

15 June 2021

Barbara Robson

By email: [b.robson@xtra.co.nz](mailto:b.robson@xtra.co.nz)  
Ref: H202105770

Dear Barbara

### Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) on 10 May 2021 for:

*"1. copies of the full Privacy Impact Assessment and the data dictionary for the CIR.*

The Privacy Impact Assessment for the COVID Immunisation Register (CIR) is publicly available on the Ministry of Health (the Ministry) website at: [www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-vaccines/covid-19-getting-vaccine/covid-19-vaccine-and-your-privacy#privacy](http://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-vaccines/covid-19-getting-vaccine/covid-19-vaccine-and-your-privacy#privacy).

The data dictionary you have requested is refused under section 18(e) of the Act as the information does not exist.

*2. Is the CIR pre-populated using the NHI? If yes, please detail which fields/data elements in the NHI are used to pre-populate the CIR.*

The National Health Index (NHI) data is populated into the Profile record of the person in the CIR. The fields populated in the CIR from the NHI are:

#### Details

- First Name
- Middle Name
- Last Name
- NHI Number

#### Demographics

- Gender
- Ethnicity
- Date of Birth
- Prioritised Ethnicity
- Age

#### Primary residential address information

- Street
- Suburb

- City
- Post Code
- Country
- DHB Name
- DHB Code

*3. What login procedures are required of users of the CIR? Are all users able to be uniquely identified and by what means? What procedures are in place to audit access?*

Access to the CIR is governed by role-based access controls. Authorised user roles for the CIR include the system administrator (the 'superuser'), vaccinator, and immunisation administrator. All credentialed users that have access to the CIR have been assigned a unique login and password. All CIR use will be able to be traced back to that user. All CIR users also undergo privacy and security training as part of their role and must agree to the Terms and Conditions for use.

The Salesforce platform which hosts the CIR, has inbuilt event monitoring functionality to review access to data. The Immunisation Programme is putting in place a regular audit regime to monitor unusual access. Audit records of access to the CIR are retained for a minimum of two years.

*4. Is the CIR used to update data in the NHI? If yes, what fields in the NHI may be updated*

The NHI cannot be updated via the CIR. NHI data goes into the CIR. The CIR data does not go into the NHI.

*5. What are the Ministry of Health's requirements for 'appropriate confirmation' that an employee agrees to the release of their Covid-19 vaccination status to their employer?*

Section 57(d) of the Privacy Act 2020 requires the Ministry to ensure that, if a request is made on behalf of an individual, the requestor has the written authority of the individual to obtain the information, or is otherwise properly authorised by the individual to obtain the information. The Ministry is actively considering a process that will meet these requirements. Employers will be asked to directly ask their employees of their vaccination status before approaching the Ministry. Further information on this process will be available shortly on the Ministry website.

*6. Has the Ministry provided guidance and/or developed a template for these requirements for the employer? And the employee? If yes, please provide copies.*

The Ministry has developed guidance for employers seeking confirmation of the vaccination status of their employees. This guidance has been attached as Vaccination Memo in Appendix One to this letter. Please note that this guidance is still subject to change before the process is finalised and made available on the Ministry website.

*7. If a person gives consent to sharing this information with their employer, does this consent apply to any successive employers? If yes, are/will people be advised of this?*

The vaccination status of border workers will be available to all employers if they remain affected persons as defined in the COVID-19 Public Health Response (Vaccination Order) 2021.

For other people that are not subject to the COVID-19 Public Health Response (Vaccination Order) 2021, consent to share vaccination status information would only apply to an employee's

current employer. If an individual changed to a new employer who needs confirmation of their vaccination status, they would have to seek consent from their employer to receive this.

*8. Please provide a copy of the official Ministry of Health Group 1a consent form.*

A copy of the COVID-19 vaccination consent form for border/MIQ workers under Tier 1a is attached as Consent Form in Appendix One to this letter.

*9. Noting that consent now may be verbal, unless exceptions apply, please explain 'technology enabled verbal consent'?*

The 'technology enabled verbal consent' is sought by the vaccinator who explains the vaccination process and relevant information to the individual before the vaccination event. The vaccinator then records that the individual provided verbal consent in the CIR.

*10. What procedures have been/will be developed/recommended for the destruction of consent forms?*

Consent forms are held and managed in accordance with the Privacy Act 2020 and Health Information Privacy Code 2020. Completed consent forms are uploaded into the CIR at the end of each day. The local copy on the computer is deleted and hardcopies are securely destroyed. The forms uploaded into the CIR will be kept for a minimum period of 10 years from the date of an individual's last interaction with the CIR, and longer as clinically determined to be appropriate. This is in case future medical care providers wish to refer back to these records.

