



**Te Tari Ture
o te Karauna**
Crown Law

15 December 2021

Chris McCashin

By email: fyi-request-17066-14ad331f@requests.fyi.org.nz

Tena koe,

Official Information Act Request

Our Ref: OIA353/1

1. I refer to your email dated 17 November 2021. In that email, you requested "*all consultation/documents as to whether vaccine passports/covid-19 traffic light system complied with the Human Rights Act and Bill of Rights.*"
2. The information requested is legally privileged. The requested information is accordingly withheld under section 9(2)(h) as is necessary to maintain legal professional privilege. In withholding this information, I have considered whether the interest in maintaining legal professional privilege is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
3. Your email also included the following questions:

"Is the PM also aware Gibraltar 100% vaccinated has seen cases surge. Is that not enough evidence to suggest this vaccine is ineffective?"
4. While the Act allows New Zealanders to ask for information from Ministers and government agencies, there is no requirement for agencies to create new information, compile information they do not hold or provide or prove an opinion. Your questions appear designed to engage in a debate about the Government's COVID-19 vaccination programme, rather than a request for official information. The Act does not support requests where an opinion, comment, argument, or hypothetical statement is put to a Minister or agency for response, couched as a request for information. These questions are therefore refused under section 18(g) of the Act on the grounds that the information sought is not held by Crown Law.
5. You have the right to seek an investigation and review by the Ombudsman of this decision in accordance with section 28(3) of the OIA. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours faithfully

Crown Law

Ian Auld

Crown Counsel