

10 March 2022

ASE

By email: fyi-request-17762-42d251a8@requests.fyi.org.nz
Ref: H202200610

Tēnā koe ASE

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 26 January 2022 for information about the 19 November 2021 document, *Ministry of Health position statement on pre-consultation testing of unvaccinated individuals in healthcare settings*. I will respond to each part of your request in turn.

How has The Ministry of Health considered more effective ways of communicating this information so that it could not be taken out of context, rather than simply removing it from subsequently revised releases of this position paper? eg, what meeting notes and emails are associated with these revisions?

Please provide the feedback and consultation referred to here: "The statement was revised following feedback from and consultation with healthcare professionals, to ensure the position was clear and to avoid confusion."

The Ministry has identified a significant number of emails in scope of your request. These emails concern the initial consultation and subsequent discussions that led to the revision of the document posted on our website. The table in Appendix 1 outlines the grounds under which information has been withheld. Where information is withheld, this is outlined in the document itself. Please note where information is withheld under section 9 of the Act, I have considered the countervailing public interest in release in making this decision and consider that it does not outweigh the need to withhold at this time.

Please note that the comments in the emails reflected of the state of the pandemic at the time and may no longer apply. For example, the Northern region district health boards now have protocols for different situations of managing planned/elective care. These protocols will also change for the different phases with the ongoing response to the Omicron variant (e.g., the shift to the use of rapid antigen tests).

Can The Ministry of Health disclose all changes between these two documents, and the reasons for all such changes? [if I understand correctly, there was also a version of this position paper released on 18 Nov 2021; this question should then be revised to ask: Can The Ministry of Health disclose all changes between all revisions of these documents, and the reasons for all such changes?

To provide a comparison to you would require the creation of information which is not a requirement under the Act. You have been supplied previously a copy of the original version of the document and the current version of the document is still available on our website for your

own comparison. Please also refer to the information supplied in Document 1 which outlines some of the concerns around the initial document.

Can The Ministry of Health disclose what basis of evidence was used to support its 19 Nov position statement (eg data, research, and other information)? In particular, what basis of evidence was used to substantiate the assertions which were removed or de-emphasised from version 2.0 of this position statement?

The position statement was produced by my predecessor as Chief Medical Officer, Dr Andrew Connolly, to support healthcare professionals in their day-to-day work. This document was drafted in consultation with the Ministry's Chief Science Advisor, Dr Ian Town, and the COVID-19 Science and Technical Advisory team, as well as wider health and disability sector clinical leaders. Again, please refer to the information supplied in Document 1.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Robyn Carey', with a horizontal line underneath.

Dr Robyn Carey
Chief Medical Officer

Appendix 1: Documents for release

#	Date	Title	Decision on release
1	31 October 2021 – 25 November 2021	Email correspondence	<p>Information withheld under the following sections of the Act:</p> <ul style="list-style-type: none">• section 9(2)(a) to protect the privacy of natural persons;• section 9(2)(ba)(i) to protect information that is subject to an obligation of confidence and making it available would likely prejudice the supply of similar information, or information from the same source;• 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 and officers and employees of any public service agency;• section 9(2)(h) to maintain legal professional privilege; and• section 9(2)(k) to prevent the disclosure or use of official information for improper gain or advantage.