



24 March 2023

Dan Picknell



Tēnā koe

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (the Act) request of 26 February 2023 to the Ministry of Justice (the Ministry) seeking information on the recording of COVID-19 vaccination information on the Police Sudden Death Report (POL47).

You have requested information from the Office of the Chief Coroner and the Ministry. Before responding to your request, it is important that I explain that the Coroners Court is not part of the Ministry; it is a part of the judicial branch of government, and as confirmed by section 2(6) of the Act is not a department subject to the Act.

It is also important for me to explain that pathologists are not employed by the Ministry or the Coroners Court. Therefore, your requests are exclusively being responded to from the perspective of the Ministry.

Your requests and my responses are set out below.

"1. In May and August of 2021, the New Zealand Police Sudden Death Reporting form POL47 was amended to capture detail for each deceased person's COVID 19 vaccination status, number of doses administered, dates of vaccination, who administered the vaccinations and batch numbers of doses administered. Police advise no direction exists that required New Zealand Police to record this data but that a verbal request was made by Ministry of Justice as to whether Police could capture this information. A subsequent verbal request was made by a pathologist to the Chief Coroner if the location of where the vaccine was administered could be captured by Police on the POL47 form.

*Please provide any and all documentation electronic or otherwise recorded relating to why the Ministry of Justice and pathologist to the Chief Coroner both required this COVID 19 vaccination information to be captured and any communications between NZ Police and Ministry of Justice and or Chief Coroner requesting this information.
If there is no documented record of these requests then please provide the names of the representative from Ministry of Justice and the pathologist to the Chief Coroner that verbally requested these amendments to the Police POL47 form as clearly Superintendent Dave Greig has knowledge of the verbal requests to disclose this detail to me."*

In part one of your request you have sought information on communications between the Ministry, Office of the Chief Coroner, New Zealand Police, and a pathologist in relation to the amendment of the POL47 form to include COVID-19 vaccination information.

It is important to understand that any communications by employees of the Ministry conducted on behalf of the coroner, not relating to particular cases, are regarded as being judicial communications. Communications that fall under this category are considered to be judicial information and are held by the coroner, not the Ministry.

It is also important to understand that coroners as judicial officers are independent from the Government, Ministers and their officials, and this means that the Ministry is not involved in a coroner's decision-making. Courts are excluded from the operation of the Act under section 2(6)(a). I am therefore refusing this part of your request under section 18(g)(i) of the Act because the Ministry does not hold the information you have requested, nor are there grounds for believing that the information is held by or connected more closely with the functions of another department, Minister, or organisation.

However, to provide context, it may be helpful for me to explain that coroners rely on the expert advice of pathologists and other relevant evidence to determine the cause and circumstances of death. A pathologist may provide advice as to whether a vaccination caused or contributed to a death and therefore information relating to the deceased's vaccinated status would be required to inform the pathologist's view in this matter. Police act as agents of the coroner when collecting the information recorded in the POL47.

"3. Please provide any reports, data analysis or statistics held by Ministry of Justice or Chief Coroner or their office related to any correlation or concerns identified around unexplained sudden deaths and the deceased's COVID 19 vaccination information."

In response to part three of your request, it is important to note that the Ministry relies on the extraction of information from the Coronial Case Management System (CMS) to inform reports and analysis. CMS does not record information on the vaccination status of the deceased; this information is only held on the deceased's coronial file. I am therefore refusing this part of your request in accordance with section 18(g)(i) of the Act as the Ministry does not hold the information you have requested, nor are there grounds for believing that the information is held by or connected more closely with the functions of another department, Minister, or organisation.

"2. Please provide details of what Ministry of Justice and the Chief Coroner have done with the COVID 19 vaccination data collected including whether it has been considered as being cause of death or contributing to death of persons recorded on POL47 form and provide details of any other person, agency or organisation that has been provided with the data and for what purpose they were provided the data."

"4. As per NZ Police Superintendent Dave Greig stating in attached OIA response "Police complete the POL47 form with respect to legislative obligations to investigate UNEXPLAINED or VIOLENT (emphasis mine) deaths on behalf of the Coroner (Coroners Act 2006)." Please provide detail as to why COVID 19 Vaccination is being considered and in fact detail of said vaccination requested by Ministry of Justice and pathologist to the Chief Coroner in the investigation of unexplained or violent deaths."

In response to parts two and four of your request, it may be helpful for me to refer you to the contextual information provided above. Pathologists consider a wide range of medical information, which may include vaccination information, when providing expert advice to coroners to assist in determining the cause and circumstances of death.

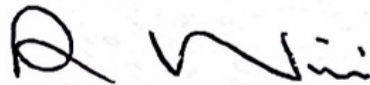
As mentioned above, coroners are independent judicial officers and it would be inappropriate for the Ministry to comment on how or why particular information is considered by a coroner as part of

their investigation into a death. Such information is considered judicial information. I am therefore refusing these parts of your request in accordance with section 18(g)(i) of the Act as the Ministry does not hold the information you have requested, nor are there grounds for believing that the information is held by or connected more closely with the functions of another department, Minister, or organisation.

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

I trust that this information assists.

Nāku noa, nā



Richard Williams
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