



**Te Tāhuhu o
te Mātauranga**
Ministry of Education

Erika Whittome

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30 June 2026

Tēnā koe Erika

OIA: GEMS-47879 – COVID-19 vaccination mandates on tertiary workforce

Thank you for your email of 25 April 2026 to the Ministry of Education (the Ministry) requesting the following information:

I refer to this advice dated 10 Dec 2021 for tertiary and international education which is published here:

<https://web.archive.org/web/20211227175633/https://www.education.govt.nz/covid-19/advice-for-tertiary-providerswhare-wananga/covid-19-protection-framework-advice-for-tertiary-education-providers/red/#vaccination> It says:

“Tertiary education providers that choose not to require My Vaccine Passes onsite at Red must close to students and visitors”

- 1. Please would you share the meeting minutes correspondence, all emails etc that took place to come up with this advice on your website.*
- 2. Please include any correspondence meeting Minutes etc with the Tertiary Commission about this advice.*
- 3. Please share which services at tertiary and international learning facilities were assessed to be “regulated services”. CVCs applied to regulated services in part 3 of COVID-19 Public Health Response (Protection Framework) Order 2021 | New Zealand Legislation.*

Your request has been considered under the Official Information Act 1982 (the Act).

Regarding **parts one and two** of your request, per our responses to your previous requests for similar information, much of the correspondence was not centrally stored in a manner in which it could be easily retrieved. Any attempt to collate such information would require a keyword search of the Ministry’s systems that would be likely to generate a significant volume of ‘hits’ to search through in order to determine if they were in scope.

Decisions made regarding the introduction of a vaccine mandate involving education were not made in isolation from other public health decisions during the pandemic. The Ministry worked closely with the Ministry of Health throughout the COVID-19 pandemic, and evidence produced by the Ministry of Health heavily informed Ministry decisions and papers throughout the period. Therefore, a significant number of papers could have influenced decision-making on this matter.

As a result, I am refusing these parts of your request under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

In coming to this decision, as required by sections 18A and 18B of the Act, I have considered whether the Ministry would be able to meet your request by seeking further refinement or fixing a charge. However, we have determined that none of these mechanisms would be appropriate, and any possible refinement would be unlikely to reduce the volume of material significantly.

In accordance with section 15(1) of the Act, this letter is to advise you that a decision has been made to refuse these parts of your request. However, so as to provide you with some of the information that is important to you, the Ministry has determined that we are able to provide you with key documents related to these parts of your request.

Ten key emails and their associated attachments have been identified in scope of these parts of your request.

Some information will be withheld under the following sections of the Act:

- 9(2)(a), to protect the privacy of natural persons.
- 9(2)(h), to maintain legal professional privilege.

We are currently finalising the documentation for release and our substantive response will be with you without undue delay.

Regarding **part three** of your request, under the COVID-19 Public Health Response (Protection Framework) Order 2021, a 'regulated business or service' was a business or activity explicitly identified in the Order as presenting higher public health risk due to factors such as indoor settings, close physical proximity, prolonged contact, or large gatherings of people. These services were subject to specific operating rules, including capacity limits and, at higher risk settings such as Red, the option or requirement to operate using COVID-19 Vaccination Certificates (My Vaccine Passes).

Tertiary education and international learning facilities commonly host a wide range of activities alongside core teaching and learning. Under the Protection Framework, core education delivery (such as lectures, tutorials, laboratories, libraries, and academic supervision) was not classified as a regulated service. These activities were addressed through education-specific provisions in the Order, rather than through the regulated-service regime.

However, many ancillary or public-facing services operated on tertiary campuses were assessed to fall within regulated-service categories. When these services were provided on campus, they were regulated in the same way as equivalent services in the wider community.

The following services, when operated at tertiary or international education facilities, were treated as regulated businesses or services under the Protection Framework Order:

- Food and drink services, such as campus cafés, dining halls, and bars operating as hospitality venues
- Permitted events, including graduation ceremonies, large orientations, conferences, performances, and other organised events meeting the legal definition of an event
- Close-contact businesses, for example hairdressing, barbering, beauty therapy, massage, physiotherapy, or similar clinics run as part of teaching programmes and open to clients
- Gyms and indoor recreation facilities, including student or public fitness centres
- Gatherings that exceeded ordinary instructional use, such as club events, association meetings, or social activities involving larger numbers of people.

Vaccine passes were used in tertiary education settings not because those settings were classified as “regulated services,” but because the COVID-19 Protection Framework allowed for and incentivised their use across a wider range of settings.

You have the right to ask an Ombudsman to review the decision on your request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Emma Drysdale

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Te Pou Rangatōpū | Corporate