

7 June 2024

John Tamihere  
Chief Executive Officer  
Whanau Ora Commissioning Agency

9(2)(a)

cc. Dr Diana Sarfati  
Director-General of Health

Tēnā koe John

## Assurance re use of health information

The Office of the Privacy Commissioner (OPC) has written to the Ministry of Health | Manatū Hauora regarding use of health information, and this letter was transferred to Health New Zealand | Te Whatu Ora yesterday (6 June) given we now manage agreements with you related to health information. I am writing on behalf of both the Ministry and Health NZ.

The OPC has sought assurances from us that health information provided to the Whānau Ora Commissioning Agency was only used for the purposes for which it was disclosed, and that the information was deleted once that purpose was fulfilled. Please find the OPC's letter attached.

Health NZ has data sharing agreements with you and needs to consider the full ambit of these in order to robustly respond to the OPC. As you consider these matters, we therefore ask that you also please consider all relevant agreements and expectations.

Our request is that you provide Health NZ with an assurance that you have upheld all requirements and expectations with respect to handling, use and deletion of health information. This includes the obligations that require that data and information shared with you is only used for the specific purposes set out in the relevant data sharing agreement, and that data is deleted when no longer required for those purposes.

Given public interest in this matter, we ask for your assurance as soon as possible and no later than 5:00pm Wednesday 12 June 2024. In providing your response, we ask that you provide evidence that supports your position.

We also respectfully suggest that you commission an independent party who specialise in audit and assurance, with that party providing an independent report alongside (or as soon as possible thereafter) your position. Given the public interest at stake, independence in the assessment that is undertaken will, in our view, be very important. I would also like Health NZ's Chief of Assurance Audit & Risk to have visibility of and some involvement in the independent assessment; please let me know an appropriate time to make this connection.

I also understand you currently have a live request with our National Public Health Service for additional health information under one of our agreements. In the context of above, we are currently applying heightened scrutiny to our information sharing agreements with you and will not be providing further information at this time. We very much recognise the good work your organisation has done and continues to do, though we also need to balance other considerations and believe a pause on further information provision is appropriate at this time.

Thank you for your prompt attention to this matter. As you will understand, we must maintain the trust and confidence of the public in how health information is held and used. This is also, on our read, the OPC's understandable interest: to give New Zealander's confidence that their personal information is appropriately managed.

We look forward to hearing from you.

Nāku noa, nā

A handwritten signature in grey ink, appearing to be 'M. Apa', written over a light grey circular stamp or watermark.

**Fepulea'i Margie Apa**

Chief Executive

5 June 2024

Dr Diana Sarfati  
Director-General of Health and CE  
email only: [diana.safati@health.govt.nz](mailto:diana.safati@health.govt.nz)

Tēnā koe Diana

### **Allegations of inappropriate re-use of COVID 19 data**

During the COVID 19 pandemic the Ministry of Health disclosed data on unvaccinated Māori to the Whānau Ora Commissioning Agency (WOCA) for the purposes of encouraging greater uptake of vaccinations by Māori.

This disclosure was enabled by the Privacy Act's information sharing exceptions, specifically where information is necessary to prevent or lessen a serious threat to the life, health or safety of an individual or to public health or safety (Principle 11(1)(f)).

OPC's understanding is that the data sharing agreement between the Ministry of Health and WOCA included that the data provided may only be used to support Covid-19 vaccination service planning, monitoring, invitation, delivery and quality improvement for Māori who were not fully vaccinated.

As you are aware, allegations have been made that the COVID 19 vaccination data provided to WOCA may have been used for purposes other than those for which they were disclosed.

Given this, can you please inform the Office of the Privacy Commissioner of the steps the Ministry of Health has taken to assure itself that the information provided to the WOCA was only used for the purposes for which it was disclosed and that the information was deleted once that purpose was fulfilled.

I would appreciate your response as soon as possible as it will determine the approach this Office takes to this issue.

