



23 August 2022

Ref: DOIA 2223-0137



Thank you for your further correspondence of 29 July 2022 to the Ministry of Business, Innovation and Employment (MBIE) in relation to your request under the Official Information Act 1982 (the OIA) and the decision made by MBIE in relation to that request, which was communicated to you on 29 July 2022.

You have made a complaint to MBIE about this decision. MBIE has reviewed its response and considers that it is meeting its obligations under the OIA in determining that your request be refused.

You have also asked that MBIE retract “their claim that SARS-COV-2 exists”. As noted in MBIE’s response to you, MBIE relies upon the expertise of the international science community and the wider New Zealand public service, such as the Ministry of Health, to understand that SARS-COV-2 (also known as COVID-19) exists. MBIE stands by this statement.

Information held by MBIE

MBIE holds some information in its records that relates to the existence of COVID-19, for example, the COVID-19 situation reports Ministry of Health provided to MBIE and other agencies, which are available publicly at: <https://www.health.govt.nz/about-ministry/information-releases/general-information-releases/covid-19-situation-reports-january-november-2020>.

This general information was initially not provided to you for two reasons:

- it, and similar documentation, is publicly available and therefore would not be provided under 18(d) of the OIA, and
- substantial collation and research would be required to determine what, if any, of this information meets the detailed criteria in your original request and therefore your request was refused under 18(f) of the OIA.

Your OIA complaint

You have subsequently asked MBIE to identify the publicly available information that justifies MBIE refusing your request under section 18(d).

MBIE's response under the OIA

MBIE formed part of the all of government response to COVID-19 and therefore holds general information about scientific work that has been undertaken about COVID-19. However, if MBIE holds information that meets your criteria then it will not have been produced by MBIE (MBIE does not undertake this type of scientific research).

MBIE has not undertaken work to determine which of its records relating to the existence of COVID-19 meet the detailed parameters set out in your email. As noted, this would require a considerable amount of work to collate. Therefore, your request has been refused under section 18(f) of the OIA (the information requested cannot be made available without substantial collation or research). If such collation work was undertaken and it was found that MBIE did not hold such information then your request would be declined in reliance on section 18(e) of the OIA.

As noted above we did identify that much of the information falling within the broad topic of your request was already publicly available. This resulted in your request also being declined under section 18(d) of the Act. You are however correct that we cannot identify a specific piece of information which falls within the specific parameters of your request. To that end your request should not have been refused on this ground; the refusal grounds under 18(f) remain.

MBIE would again emphasise that other public agencies such as the Ministry of Health may be better placed to address your request and provide you with information meeting the specific criteria in your original request.

You have the right to seek an investigation and review by the Ombudsman of MBIE's decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

Ministerial Services
Labour, Science and Enterprise
Ministry of Business, Innovation and Employment



RE: Response to complaint about DOIA 2223-0137 [UNCLASSIFIED]

Tue, Aug 23, 2022 at 9:18 PM

[REDACTED]
To: *OIA <OIA@mbie.govt.nz>

Greetings,

I am filing a complaint that you are rejecting my request on an 18(f) where you claim the records exist but require a substantial amount of research or collation. You have failed to provide any records that proves the existence of SARS-COV-2 using the scientific method.

I expect that you either:

1) Provide the records that satisfy my request (proving the existence of SARS-COV-2 using the scientific method)

OR


2) You reject my request using an 18(e), that the records do not exist.

I have attached 3 research organizations who correctly responded to OIA & FOIA requests. These organizations do not have the records that I seek and do not believe these records exist anywhere in the world.

Kind Regards

[Quoted text hidden]

3 attachments

 **2022-08-18-CSIRO-SARS-COV-2-Proof of Existence-Redacted.pdf**
331K

 **2022-07-19-ESR-ProofOfExistence-Redacted.pdf**
439K

 **2022-08-01-University of Waikato - SARS-COV-2 Existence-Redacted.pdf**
222K



6 September 2022

Ref: DOIA 2223-0137



Thank you for your further correspondence of 23 August 2022 to the Ministry of Business, Innovation and Employment (MBIE) in relation to your request under the Official Information Act 1982 (the OIA) and the decision made by MBIE in relation to that request, which was communicated to you on 29 July 2022.

You contacted MBIE on 1 August 2022 to make a complaint about the decision and ask for a review of the response provided. MBIE reviewed its response and communicated to you on 23 August 2022 that MBIE considers that it is meeting its obligations under the OIA in determining that your request be refused.

You have further requested that MBIE provide the information as you have requested or refuse your request in reliance on section 18(e) of the OIA (the information requested does not exist or, despite reasonable efforts to locate it, cannot be found).

MBIE stands by its decision to refuse your request under section 18(f) of the OIA (the information requested cannot be made available without substantial collation or research). If such collation work was undertaken and it was found that MBIE did not hold such information, then your request would be declined in reliance on section 18(e) of the OIA.

As previously noted, MBIE is not an institution that is used for scientific experiments or testing, and has not generated information along the lines of what you request. While MBIE will hold information that relates to scientific work that has been undertaken about COVID 19 by third parties, identifying any records that relate specifically to the existence of COVID-19 per the parameters you set out would require a substantial amount of work to collate.

Per the Office of the Ombudsman's guide *Substantial collation or research: A guide to section 18(f) of the OIA and section 17(f) of the LGOIMA*, MBIE considered if consulting with you could assist, by asking you to specify your request in such a way that would not require substantial research and collation, however you have been very specific. MBIE also considered if charging or an extension of time would enable this work to be undertaken, but the work would still be significant and undertaking it would have an unreasonable impact on operations. MBIE has also suggested to you that other agencies may be better placed to address your request, and noted that information relating to the existence of COVID-19 is available publicly.

MBIE has provided reasonable assistance with this request. If you are unhappy with MBIE's decision you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

Ministerial Services

Labour, Science and Enterprise

Ministry of Business, Innovation and Employment