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20 January 2021

[REDACTED]
By email: [REDACTED]
Ref: H202008171

Dear [REDACTED]

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) on 12 November 2020 for:

"Could I please request copies of any briefings that have gone to Minister's since 1 August 2020 that discuss COVID-19 contact tracing policy initiatives under the Official Information Act?"

Documents within scope of your request are itemised in Appendix One of this letter. The table in Appendix One outlines the grounds under which I have decided to withhold information.

The government recognises the need to ensure robust record keeping by businesses in order to maintain effective contact tracing. The requirement for businesses to display the official NZ COVID Tracer QR codes applies across all Alert Levels, including Alert Level 1. Businesses are also encouraged to adopt the following public health guidelines:

- Advise people with possible COVID-19 symptoms that they should not enter the workplace or other premises.
- Enable good health, hygiene and safety practices.
- Display the official QR codes to enable people to keep track of their movements with the NZ COVID Tracer app.
- Encourage physical distancing where practical.

For further information is available on the Ministry of Health website at:

<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/guidelines-businesses-and-services>

Under section 28(3) of the Act you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'MAREE ROBERTS', with a stylized, flowing script.

Maree Roberts
Deputy Director-General
System, Strategy and Policy

Appendix 1: List of documents

#	Date	Title	Decision on release
1	14 August 2020	Health Report 20201434: Amendments to support contact tracing at Alert Levels 2 and 3	Release with some information withheld under section 9(2)(a) of the Act to protect the privacy of natural persons
2	Sent to Minister's Office 11 November 2020	Health Report 20201923: Second order contact tracing	Withheld in full under section 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
3	Due to Minister's Office 1 December 2020	Draft Health Report 20202060: Use of Bluetooth to support contact tracing	Withheld in full under section 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials



Health Report

Amendments to support contact tracing at Alert Levels 2 and 3

Date due to MO:	N/A	Action required by:	14 August 2020
Security level:	IN CONFIDENCE	Health Report number:	20201434
To:	Hon Chris Hipkins, Minister of Health		

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Director-General of Health	s 9(2)(a)
Maree Roberts	Deputy Director-General, System Strategy and Policy	s 9(2)(a)

Action for Private Secretaries

Return the signed report to the Ministry of Health.

Date dispatched to MO:

Amendments to support contact tracing at Alert Levels 2 and 3

Purpose of report

This report sets out record-keeping requirements to facilitate contact tracing at alert levels 2 and 3. It responds to your request for amendments to the *COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020* in relation to the obligations of businesses to support contact tracing for Alert Levels 2 and 3.

Background

- On Wednesday 12 August 2020, an order came into force under COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020 (the Order) to manage any further spread of COVID-19 in New Zealand.
- The Order currently includes a requirement, during Alert Levels 2 and 3, for specified businesses and services to 'display a copy of the QR code for the business or service in a prominent place at or near the main entrances to the workplace'. There are no proposed changes to this requirement.
- The Order also includes requirements for the same businesses and services to 'have other systems and processes in place to support contact tracing of persons who enter the workplace or carry out work for the business or service'.

Proposal

- Rapid contract tracing forms a vital part of our 'stamp it out' strategy for a COVID-19 outbreak. To facilitate contact tracing, people and businesses and other organisations need to keep a record of people movements in readily accessible forms.
- As at 14:00 on 14 August 2020, there were 33 confirmed cases of COVID-19 in the community, with one case requiring hospital-level care. This number has been escalating at a rapid rate since 11 August. Extensive contact tracing has been undertaken, which has highlighted the need to quickly identify close contacts of those initially infected.
- We are therefore seeking to bolster the current requirements with a couple of additional measures to further strengthen our ability to undertake contact trace as rapidly and accurately as possible.
- To achieve this, we propose amending the current obligations by making changes to the Alert Level 2 and 3 record-keeping requirements.

Proposed Alert Level 2 record-keeping requirements

- At Alert Level 2, businesses and other organisations are required to keep records of everyone who has been on the premises, unless they can ensure everyone stays 2 metres apart.

- Where a business or service cannot operate without physical contact or close proximity between people (such as massage and hairdressing services), and food and drink businesses (such as restaurants and cafés), the business must ensure that their customers have either scanned the QR code or have used an alternative record keeping system or process to support contact tracing (such as appointment records or a paper-based sign-in register).
 - Businesses and other organisations are required to provide a copy of the appointment pages or register to Health officials if needed for contact tracing purposes.
 - Paper-based records should include the name, date, time, contact details (phone number, email address or physical address) of all people who have been on the premises, including all workers. Records should be kept for at least 28 days (two transmission cycles).
 - Record-keeping is not compulsory if businesses can keep everyone 2 metres apart, but it is still recommended where practical. Some examples of situations where record-keeping may not be practical, and where people can be kept 2 metres apart through other measures¹, include:
 - supermarkets
 - dairies
 - service stations
 - shopping malls
 - retail outlets.

Proposed Alert Level 3 record-keeping requirements

- At Alert Level 3, if a business or service is permitted to be open, it will be required to maintain 2 metre physical distancing and to display the QR code.
- Where businesses and organisations have several buildings or premises, they should have a separate QR code and keep separate records for each building or premises.

Implementation considerations

- Given the current resurgence of COVID-19, we recommended that the new requirements described above be introduced as part of the forthcoming Alert Level changes.
- Officials will develop guidance to support businesses and services to implement the contact tracing requirements. This will include advice on what to do if people refuse to supply their name and contact details, and how to take precautions to protect the contact information in line with privacy obligations.
- The mechanism by which these requirements are enforced also needs to be explored and confirmed with the relevant agencies.

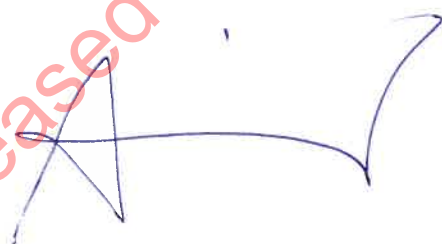
¹ For example, limiting the number of people in-store/on the premises, using a 'one way system' for aisles, staggering start times and breaks etc.

- Officials recognise that these requirements do not necessarily mean more people will scan the QR codes. A wider communications plan will be developed to support uptake.

Recommendations

The Ministry recommends that you:

- a) **Note** that there are no changes to the requirement of businesses and services to display the NZ COVID Tracer QR code poster.
- b) **Agree** that at Alert Level 2, businesses and other organisations should be required to keep records of everyone who has been on the premises, unless they can ensure that everyone stays 2 metres apart. **Yes/No**
- c) **Agree** that where a business or service cannot operate without physical contact or close proximity between people, the business must ensure that their customers have either scanned the QR code, or have used an alternative record keeping system to support contact tracing (such as appointment records or a paper-based sign-in register). **Yes/No**
- d) **Agree** that businesses and other organisations are required to provide a copy of the appointment pages or register to Health officials if needed for contact tracing purposes. **Yes/No**
- e) **Agree** that at Alert Level 3, if a business or service is permitted to be open, it will be required to maintain 2 metre physical distancing and to display the QR code. **Yes/No**
- f) **Agree** that where businesses and organisations have several buildings or premises, they should be required have a separate QR code and/or keep separate records for each building or premises. **Yes/No**
- d) **Note** that officials will develop guidance to support businesses and services to implement the contact tracing requirements.



Dr Ashley Bloomfield
Director-General of Health



Hon Chris Hipkins
Minister of Health

Date: 15/8/2020