*11. Please confirm if the core vaccine systems are likely to be CIR, Booking System, Recall System, Inventory Management System (and existing National Immunisation Register) + NHI? Are there any others?*

There is one other system that is effectively part of CIR. This is the COVID Immunisation Customer Support. Whakarongorua Aotearoa use this for inbound and outbound booking calls. Please note that no COVID-19 Immunisation data goes to the National Immunisation Register (NIR).

*12. Under what circumstances would this information need to be transferred outside of the core vaccine systems?*

Data from the CIR may be shared with Border Worker Testing Register (BWTR) under the COVID-19 Public Health Response (Vaccinations) Order 2021. COVID-19 immunisation activities are also sent to the registered GP for that individual at the time of vaccination via their practice management system (PMS). Information would be released from the CIR if a Privacy Act request has been made by an individual or agent acting on behalf of an individual.

Some information, such as adverse reactions to the vaccine will be shared with other organisations who provide health services. Information may also be used for statistical analysis and research purposes, in line with usual Ministry of Health processes and when permitted by the Privacy Act 2020 and Health Information Privacy Code 2020.

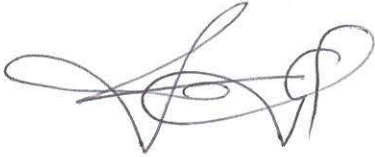
*13. Is transferring information via email and/or USB stick ever likely to be secure?"*

Information is encrypted within the CIR and will be encrypted in transit.

Under section 28(3) of the Act you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Joanne Gibbs', written in a cursive style.

Joanne Gibbs  
**National Director**  
**COVID-19 Vaccine and Immunisation Programme**

**Appendix 1: List of documents for release**

<b>#</b>	<b>Date</b>	<b>Title</b>	<b>Decision on release</b>
1	26/05/2021	Consent Form	Release in full
2	03/06/2021	Vaccination Memo	Release in full

## Consent Form

# COVID-19 vaccination consent form - border/MIQ worker

This form is to be used for Tier 1a only

## Patient

Surname ..... First name .....

Phone ..... Date of birth ..... / ..... / ..... NHI .....

Address .....

Medical Centre/GP .....

## Guardian

Name of guardian (if applicable) .....

Guardian's relationship to patient .....

## Please let the vaccinator know:

- If you are unwell
- If you've had a previous severe allergic reaction to any vaccine or injection in the past
- If you're on blood-thinning medications or have a bleeding disorder
- If you've had any vaccines in the past four weeks
- If you are pregnant or breastfeeding
- If you are currently receiving the cancer drugs Keytruda, Opdivo, Yervoy, or Tecentriq or have done so in the past six months

I have read the COVID-19 information pamphlet on "What to Expect", and/or have had explained to me information about the COVID-19 vaccine.

I have had a chance to ask questions and they were answered to my satisfaction.

I believe I understand the benefits and risks of COVID-19 vaccination.

I understand it is my choice to get the COVID-19 vaccination.

Signature ..... Date ..... / ..... / .....

I also consent to share with my employer, that I have been given the COVID-19 vaccine.

Signature ..... Date ..... / ..... / .....

**Unite  
against  
COVID-19**

New Zealand Government



## Vaccination Memo

**Guidance to DHBs - Verifying the vaccination status of employees at DHBs**

We are committed to safeguarding the privacy of patient and staff information, which includes not disclosing or accessing personal health information without a legitimate reason.

There are strict principles under the Privacy Act 2020 and Health Information Privacy Code 2020 about how DHBs can collect, use and disclose health information.

All DHB employees are bound by Codes of Conduct and privacy legislation in the performance of their duties.

Inappropriate access to information by employees, called 'employee browsing' is a type of privacy breach and there are serious consequences for employees found to be accessing the personal information of others. If you know someone who engages in employee browsing, you can help minimise any harm caused to the affected people and your employer by notifying your DHB's Privacy Officer or Human Resources Manager immediately.

If a business or organisation has a privacy breach that has caused serious harm to someone (or is likely to do so), it will need to notify the Office of the Privacy Commissioner as soon as possible. It is an offence to fail to notify the Privacy Commissioner of a notifiable privacy breach and could incur a fine of up to \$10,000.

Further information can be found on the Privacy Commissioner's website at <https://www.privacy.org.nz> or by calling 0800 803 909.

