

9 February 2022

s 9(2)(a)

By email: s 9(2)(a)
Ref: H202200004

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 21 December 2021 for:

“provide information on the privacy consultation process (who and why) when the Vaccine Pass was being considered and subsequently how the personally identifiable information to be displayed was approved to be deployed.”

Your inquiry relates to the My Vaccine Pass, which is a certificate generated by the My Covid Record web application. The Ministry completed a Privacy Impact Assessment (PIA) for the My Vaccine Pass processes.

When the Ministry considers an IT project, such as the My Vaccine Pass, the Ministry undertakes an assessment to identify any potential privacy issues. A PIA is a systematic process for evaluating a proposal in terms of its impact upon privacy.

There are two Privacy Impact Assessments (PIAs) the Ministry prepared associated with My Vaccine Pass:

- The PIA for the consumer-facing components of My Covid Record and the Vaccine Certificates (the MVP PIA); and
- The PIA for the application programming interfaces (APIs)

When preparing the MVP PIA for the My Vaccine Pass, the Ministry consulted with the Office of the Privacy Commissioner (OPC) and the Government Chief Privacy Officer (GCPO) and incorporated feedback into the draft PIAs when appropriate. These entities were consulted as they are government agencies with focus on privacy related matters. The GCPO leads an all-of-government approach to privacy to raise public sector privacy maturity and capability.

As noted in the MVP PIA: the OPC and GCPO “have been consulted and provided comments on this version, and previous iterations, of this Privacy Impact Assessment. The comments have been considered by the Ministry and incorporated as appropriate”.

In accordance with section 18(d) of the Act, the current versions are publicly available at: www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-resources-and-tools/covid-19-your-privacy.

As referenced in Appendix 4 of the MVP PIA on page 74, the personally identifiable information to be displayed on the My Vaccine Pass is as set out in clause 10 of the COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order 2021. It is the person's name and date of birth but no other personal information, and the expiry date of the pass. It also contains a QR Code. The pass itself will not show whether the person is vaccinated or exempt, it will look the same for both categories.

The MVP PIA notes in the analysis section on page 40:

The information to be displayed in each of the Certificates is designed to be the minimum amount of information to meet the public health objectives, or international requirements in the case of the EU DCC (or only that information necessary). The details on the My Vaccine Pass are those mandated by the CVC Order and include name, date of birth and date of certificate expiry. It is considered these details are necessary to enable the certificate holder to reliably establish their identity as the person to whom the certificate has been issued.

- There is some variability in name (as what is recorded against the NHI may be different to some of the identity documents a person holds). The date of birth however remains consistent and is a reliable indicator of the person when linked to a slight name variant.*
- Since the My Vaccine Pass has been available to the public the Ministry has had a small number of queries suggesting a photograph should have been used as part of the process to establish the identity of the person. This is not a technically feasible option. A key security feature of the My Vaccine Pass is the QR code. This contains a digital signature that proves the content of the QR code has not been tampered with or altered. Consideration was originally given to the feasibility of including a photo or other biometric data. At a technical level this would have increased the QR code size beyond the maximum limit of the QR code specification and would be impractical to store and scan. Additionally, there are significant operational challenges to obtain a suitable and accurate photo of the person, as the Ministry does not maintain an existing record of current photos of individuals. Not all verification processes to obtain a Vaccine Pass are associated with a photo – and as some individuals do not have photo ID it would be inequitable to require only photo ID. It is therefore discounted as an option for the My Vaccine Pass*

The personally identifiable information incorporated into the My Vaccine Pass is consistent with the relevant Order and the MVP PIA.

For further information about privacy, please contact the OPC at:
<https://www.privacy.org.nz/about-us/contact/>.

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.

Nāku noa, nā

A handwritten signature in blue ink, consisting of two distinct, stylized cursive marks.

Dom Harris
**Manager, Office of the Deputy Chief Executive
COVID-19 Health System Response**