

Ref: 219722

Friday, 30 September 2022

Darren Sharpe

By email to: fyi-request-20463-78edb4de@requests.fyi.org.nz

Tēnā koe Darren

Response to your request for Official Information

On 4 September 2022, you requested from the Human Rights Commission ('the Commission') the following information under the Official Information Act 1982 ('the Act'):

Can you please outline how many complaints have been made to HRC by, or on behalf of mask exempt persons that have been denied entry to Farro stores between January 2020 and April 2022, which includes resolved and still open complaints or submissions.

We are declining your request for information under section 9(2)(ba) of the Official Information Act 1982, because the Commission's complaints resolution process is confidential. We consider that the public interest in maintaining the confidentiality of our dispute resolution process outweighs any public interest considerations in favour of making the information available.

However, we have been able to provide alternative information about the number of contacts (both enquiries and complaints) the Commission has received that have been categorised in our database as relating to masks/mask exemptions and supermarkets, between 1 January 2020 and 30 April 2022. During this date range, our database records over 160 contacts relating to this. As explained below, this includes both enquiries and complaints.

The Commission distinguishes between **enquiries** and **complaints**. The Commission receives many emails, phone calls and other expressions of concern that we do not classify as formal complaints under the Human Rights Act ('the Act') because they are not complaints alleging unlawful discrimination under the Act. To be recorded as a complaint under the Act, the complaint will demonstrate an act or omission by a person/body that falls under a prohibited ground of discrimination set out in section 21 of the Human Rights Act 1993 (for example, disability, religious belief, etc). Contacts that do not constitute complaints are categorised as enquiries. Please note the Commission has no authority to investigate individual complaints or enquiries, including whether a party's version of events is factually correct. Instead we offer an impartial, voluntary, confidential dispute resolution process.

Further resources

We can also share with you the work the Commission has been doing to research and create resources on the balancing of human rights during times of crisis. You can find more information on our website here: www.hrc.co.nz/resources/human-rights-relation-covid-19

The Commission has also engaged directly with government during the specified timeframe and has produced multiple publications and press releases relating to human rights in a Covid-19 context.

See, for example:

- Our latest “news” section of our website for recent releases:
<https://www.hrc.co.nz/news//>
- Our Covid-19 human rights information and FAQs web page:
<https://www.hrc.co.nz/resources/human-rights-relation-covid-19/>
- [Inquiry into the Support of Disabled People and Whānau During Omicron](#)
- [Background briefing](#)
- [General conditions briefing: upholding human rights protections under Aotearoa’s proposed Covid-19 Protection Framework](#)
- [Specific conditions briefing: upholding human rights protections in the use of vaccination certificates under Aotearoa’s proposed Covid-19 Protection Framework](#)
- [Specific Conditions Briefing: upholding human rights protections in the use of vaccination mandates under Aotearoa’s Covid-19 Protection Framework](#)
- [Human Rights and Te Tiriti o Waitangi Policy Checklist for Covid-19](#)

Alternative avenues

If you are unhappy with this response, under the Official Information Act you are entitled to complain to the Ombudsman’s Office. Information about how to make a complaint is available at www.ombudsman.parliament.nz or on freephone 0800 802 602.

If you have any further queries about this response, please feel free to contact the Commission directly.

Nā mātou noa, nā

Human Rights Information and Support Services