

22 February 2022

ASE

By email: fyi-request-18339-61ac84ae@requests.fyi.org.nz

Ref: H202200656

Tēnā koe

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:

“As it regards COVID response advice, guidance, policies, and related matters; as is offered to Ministry of Health, sought by Ministry of Health, and acted on by Ministry of Health,

- How is constructive dissent being encouraged? How is groupthink and confirmation bias being discouraged?*
- What management practices are in place to ensure that constructive dissent is being encouraged; and groupthink and confirmation bias are being discouraged? How are these matters being assessed and managed (eg via "key performance indicators") on an ongoing basis, and what has been the assessment of such metrics? If such metrics are not being actively assessed and managed, then why are they not being actively assessed and managed?*
- How has diversity of thought been compromised by mandates which exclude or otherwise marginalise those who dissent or conscientiously object to requirements to submit to medical treatments (aka "vaccinations")? If this issue has not been assessed, then why has this issue not been assessed?"*

While the Act enables people to request official information from the Ministry, it only applies to information it holds. There is no obligation to create information or compile information it does not hold in order to respond to requests, nor is the Ministry obliged to provide or prove an opinion.

Asking whether the Ministry has key performance indicators to discourage groupthink or encourage constructive dissent, or whether “diversity of thought has been compromised by mandates,” are not requests for official information but are instead designed to engage in a debate about the merits of the Government’s COVID-19 response. As advised in the Ministry’s letters of 8 October 2021, 1 December 2021, 17 December 2021, 25 January 2022, and 9 February 2022, the Act does not support requests in which a requester quotes information or statements or asks leading questions and then seeks some form of comment on them, couched as a request for official information. While the Ministry could again refuse your latest request under section 18(g) on the grounds that the information sought is not held by the Ministry, as you have repeatedly ignored this advice, your request is refused under section 18(h) of the Act, as frivolous or vexatious.

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



Jan Torres
Acting Manager, OIA Services
Office of the Director-General