Ngā mihi



Liz MacPherson  
Deputy Privacy Commissioner

## Michael Cleary

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**Subject:** FW: Assurance re use of health information  
**Attachments:** Whanau Ora Commissioning Agency re assurance re use of health information 7.6.24.pdf

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**From:** John Tamihere <[REDACTED]>  
**Sent:** Monday, June 10, 2024 5:19 PM  
**To:** Margie Apa <[Margie.Apa@TeWhatuOra.govt.nz](mailto:Margie.Apa@TeWhatuOra.govt.nz)>  
**Cc:** Diana Sarfati (MoH) <[Diana.Sarfati@health.govt.nz](mailto:Diana.Sarfati@health.govt.nz)>  
**Subject:** RE: Assurance re use of health information

You don't often get email from [john.tamihere@waiwhanau.com](mailto:john.tamihere@waiwhanau.com). [Learn why this is important](#)

Kia Ora Margie

It would appear to me that your correspondence has been over taken by the force of events by the PM confirming a Public Service Inquiry into the several allegations this afternoon .

At this stage, as you are aware , all allegations are made by kaimahi exited from Manurewa Marae and without actual evidence .

It surely is not a matter of Maori being found guilty and having to prove our innocence prior to an appropriate Inquiry .

In regard to you connecting your Chief of Assurance Audit and Risk please provide him/her with my contact details please .

Your continued with holding of anonymised information is unhelpful under cover of this Inquiry and you know it will adversely affect our Vaccine deployment abilities .

To the best of our own internal inquiry systems at this stage we have found nothing that validates several of the claims but we are still working through matters with Partner Organisations .

We welcome the independent Public Service Commission Inquiry and are willing able and open in its support .

Regards

John Tamihere

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**From:** Margie Apa <[Margie.Apa@TeWhatuOra.govt.nz](mailto:Margie.Apa@TeWhatuOra.govt.nz)>  
**Sent:** Friday, 7 June 2024 5:00 PM  
**To:** John Tamihere <[REDACTED]>  
**Cc:** Diana Sarfati (MoH) <[Diana.Sarfati@health.govt.nz](mailto:Diana.Sarfati@health.govt.nz)>  
**Subject:** Assurance re use of health information

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Kia ora John  
Please refer letter attached.

Regards,  
Margie

**Margie Apa**

**Tumu Whakarae (Chief Executive)**

imēra: [margie.apa@tewhatuora.govt.nz](mailto:margie.apa@tewhatuora.govt.nz)

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11 June 2024

Hilda Peters  
Chief Executive  
Manurewa Marae Trust Board 2008 Incorporated

9(2)(a)

cc: Diana Sarfati  
Director-General, Manatū Hauora | Ministry of Health

Tēnā koe Hilda

## Assurance re use of health information

Given public interest in matters related to use of data collected at or by Manurewa Marae, I am writing to seek assurances regarding use of health information collected in the course of providing Covid-19 related services. I am confident you will understand that we must maintain the trust and confidence of the public in how health information is held and used; the Ministry of Health also has a strong interest in this matter.

Counties Manukau District Health Board and Health New Zealand | Te Whatu Ora had contracts with you to provide a Covid-19 local vaccination centre, Covid-19 Manaaki packages and Tranche 2 Covid-19 Māori Covid-19 readiness services. Some of these agreements were transferred to Health NZ as part of the health sector reforms under the Pae Ora (Health Futures) Act 2022 on 1 July 2022.

Under the relevant agreements, you were required to comply with the Privacy Act 2020 and Health Information Privacy Code 2020, the Health Information Governance Guidelines and Health Information Security Framework. Agreements also restricted the circumstances in which information could be disclosed to third parties.

Health NZ asks for an assurance that you upheld all requirements and expectations of the agreements with respect to the use, protection and disclosure of information. This includes confirmation that information collected by you in the course of providing relevant services:

- was only used for the purposes of providing the services;
- was, and continues to be, appropriately protected from unauthorised access; and
- has only been disclosed to third parties as permitted under the agreements.

In providing your response, please provide evidence that supports your position. We ask for your assurance as soon as possible please, and no later than Monday 17 June 2024.

Thank you for your prompt attention to this matter. We look forward to hearing from you.

Nāku noa, nā



**Fepulea'i Margie Apa**  
Chief Executive | Tumu Whakarae

13 June 2024

John Tamihere  
Chief Executive  
Te Whānau o Waipareira Trust

9(2)(a)

cc: Diana Sarfati  
Director-General, Manatū Hauora | Ministry of Health

Tēnā koe John

### Assurance regarding use of health information

I am writing to seek assurances regarding use of health information by Te Whānau o Waipareira Trust, given public interest in allegations that some health information may have been misused. As the Ministry of Health also has a strong interest in this matter, I have copied Di Sarfati.

