



07 MAR 2023

James
fyi-request-21384-4bce0493@requests.fyi.org.nz

Ref: PMO 2022-395

Tēnā koe James

Official Information Act request for information about Clarke Gayford's phone call with a Pharmacist

Thank you for your Official Information Act 1982 (OIA) request of 10 December 2022.

You have requested:

"The information I am seeking relates to the pharmacist phone call involving Clarke Gayford, your fiancé.

For some context, I have outlined your previous refusal to provide any information below.

At the time of the incident, as widely reported by multiple media outlets, you "Refused to comment on the issue".

As per RNZ article published 13th January 2021

"Prime Minister Jacinda Ardern is refusing to comment on claims her fiancé tried to get rapid antigen tests (RATs) for his musician friends despite them not being eligible"

Furthermore, despite the story being first reported by an accredited Press Gallery member Thomas Coughlan, you have point blank refused to answer any questions from journalists.

Lastly, if the musicians seeking the RAT kits were close contacts they would have been immediately contacted by the MOH and a full "Health Risk Assessment" carried out.

Thus, why the musicians were urgently seeking their own testing and the assistance of Mr Gayford is a valid and reasonable question.

In the interests of transparency, integrity and public confidence in the govt it is vital the PM avoids or declares any conflicts of interest, including the perception of conflicts of interest.

With that in mind I seek the following information.

- 1) When were you first made aware DJ Dimension (Robert Etheridge) had broken Covid 19 protocols and who informed you? Please provide all communications concerning DJ*

Dimension including but not limited to texts, emails and phone relating to DJ Dimension between the dates of 28th of December 2021 and January 13th 2022.

- 2) *What was the exact date and time Mr Gayford was on the phone to the pharmacist in Tauranga, where the musicians were seeking RAT kits?*
- 3) *When were you made aware Mr Gayford had been on the phone with the pharmacist in Tauranga and who informed you?*
- 4) *Please provide all communications including but not limited to emails, texts and phone calls relating to Mr Gayford's phone conversation with the Tauranga pharmacist inclusive of communications involving Office of the Prime Minister.*
- 5) *Please provide all communications including but not limited to emails, texts and phone calls involving Mr Gayford if he had contact with any government officials or members of your staff regarding music festivals, or musicians involved with the music festivals between the dates of December 28th 2021 and 13th of January 2022.*
- 6) *Further, any communications between Mr Gayford and any promoter/festival owner/director involved in essential worker visas for DJ Dimension in the 12 months prior to 28th December 2021, Again communications for this request are limited to the period between December 28th and 13th of January 2022.*
- 7) *Did you have contact or involvement whatsoever with Mr Gayford's lawyers, legal advisors or management between the dates of December 29th 2021 to 13th January 2021. If yes, please provide all details and communications including but not limited to emails, phone calls and texts"*

Part One

I can advise that the former Prime Minister has not had any communications with or about Robert Etheridge between 28 December 2021 and 13 January 2022.

As such, this part of your request is refused under section 18(e) of the OIA, as the document alleged to contain the information requested does not exist.

As you may be aware, the Minister for COVID-19 addressed the matter of the first community case of Omicron at a press conference on 30 December 2021.

Part Two

The information you have requested in this part of your request is not "official information" as defined in section 2 of the OIA. Please be advised that official information means any information held by a public service agency; or a Minister of the Crown in their official capacity; or an organisation.

Mr Gayford is not a Minister of the Crown, and is not subject to the OIA. Accordingly, I am refusing Part Two of your request under section 18(g) of the OIA because this Office does not hold any “official information” relevant to this part of your request.

Part Three

The Prime Minister does not hold the information you have requested in her official capacity as a Minister of the Crown. Given the nature of this subject, I consider it important to clarify that she was made aware of the phone call occurring in her personal capacity. Part Three of your request is therefore refused under section 18(g) of the OIA as the information is not held.

Part Four and Five

We have interpreted this part of the request to be for all communications held by this office in relation to Mr Gayford's phone conversation with the Tauranga pharmacist. Please note that as this office can only answer in so far as the information we hold.

Please find attached information within the scope of your request. Some information has been withheld under section 9(2)(a) of the OIA to protect the privacy of natural persons.

Date	Document Description	Decision
12 Jan 2022	FW: Complaint in relation to attempted influence by Clarke Gayford	Some information withheld under section 9(2)(a) of the OIA to protect personal privacy.
13 Jan 2022	RE: Clarke Gayford comment	Some information withheld under section 9(2)(a) of the OIA to protect personal privacy.
13 Jan 2022	Final response signed off by PM	Some information withheld under section 9(2)(a) of the OIA to protect personal privacy.
13 Jan 2022	RE: Final response signed off by PM	Some information withheld under section 9(2)(a) of the OIA to protect personal privacy.
13 Jan 2022	RE: PM Response to [redacted under section 9(2)(a)]	Some information withheld under section 9(2)(a) of the OIA to protect personal privacy.
13 Jan 2022	FW: Questions	Some information withheld under section 9(2)(a) of the OIA to protect personal privacy.
13 Jan 2022	RE: Questions	Some information withheld under section 9(2)(a) of the OIA to protect personal privacy.

Further identified as information within the scope of your requests are text messages containing advice provided to the former Prime Minister from the Chief Press Secretary relating to this Office's media response.

These text messages are withheld in full under section 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 of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

Part Six

The Office does not consider the information you have requested in this part of your request is "official information" as defined in section 2 of the OIA.

Mr Gayford is not subject to the OIA. Accordingly, I am refusing Part Six of your request under section 18(g) of the OIA because this Office does not hold any "official information" relevant to this part of your request.

Part Seven

The former Prime Minister did not have contact or involvement with Mr Gayford's lawyers, legal advisors, or management between 29 December 2021 and 13 January 2021.

Part Seven of your request is therefore refused under section 18(g) of the OIA because this Office does not hold any "official information" relevant to that part of your request.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act.

I trust the information provided is of assistance. You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Ngā mihi nui,



Andrew Kirton
Chief of Staff