



14 May 2020

Dear [redacted]

Reference: OIA-2019/20-0496

Official Information Act request relating to the Director-General of Health's "public lockdown" order

Thank you for your Official Information Act 1982 (the Act) request received on 22 April 2020.
You requested:

- "...1. *Information/documents the Prime Minister, Director of Health or Cabinet Official(s} relied upon to underpin, or which provide the factual basis used to justify, the "public lockdown" Order of the Director-General of Health dated 25 March 2020 ("The Order").* 1
- 2. *Any record of an official or public debate, discussion, or consideration of relevant facts or documents relied upon to substantiate the making of the Order.*
- 3. *Information/documents related to any cost benefit analysis undertaken in weighing the rights of New Zealanders abrogated by, and financial costs resulting from, the Order against the perceived benefits in making the Order.*
- 4. *Any statistical data used in support of this cost/benefit analysis by the Crown.*
- 5. *Any and all documents which record what consideration was specifically given to ss 16, 17 & 18 of the New Zealand Bill of Rights Act 1990 ("NZBORA") ahead of the abrogation of those rights by the Order.*

Acknowledging the Order is of indefinite duration, but mindful the government position promoted was that its effect was to last 4 weeks, please provide:

- 6. *Information/documents and statistical data the Prime Minister, Director of Health or Cabinet Official(s) relied upon on 20 April 2020 to extend the Order beyond the initial 4 week period.*
- 7. *The record and result of any cost benefit analysis - or quantification of the ongoing public threat - used by the Prime Minister, Director of Health or Cabinet Official(s) as of 20 April 2020 to extend the Order beyond the initial 4 week period.*
- 8. *Documentation recording the specific concerns which the Prime Minister, Director of Health and/or Cabinet Official(s) considered as of 20 April 2020 were sufficient to breach ss 16, 17 & 18 of NZBORA by extension of the Order beyond the initial 4 week period."*

I note that your request was sent directly to the Ministry of Health (MoH), as well as the Office of the Prime Minister, and the Department of the Prime Minister and Cabinet (DPMC). As the information you have requested is more closely connected to the functions of MoH, it would therefore have been necessary, in my view, to transfer your request to MoH, had your request not already been sent to that agency. Any information held by DPMC in scope of this request should be captured in MoH's response to you.

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

This response will be published on DPMC's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Clare Ward
Executive Director, Strategy, Governance and Engagement