*Advice to DHBs on verifying vaccination status of employees*

The district health boards (DHBs) of New Zealand have a legal obligation to ensure that health information is adequately safeguarded to protect both the national and the public interests, and the individual right to privacy.

As a provider of vaccination services, having access to the CIR records puts the DHBs in a privileged position and this should not be abused.

Vaccination information held in the COVID Immunisation Register (CIR) should only be accessed by DHB employees in the conduct of their official duties. This means it should only be accessed by individuals with a role in managing the vaccine programme and related administration, and they should be the only ones that see, add or change the information held in the CIR. Remember that access to the CIR is limited to those with logon access rights, and all access is recorded and can be audited.

*Employing workers who require vaccinations to undertake duties*

DHBs may employ some people who meet the definition of an 'affected person' under the COVID-19 Public Health Response (Vaccinations) Order 2021. In this circumstance, DHBs are required to either check the Border Worker Testing Register or ask the Ministry to ascertain the vaccination status of a worker.

DHBs are not permitted to check the CIR themselves under the terms of the Order.

*Vaccination records may be needed to meet health and safety obligations*

For health and safety reasons, DHBs may need to request confirmation that their employees have been vaccinated against COVID-19. Even if you have the consent of your employees to check their vaccination status, DHBs should not be performing their own checks on their employee's vaccination status against the CIR records.

*How to request vaccination status*

Confirmation of the vaccination status of DHB employees should be sought from your employees directly. If they cannot verify their status to your satisfaction, then formal channels such as a Privacy Act request to the Ministry of Health are available. This should be treated as a last resort.

Under section 57(d) of the Privacy Act, the Ministry is required to ensure that the requestor has the written authority of the individual to make a request for their personal information. The attached spreadsheet and authorisation form enable the Ministry to meet this obligation and as such, are both compulsory parts of a Privacy Act request.

More information about the Privacy Act request process for employers can be found in the appendix of this advice.

Released under the Official Information Act 1982



## Advice for Managers and Workers

### Employer and worker conversation about COVID-19 Vaccination

#### The reason for this conversation is for employers to:

1. Understand and record the worker's vaccination status; and
2. Where a worker has not been vaccinated, provide any additional support so they can make a fully informed decision on being vaccinated.

#### Beginning the conversation – advise the worker that:

- if they would prefer to have this conversation with someone other than their manager, you can help to organise this.
- they can bring a support person if they wish such as a union delegate, organiser, Health and Safety Representative, or another person.
- they have the right to privacy and are not required to disclose any information.
- if they do not disclose their vaccination status the employer will assume that they are not vaccinated.

#### Ask the worker if they have been vaccinated and if you can see their vaccination card.

- If the worker produces their vaccination card,
  - Record the details of their vaccination.
  - Conclude the conversation as below.
- If the worker says that they have been vaccinated but don't have the vaccination card on them, or at all
  - Record this and request that they provide a copy of the card (if they have one) or obtain a record of their vaccination from their GP (if they do not). If they cannot produce a card or are not registered with a GP then,
  - Request that the worker consent to the employer seeking verification from the Ministry of Health. The employer will need to provide the worker's first name, last name, date of birth and email address to request a record of their vaccination status.
  - Conclude the conversation as below.
- If the worker says they have not been vaccinated, or is unwilling to say whether they have been vaccinated
  - Record this and point them to the additional support that is available. Do not discuss the reason why a worker is not currently vaccinated. The worker may offer information, in which case this should be noted. Do not seek this information directly.
  - Offer the worker a visit to their doctor paid for by the employer to discuss any concerns about the vaccination. The worker will need to provide evidence for reimbursement of the cost of the visit.
  - If a vaccination is required to undertake the job, you may need to set the expectation that further follow up will be likely and they will be contacted as appropriate

- If the worker says that they wish to be vaccinated but haven't been able to secure an appointment or haven't been contacted by the DHB, then please assist them. A COVID-19 vaccination can be scheduled by calling 0800 2VAX COVID (0800 28 29 26).
- If workers have questions about the process, safety or effectiveness of the vaccination, direct them to the information available on the Ministry of Health website or other official information. Managers should direct workers to official sources rather than attempt to answer questions directly.

**Concluding the conversation**

- Thank the worker for their time, direct them to someone in your organisation if they have further questions or to resolve any other matter that arises from this conversation.

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## **Advice for employers: verifying the vaccination status of your border and MIQ workers with Ministry of Health**

**Principle 2 of the Privacy Act 2020 states that personal information should be collected directly from the person it is about. You should always speak to your workers first to verify their vaccination status.**

People receive a vaccination card after they have been vaccinated for COVID-19. Please ask your workers directly for this card to verify their vaccination status. They may or may not agree to provide it or have it with them.

