

Reference: 20230446

13 October 2023



Dear 

Thank you for your Official Information Act request, received on 20 September 2023.  
You requested:

*The contract that was established and signed between the Ministry of Health and the New Zealand Government and Pfizer surrounding the purchasing and subsequent administration of the Pfizer/BioNTech Comirnaty vaccines within New Zealand. Including any certificates of liability.*

*Did any individual person(s) in New Zealand directly or indirectly benefit financially from the agreement?*

*Now that the Vaccine Mandates have been withdrawn section 9(2)(b)(ii) of the act should no longer apply. It is time for the public to know exactly what the details above are.*

On 20 September 2023, the Department of Internal Affairs transferred your original request of 8 September 2023 to the Ministry of Health, Pharmac and the Treasury, under section 14(b) of the Act. I understand that Pharmac has referred you to my response.

I have decided to withhold your request for the Pfizer COVID-19 vaccine in full under the following sections of the Official Information Act:

- section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information.
- section 9(2)(ba)(ii) – to protect information that is subject to an obligation of confidence and making it available would likely damage the public interest.
- section 9(2)(c) – to avoid prejudice to measures protecting the health or safety of members of the public.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act.

In June 2023, the Chief Ombudsman formed the opinion that there were good reasons to withhold copies of the COVID-19 vaccine contracts. However, due to the public interest in transparency and accountability, he recommended the release of a summary of the nature of the Government's commitments across all the contracts. A copy of the Ombudsman's final opinion can be found at [www.ombudsman.parliament.nz/resources/chief-ombudsmans-opinion-oia-complaints-about-refusal-covid-19-vaccine-contracts](http://www.ombudsman.parliament.nz/resources/chief-ombudsmans-opinion-oia-complaints-about-refusal-covid-19-vaccine-contracts).

You can also find the full COVID-19 vaccine summary at [www.health.govt.nz/about-ministry/information-releases/general-information-releases/summary-statement-new-zealand-covid-19-vaccine-procurement-process-and-contracts-suppliers](http://www.health.govt.nz/about-ministry/information-releases/general-information-releases/summary-statement-new-zealand-covid-19-vaccine-procurement-process-and-contracts-suppliers). The summary includes a section on indemnities and liabilities.

I note your query if 'any individual person(s) in New Zealand directly or indirectly benefit financially from the agreement?' No. The contract was between the Crown (i.e. the New Zealand Government) and Pfizer. The Minister of Finance and the Director-General of Health were signatories to the contract on behalf of the New Zealand Government. They did not financially benefit from the contracts.

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Treasury website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

Jess Hewat  
**Manager, Health and ACC**