



25 March 2022

fyi-request-17826-58178fa0@requests.fyi.org.nz

Ref: OIA-2021/22-0714

Tēnā koe ASE

Official Information Act request relating to vaccines, human rights, crimes against humanity and war crimes

Thank you for your Official Information Act 1982 (the Act) request received on 3 December 2021. You requested:

- 1. Is The Department of the Prime Minister and Cabinet aware of any long-term safety data for any COVID-19 inoculations? If so, what is that data?*
- 2. Is The Department of the Prime Minister and Cabinet aware of any long-term efficacy data for any COVID-19 inoculations? If so, what is that data?*
- 3. What consideration within The Department of the Prime Minister and Cabinet has been given to the status of COVID-19 inoculations as “experimental” medical treatments? What scientific and medical basis does The Department of the Prime Minister and Cabinet have for asserting that COVID-19 inoculations are not “experimental” medical treatments? If this has not been considered within The Department of the Prime Minister and Cabinet, then why has this not been considered?*
- 4. What contingency plans have been considered within The Department of the Prime Minister and Cabinet, if COVID-19 inoculations may prove to be unsafe, ineffective, unnecessary, and/or otherwise harmful to personal health and/or public health (as “public health” is generally understood)? If this has not been considered within The Department of the Prime Minister and Cabinet, then why has this not been considered?*
- 5. In consideration of positions, polices, and/or legislation (including, but not limited to messaging and medical advice, collective punishments, and segregation) which may appear as intent to use force, fraud, deceit, duress, over-reaching, or other ulterior forms of constraint or coercion to encourage, incentivize, or otherwise promote COVID-19 inoculations, what consideration within The Department of the Prime Minister and Cabinet has been given to the effects of such positions, polices, and/or legislation respecting healthcare providers' legal and ethical obligations to empower their patients to exercise their rights of informed consent (including rights of informed refusal)? How do such positions, polices, and/or legislation respect patients' rights regarding informed consent (including rights of informed refusal)? If this has not been considered within The Department of the Prime Minister and Cabinet, then why has this not been considered?*
- 6. In consideration of positions, polices, and/or legislation (including, but not limited to messaging and medical advice, collective punishments, and segregation) which may appear as intent to use force, fraud, deceit, duress, over-reaching, or other*

ulterior forms of constraint or coercion to encourage, incentivize, or otherwise promote COVID-19 inoculations, what consideration within The Department of the Prime Minister and Cabinet has been given to the effects of such positions, policies, and/or legislation respecting individual human rights (including human rights as recognised under national and international frameworks), such as individual human rights to privacy and confidentiality of medical information; and individual human rights to refuse medical treatment, with or without reason? If this has not been considered within The Department of the Prime Minister and Cabinet, then why has this not been considered?

7. *In consideration of the questions raised above, and related matters, what consideration within The Department of the Prime Minister and Cabinet has been given to the possibility that positions, policies, and/or legislation (including, but not limited to messaging and medical advice, collective punishments, and segregation) which may appear as intent to use force, fraud, deceit, duress, over-reaching, or other ulterior forms of constraint or coercion to encourage, incentivize, or otherwise promote COVID-19 inoculations, may expose proponents, advocates, and/or actors on behalf of such positions, policies, and/or legislation to culpability for human rights violations, crimes against humanity, and/or war crimes? If this has not been considered within The Department of the Prime Minister and Cabinet, then why has this not been considered?"*

The Department of the Prime Minister and Cabinet (DPMC) is only in a position to respond to your request in relation to any relevant information held by this agency. As advised in the letter dated 24 March 2022 from DPMC, questions 1 and 2 of your request have been transferred to the Ministry of Health as the information requested is more closely connected to the functions of this agency.

The time frame for responding to your request was extended under section 15A of the Act by 20 working days because it necessitated consultations to be undertaken before a decision could be made on the request. Following this extension, I am now in a position to respond. I apologise for the additional delay in responding to your request.

You have asked about COVID-19 vaccines, and firstly I would like to provide important context. The deployment of highly effective and safe vaccine enables more options for both domestic measures and border settings. The COVID-19 Protection Framework (the Traffic Lights system) aims to minimise the spread of disease without relying on lockdowns. Vaccinating, effectively testing, tracing and isolating, and controlling the virus through this framework, reduces the frequency, size and speed of outbreaks.

COVID-19 vaccines are not experimental. Medsafe checks applications for all new medicines, including vaccines to make sure they meet international standards and local requirements. Medsafe has given the Pfizer vaccine provisional approval (with conditions) for use in New Zealand. This means it is been formally approved, but Pfizer must give Medsafe ongoing data and reporting to show that it meets international standards. Please note that DPCM is not responsible for approving vaccines in New Zealand.

More information about vaccine clinical trials and the development of the vaccine is available through the Ministry of Health. The relevant Ministry's website link is set out below:

<https://www.health.govt.nz/covid-19-novel-coronavirus/covid-19-vaccines/covid-19-vaccines-available-new-zealand/covid-19-vaccine-clinical-trials-and-testing>

Your request also asks what consideration DPMC has given to human rights in developing the COVID-19 Vaccination Certificate policy. In formulating this policy, we have considered the distinct rights and interests of Māori, as well as the health outcomes for the wider

population while assessing related issues such as equity, feasibility, employment, access to lifeline services, human rights, privacy and the Treaty of Waitangi. The policy process has been aware that vaccine requirements have the potential to deny access to everyday services to people who are legally exercising their right not to be vaccinated. Acknowledging that vaccine requirements limit people's access, Cabinet agreed that providers of life-preserving basic needs will be prohibited from introducing vaccine requirements.

DPMC has released key decision making documents relating to the Government's response to COVID-19 including the COVID-19 Vaccination Certificate. I draw your attention to the following documents:

- Joint Briefing: *Initial advice on the domestic use of COVID-19 vaccination certificates*, dated 17 September 2021
- Joint Briefing: *The domestic use of COVID-19 vaccination certificates in high risk settings*, dated 24 September 2021
- Cabinet paper: *COVID-19: A Strategy for a Highly Vaccinated New Zealand*, dated 27 September 2021
- Brief Insights Report – *Details on different countries' approaches to domestic COVID-19 vaccine passes*, dated 1 October 2021
- Cabinet paper: *COVID-19: A Strategy for a Highly Vaccinated New Zealand: Report Back*, dated 4 October 2021
- Joint Briefing: *COVID-19 vaccine certificates – settings for domestic use*, dated 14 October 2021
- Cabinet paper: *COVID-19: Confirming a strategy for a highly vaccinated New Zealand*, dated 18 October 2021
- Cabinet paper: *COVID-19 Vaccination Certificates: Implementation in domestic settings*, dated 26 October 2021
- Briefing: *COVID-19 Vaccination Certificates: Further advice on prohibited settings*, dated 5 November

These documents are publicly available and can be found on the Unite Against COVID-19 website:

<https://covid19.govt.nz/about-our-covid-19-response/proactive-releases/alert-levels-and-restrictions/>.

This part of your request therefore is refused under section 18(d) of the Act as the information requested is publicly available.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response may be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Cheryl Barnes
**Deputy Chief Executive
COVID-19 Response**