### **If your worker is unable to confirm their vaccination status, we can help**

Before their vaccination, people are asked whether they consent to the Ministry of Health (MoH) sharing their vaccination status with their employer. We can only share the information of people who have both consented.

If your worker cannot verify their vaccination status (e.g. they have misplaced their vaccination card), the MoH can tell you if they have been vaccinated only if they have consented to sharing this information with their employer.

### **How to request your workers' COVID-19 vaccination status**

Before requesting this information from MoH, it is essential that you:

1. ask your worker for their vaccination card, and contact MoH only if it is unavailable, and
2. ensure that your employee has provided consent for you to provide their first name, last name, date of birth and email address to MoH.

Once you have done this, you can request vaccination status information as follows:

1. Request a template by emailing [covid-19.privacy@health.govt.nz](mailto:covid-19.privacy@health.govt.nz). Ensure that you include your name and cellphone number. We need your cellphone number so that we can text you the password for the template. This password and template will be specific to you. The password helps to ensure that your workers' details remain secure.
2. Complete your workers' details in the template and ensure all employees have completed the authorisation.
3. Email the completed template to [covid-19.privacy@health.govt.nz](mailto:covid-19.privacy@health.govt.nz).

## FAQs

### **1. What happens if my worker has not consented to share the information with me?**

We cannot share your worker's vaccination status with you if they have not consented to it. If they do provide written consent for you to give us their details to ask, we will mark their vaccination status as 'unavailable' in this situation. You will need to talk with your worker further to confirm their vaccination status with them directly.

### **2. What will I receive back?**

We will send back the list of names with two extra fields – the worker's vaccination status and their latest event (vaccination) date.

### **3. What if I have hundreds of names for you to check?**

You should seek to verify your worker's vaccination status directly with your workers by asking them to provide the card they received after their vaccination first.

If you have hundreds of workers that have not kept their vaccination card, we recommend that you prioritise the workers in your request by urgency. You should put the workers that you would most like to know about at the top of the list in the template. This will help us to provide the most important information faster.

### **4. How long will you take to provide this information?**

We will provide an indicative timeframe once we have received your completed template. The Privacy Act 2020 requires us to respond to a request within 20 working days, however this timeframe may be extended if you have a large number of workers.

We will do our best to fulfil your requests quickly. However, there may be some delays as much of this matching may need to be done manually. We may also need to verify some workers' details.

Released under the Official Information Act 1982

### Authority for employer to obtain COVID-19 vaccination status information

Complete this form to authorise your current employer (described below) to receive verification of your COVID-19 vaccination status from the Ministry of Health.

Send the completed form to [COVID-19.privacy@health.govt.nz](mailto:COVID-19.privacy@health.govt.nz).

1A. Your details	
Last name(s):	First name(s):
Title: <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other (specify):	
Date of birth:	National Health Index (NHI) number (if known):
1B. Your contact details	
Work contact phone number:	Other contact phone number:
Email address:	
1C. Your address	
Street number/Street name:	
Suburb:	Town/City:
2A. Current employer's details	
Last name(s):	First names(s):
Organisation/Business name:	
2B. Current employer's contact details	
Work contact phone number:	Other contact phone number:
Email address:	
3A. Declaration	
<p>By completing and signing this form, I understand I am giving permission for my COVID-19 vaccination status to be released to my current employer (described above).</p> <p><input type="checkbox"/> I confirm that my current employer has asked me to verify if I have received my COVID-19 vaccinations and to see my vaccination card.</p> <p><input type="checkbox"/> I confirm that I have tried to obtain verification of my COVID-19 vaccination status for my current employer through my GP, or through my patient portal application.</p> <p><input type="checkbox"/> I understand that this is voluntary, and I do not have to consent to sharing my COVID-19 vaccination status with my current employer. The implications (if any) of not sharing my COVID-19 vaccination status with my current employer have been explained to me.</p> <p><input type="checkbox"/> I understand that I am giving my current employer authority to receive verification of my COVID-19 vaccination status and that a copy will be sent to my email address (described above).</p> <p><input type="checkbox"/> I understand I can revoke this authority prior to the information being provided to my current employer, by contacting the Ministry of Health at <a href="mailto:COVID-19.Privacy@health.govt.nz">COVID-19.Privacy@health.govt.nz</a>.</p>	
Signature:	Date: