



14 April 2023

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Ref: OIA-2022/23-0802

Dear [Redacted]

Official Information Act request relating to COVID-19 vaccines

Thank you for your request made under the Official Information Act (the Act), received on 12 April 2023. You requested:

*“This official information request is directed to the Prime Minister and Cabinet because although the then Prime Minister was not a signatory to the agreement, we believe the agreement could not have been signed without Prime Minister and Cabinet approval. This request concerns the date when the agreement was first made available to Cabinet and/or the Prime Minister’s office. In addition, this request asks for confirmation of the presence of a single clause in the agreement. Please regard these requests as distinct for the purposes of the Official Information Act. An analysis of internationally published manufacturing and supply agreements from Pfizer shows they universally contain a Purchaser Acknowledgement clause. The typical formulation of this clause is as follows:
5.5 Purchaser Acknowledgement. Purchaser acknowledges that the Vaccine and materials related to the Vaccine, and their components and constituent materials are being rapidly developed due to the emergency circumstances of the COVID-19 pandemic and will continue to be studied after provision of the Vaccine to Purchaser under this Agreement. Purchaser further acknowledges that the long-term effects and efficacy of the Vaccine are not currently known and that there may be adverse effects of the Vaccine that are not currently known.
We expect that such a clause is found within the Manufacturing and Supply Agreement between Pfizer New Zealand Limited and the Sovereign in Right of New Zealand dated December 2020.
Is there a clause found in the New Zealand Pfizer Covid Manufacturing and Supply Agreement that is functionally identical to the wording above?”*

The information you have requested is more closely connected with the functions of the Ministry of Health (MoH). We would normally transfer your request to the MoH under section 14(b)(ii) of the Act. As you have also sent your request to that agency, we are referring you to MoH’s response instead.

You have the right to ask the Office of the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely

[Redacted Signature]

Clare Ward
Executive Director
Strategy, Governance and Engagement