

24 September 2021

Andrew Ecclestone

By email: [REDACTED]@[REDACTED].nz

Dear Mr Ecclestone

I refer to your Official Information Act request dated 12 September 2021, concerning:

*On the substantive issue of whether the government should introduce (or permit) a system where workplaces require people to show proof of vaccination, has the government sought your views? If so, what did you tell them? If not, what do you see as the risks in requiring proof?*

My Office is regularly engaged by public agencies on a wide range of matters that impact on individual privacy and provides expert advice on compliance with the Privacy Act 2020. However, as per s 206 of the Act, there is an obligation upon the Privacy Commissioner and staff at the Office of the Privacy Commissioner to maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions under the Act. As such, I have decided to refuse your request under s 18(c)(i) of the Official Information Act 1982 (OIA) on the ground that making available the information that you have requested would be contrary to the provisions of a specified enactment (the provision here being s 206 of the Privacy Act).

In coming to this decision, in addition to considering the role of my Office and its functions under the Privacy Act, I have also considered the applicable criteria in the OIA. The matters to which you refer in your request are currently under active consideration by the Government; therefore, s (9)(2)(f)(iv) of the OIA – ‘the confidentiality of advice tendered by Ministers of the Crown and officials’ – also applies to your request.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely



John Edwards  
Privacy Commissioner