

06 May 2026

John Armstrong
Via email: fyi-request-34027-93325e6a@requests.fyi.org.nz

Tēnā koe, John

Request for information: Provisions of Pfizer Vaccine Procurement Agreements

Thank you for your request dated 07 April 2026 under the Official Information Act 1982 (OIA) for information relating to Provisions of Pfizer Vaccine Procurement Agreements. This was partially transferred to Pharmac from MBIE. You requested:

This request is made under the Official Information Act 1982.

I request copies of contractual provisions within agreements between the New Zealand Government and Pfizer relating to:

- *indemnity provisions*
- *liability limitation clauses*
- *confidentiality provisions.*

If the full agreements cannot be released, I request the specific sections containing these provisions.

If information is withheld, please provide the statutory grounds relied upon and release any reasonably severable information.

We contacted you on the 10 April 2026 and you replied on the same day. Thank you for clarification that your request is referring to COVID-19 Vaccines.

We note that your request concerns the terms of an advanced purchase agreement for COVID-19 vaccines that was entered into between Pfizer and the Crown on 22 December 2020 (the **APA**). Funding for COVID-19 vaccines was transferred to Pharmac from the Ministry of Health on 1 July 2022. The APA was novated to Pharmac on 27 September 2022. Accordingly, Pharmac has since dealt with the supply of COVID-19 vaccines. In October 2025, Pharmac released a Request for Proposal for ongoing supply of COVID-19 vaccines and has recently concluded a standard listing agreement with Pfizer for the listing of COVID-19 vaccines. The listing agreement with Pfizer has replaced the APA.

The APA referred to above would appear to fall within the scope of this request. However, the APA is commercially sensitive and Pharmac is subject to confidentiality obligations in respect of it. Pharmac considers that releasing this information would prejudice its negotiations with pharmaceutical suppliers. Therefore, Pharmac has decided to withhold the APA under section 9(2)(j) of the OIA.

Otherwise, Pharmac has identified two documents which fall within the scope of your request. Documents one and two provide information on vaccine procurement and contracts with suppliers.

Document one is the summary statement developed by Health New Zealand, Pharmac and Treasury in response to the Ombudsman's recommendation that one be developed. This document includes an overview of the APA and purchasing contracts.

Document two is a copy of the template agreement used for the ongoing provision of vaccine supply from 1 February 2026.

For indemnity information, please refer to Document one, pages 4-7; and Document two, page 29, section 4.5.

For liability information, please refer to Document one, pages 1-7; and Document two, page 29 and 33, sections 4.5 and 5.7.

For confidentiality information, please refer to Document one, page 3; and Document two, pages 31 to 32, section 5.4.

Pharmac has considered whether the withholding of the APA is outweighed by other considerations which render it desirable, in the public interest, to make that information available. Although there is some public interest in access to the language of the clauses in the Agreement, Pharmac considers that this is outweighed by the strong public interest in Pharmac negotiating the best possible terms for the supply of medicines to the New Zealand public.

Finally, Pharmac notes that other withholding grounds may be available in relation to this information, including section 9(2)(b)(ii) (disclosure would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information), section 9(ba)(ii) (the information is subject to an obligation of confidence and making it available would be likely otherwise to damage the public interest) and section 9(2)(c) (withholding is necessary to avoid prejudice to measures protecting the health or safety of members of the public). In making our decision, we have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to override the reasons for withholding that information.

We trust that this information answers your queries. Please note, you have the right to make a complaint to the Ombudsman about our response to your OIA, under section 28(3) of the OIA. Details of [how to make a complaint](#) are on the Ombudsman's website.

To make information more freely available, we publish selected OIA responses (excluding personal details) on our website. Please get in touch with us if you have any questions about this.

Nāku noa, nā,



Nicola Ngawati
Director
Equity and Engagement