Our interest stems from your delivery of health services under agreements with Te Aka Whai Ora or Waitematā District Health Board, noting that Health NZ has inherited contracts and agreements of those organisations.

Waitematā DHB had contracts with you to provide mental health and alcohol and drug community services, Triple P intervention and support services, and liaison services. These agreements were transferred to Te Aka Whai Ora and then to Health NZ.

Under the relevant agreements, you were required to comply with the Privacy Act 2020 and Health Information Privacy Code 2020. These agreements also restricted the circumstances in which information could be disclosed to third parties.

Health NZ seeks an assurance that the Trust upheld all requirements and expectations of the agreements with respect to the use, protection and disclosure of information. This includes confirmation that information collected by the Trust in the course of providing relevant services:

- was only used for the purposes of providing the services;
- was, and continues to be, appropriately protected from unauthorised access; and
- has only been disclosed to third parties as permitted under the agreements.

In providing your response, please provide evidence that supports your position. We ask for your assurance as soon as possible please, and no later than **5pm on Tuesday 18 June 2024**.

Thank you for your prompt attention to this matter. I am confident you will understand that we must maintain the trust and confidence of the public in how health information is held and used. We look forward to hearing from you.

Nāku noa, nā



**Fepulea'i Margie Apa**  
Chief Executive | Tumu Whakarae

## Michael Cleary

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**Subject:** RE: Further letter on behalf of Margie

On 14 Jun 2024, at 8:26 AM, John Tamihere [s 9\(2\)\(a\)](#) wrote:

Kia Ora Peter

Firstly do not threaten us in the present circumstances , particularly given you have no evidence . Secondly on the basis of legal advice you are to refer all requests into the now formalised " Heron KC Inquiry " .

Thirdly take legal advice on the above and particularly in regard to your contracted commitment outlined in the Maori Data Sovereignty Clause in our Data Sharing Agreement .

Finally you have used "heresy " to evidence stopping the release of anonymised Data to prejudice our Immunisation outreach .

It gets worse because you were never going to release Data , you were waiting for our litigation or to seize on any other spurious life raft to deny our people a fair chance .

Heoi Ano

John Tamihere

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**From:** Peter Alsop <[Peter.Alsop@TeWhatuOra.govt.nz](mailto:Peter.Alsop@TeWhatuOra.govt.nz)>

**Sent:** Thursday, 13 June 2024 10:04 PM

**To:** John Tamihere [s 9\(2\)\(a\)](#)

**Cc:** Riana Manuel <[Riana.Manuel@TeAkaWhaiOra.nz](mailto:Riana.Manuel@TeAkaWhaiOra.nz)>; Diana Sarfati (MoH) <[Diana.Sarfati@health.govt.nz](mailto:Diana.Sarfati@health.govt.nz)>; Margie Apa <[Margie.Apa@TeWhatuOra.govt.nz](mailto:Margie.Apa@TeWhatuOra.govt.nz)>

**Subject:** Further letter on behalf of Margie

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Tēnā koe John

Ko Pete Alsop toku ingoa. Ko Kaihautu, Chief of Staff, Te Whatu Ora. Ko Mahuika toku wahine whānau. Ko Ngati Porou te iwi. Kei Tikitiki taku marae, ko Rahui.

Margie has asked that I get you a letter in your capacity as Chair of Te Whānau o Waipareira Trust.

This is a similar letter Margie sent to you as CE of the Whānau Ora Commissioning Agency, while ensuring we importantly reach out to all relevant legal entities in the context of public questions about information use.

We recognise public knowledge of the Public Service Commission inquiry, and note in your earlier email to Margie that you felt our correspondence had been taken over by the PM's announcement of that inquiry. In our view, that isn't the case, as each relevant agency, including Health NZ, has a need to ensure there are appropriate arrangements in place to effectively manage information, including related to contracted parties and responding to any events or concerns.

We are seeking your response from the Trust by end of 18 June.



Thank you for your attention to these matters John, acknowledging also your engagement as CE of the Agency with Ramon Manzano – thank you for that.

Kia pai to pō.

Pete

**Peter Alsop** (he/him)  
**Chief of Staff**

s 9(2)(a) | [peter.alsop@tewhatuora.govt.nz](mailto:peter.alsop@tewhatuora.govt.nz)  
Spark Building, Level 6, 42-52 Willis Street, Wellington

<image002.png>

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