

9 December 2021

John Tamihere
Chief Executive
Whānau Ora Commissioning Agency
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Tēnā koe John

I write to inform you of the outcome of the Ministry's decision on the provision of data to the Whānau Ora Commissioning Agency (WOCA) and Whānau Tahī. This follows the High Court's judgment in *Te Pou Matakana Ltd v Attorney-General* [2021] NZHC 3319.

First request

I have carefully considered the provision of data for purposes of reaching Māori who have not yet had a first dose of COVID-19 vaccine, and who live in the Bay of Plenty, Hawkes Bay, Lakes, Northland, Wairarapa and Whanganui DHB areas. For these individuals, the data would include their:

- name
- personal contact details such as address, phone number
- National Health Index number (NHI).

In considering this request, I have taken into account the guidance of the High Court, vaccination data for Māori in those areas, our engagement with WOCA, Whānau Tahī, iwi, and Māori service providers, and the progress that is being made to increase vaccination rates.

I have agreed to provide WOCA and Whānau Tahī with individual identifiable Māori health data for the remaining DHB areas in the North Island:

- Northland
- Hawkes Bay
- Whanganui

I have agreed to provide WOCA and Whānau Tahī with data relating to Māori living in the Wairarapa DHB area. I note that Rangitāne Tū Mai Rā and Ngāti Kahungunu ki Wairarapa Tamaki nui-a-Rua expressed opposition to data sharing with WOCA and have also requested this data through their Ko Wairarapa Tēnei Collective. I want to note that 88 percent of those individuals that identify as Māori in the Wairarapa have received their first dose of vaccination and that there are only 98 individuals left in the Wairarapa to be vaccinated in order to achieve a 90 percent first vaccination rate for Māori. This achievement has been as a result of Ko Wairarapa Tēnei Collective efforts to increase their vaccination rates. In agreeing to share the data with WOCA, my expectation is for WOCA to work closely with iwi on the ground to ensure efforts are coordinated and considerate of community mahi.

I have agreed to provide WOCA and Whānau Tahī with data relating to Māori living in the Lakes DHB area, who have not yet had a first dose of COVID vaccine, with the exclusion of data for the people of Ngāti Tarāwhai Iwi Trust Board. This iwi has entered into a data-matching agreement with the Ministry to have its data excluded from the dataset shared with WOCA. In agreeing to this, I have taken into account that vaccination rates for Māori in Lakes DHB are

rapidly improving, the views and aspirations of this iwi. This data matching exercise is underway, and only whānau who live within the Lakes DHB boundary will be excluded as part of the data matching. I understand this approach is acceptable to you, as communicated by your lawyer on 7 December.

I have agreed to provide WOCA and Whānau Tahī with data relating to Māori living in the Bay of Plenty DHB area who have not yet had a first dose of COVID Vaccine. In making this decision, I also note opposition from five iwi in the area to data sharing with WOCA. Ngāi Tai Iwi Authority has requested an arrangement similar to what has been agreed in relation to Ngāti Whatua Ōrakei. Where WOCA commissioned providers identify that a person is affiliated with Ngāitai Iwi Authority, it will: inform Ngāitai Iwi Authority that the provider has been in contact with the person/whānau; the result of that contact; and relevant information so that Ngāitai Iwi Authority can decide whether to follow-up with the whānau and seek to engage with them based on their connections and relationships.

I anticipate that other iwi may request similar arrangements, and propose that WOCA and the Ministry agree to work in good faith to agree similar arrangements in the event that any other iwi seeks a bespoke data sharing arrangement akin to what is reflected for Ngāti Whatua Ōrakei.

Second request

I have also considered the request from Whānau Ora Commissioning Agency and Whānau Tahī to disclose data for purposes of reaching Māori who have had a first dose of COVID-19 vaccine, but who have not yet had a second dose. The request is for this data for all people who are identified as Māori in the health datasets, and who live in the North Island. For each person it would include their:

- name
- personal contact details such as address, phone number
- National Health Index number (NHI).

The Ministry had previously offered to provide this dataset for the purposes of reaching Māori who have not yet received their second dose of COVID-19 vaccine, including individuals who have no future vaccine booking for their second vaccine and it has been 8 weeks or more since their first vaccine. As you know, the High Court asked the Ministry to review its decision in light of its findings.

I note the Ministry already provides this information to WOCA in relation to its enrolled population. I have agreed to also provide WOCA and Whānau Tahī with data relating to Māori in the North Island who have had a first dose of COVID-19 vaccine, but who have not yet had a second dose, in the following tranches:

- at 3-4 weeks following a first dose of vaccine, who are not enrolled with a primary care provider and do not have a booking
- at 6 weeks following a first dose of vaccine, including those who are enrolled with another primary care provider and who do not have a booking for a second dose. This is because people who are enrolled with a provider often have an established relationship with that provider. Many providers will be using their own systems and processes to follow-up and arrange for a second dose of vaccine.

We consider it important to reduce the potential for Māori to receive multiple phone calls from multiple service providers, including Whakarongorau, Whānau Ora, as well as their own primary healthcare provider. Our expectation is that you will use this data to assist Māori to access a second dose of vaccine.

Arrangements

As you are aware, a number of iwi across Te Ika a Māui remain opposed to the sharing of people's individual-level data with WOCA. A range of reasons have been expressed for this including that individual consent should be sought from those individuals who may be contacted from WOCA; and that iwi have a legitimate interest in the protection of the data relating to their people, and those living in their takiwā. The data being requested is Māori data. Further Māori data is subject to the rights articulated in the Treaty of Waitangi and the UN Declaration on the rights of Indigenous peoples. Recognising the obligations I have in contributing to the Crown's relationship with iwi, I propose that the data sharing agreement between our organisations include that:

- data provided may only be used to support COVID-19 vaccination service planning, monitoring, invitation, delivery and quality improvement for Māori who are not fully vaccinated
- an expectation of working with WOCA providers, relevant iwi and other providers to coordinate out-reach and support to access COVID-19 vaccination for Māori who are not fully vaccinated
- a requirement to have a clear answer when people who are contacted (and who aren't enrolled with the provider) if they ask where they provider got their details, and how they know the person is unvaccinated
- WOCA will delete information relating to anyone who advises they do not want their data to be held by the Applicant.
- data supplied is to be retained until no later than 30 June 2022. After that date the information is to be securely destroyed.

Once again, I wish to acknowledge and thank the Whānau Ora Commissioning Agency for your significant contribution to the overall effort to raise Māori vaccination rates across Te Ika a Māui.

Nāku noa, nā



Dr Ashley Bloomfield
Te Tumu Whakarae mō te Hauora
Director-General of Health