August 2024 to advise further time was needed to undertake consultation. Thank you for your patience while a response to your request has been prepared.

The Ministry has separated your request into 3 parts:

- Part 1 - the unauthorised release of Te Whatu Ora health information
- Part 2 - the criminal proceedings relating to the alleged release of health information from Te Whatu Ora systems.
- Part 3 - Ministry assessments, advice and protocols.

Please find your requests, and responses, set out below.

Part 1 – the unauthorised release of Te Whatu Ora health information

Which officials or departments within the Ministry of Justice, if any, were notified about Barry Young's data release? Please provide details of when and how they were notified.

The following Ministry officials were notified of the unauthorised release of health information from Te Whatu Ora systems:

- Carl Crafar, Chief Operating Officer - verbally notified on 7 December 2023.
- Jacquelyn Shannon, Group Manager, Courts and Tribunals, Regional Service Delivery – verbally notified on 7 December 2023.
- Donella Gawith, Group Manager, Commissioning & Service Improvement - verbally notified on 7 December 2023.
- Sarah Lynn, Chief Advisor, verbally notified on 7 December 2023.
- Paul Easton, Principal Advisor Media, verbally notified on 7 December 2023.

- Gaye Robinson, Acting Manager Justice Services, Coroners Court – verbally notified on 8 December 2023.

Has the Ministry of Justice received a copy of the data released by Barry Young? If so:

- a) When was this data received?*
- b) From which agency or individual was it received?*
- c) Has the Ministry conducted any analysis of this data? If yes, please provide details of the analysis and any conclusions drawn.*

The Ministry did not receive a copy of the data allegedly released by Barry Young.

Part 2 – Criminal proceedings

What specific whistleblower protections, if any, have been afforded to Barry Young in relation to his release of COVID-19 vaccine data?

The Ministry does not hold the information you have requested. This information may be held by the court which is excluded from the operation of the Act under section 2(6)(a). This part of your request is therefore refused under section 18(g)(i) of the Act as there are no grounds for believing that the information is held by a department, Minister of the Crown, organisation, or local authority subject to the Act.

Please provide copies of any internal notes, communications, or correspondence between Ministry of Justice officials discussing Barry Young's case, including any communications with or involving the Coroner's office.

The Ministry has interpreted 'Barry Young's case' to be the criminal proceedings relating to the alleged release of health information from Te Whatu Ora systems. Therefore your request has been interpreted to be for all internal notes, communications, or correspondence between Ministry officials relating to the criminal proceedings involving Barry Young.

The Ministry does not hold any internal notes, communications or correspondence about the criminal proceedings involving Barry Young. Therefore, this part of your request is refused under section 18(e) of the Act as the information requested does not exist.

Part 3 – Ministry assessments, advice and protocols

What assessments, if any, has the Ministry conducted regarding the legal implications of Barry Young's actions under current whistleblower protection laws?

Has the Ministry provided any advice or guidance to other government agencies regarding the handling of this case? If so, please provide details.

The Ministry has not conducted any assessments, or provided any guidance or advice to other government agencies relating to this case. I am therefore refusing these parts of your request under section 18(e) of the Act as the information requested does not exist.

What measures are in place to ensure the independence and separation of the Coroner's office from the Ministry of Justice, particularly in cases where there might be allegations of cover-ups or misconduct within the Coroner's office?

What protocols exist for investigating allegations of misconduct or cover-ups within the Coroner's office, and how does the Ministry of Justice maintain its oversight role while ensuring the Coroner's independence?

The Ministry's role is limited to providing administrative support to the Coroners Court. It is the role of the Chief Coroner to facilitate the orderly and efficient operation of the Coroners Court and to oversee coroners' investigations. It is a fundamental principle of New Zealand's constitutional system that courts must operate entirely independently from the government, Ministers and the Ministry to support the integrity of the Coroners Court system.

Ministry employees who provide administrative support to the Coroners Court are subject to judicial direction but are bound by the Ministry's Code of Conduct which is publicly available at: justice.govt.nz/assets/Documents/Forms/Code-of-Conduct-2019.pdf. The Code of Conduct specifically addresses the work of Ministry employees in supporting an independent judiciary, dealing with conflicts of interest, and the protection and proper use of information.

There are avenues for review via the Coroners Act 2006, and to make complaints about judicial officers, including coroners, via the Judicial Conduct Commissioner. The Commissioner can receive and assess complaints about the conduct of coroners, but they cannot challenge the legality or correctness of a coroner's decision in relation to any case.

The remainder of your email contained a series of statements as opposed to seeking official information so have not been addressed within this response.

If you require any further information, please contact Media & Social Media Manager Joe Locke at media@justice.govt.nz.

This response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/.

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman can be contacted by emailing info@ombudsman.parliament.nz or calling 0800 802 602.

Nāku noa, nā



Jacquelyn Shannon
Group Manager, Courts and Tribunals, Regional Service Delivery