

Phase Two – Minute 6

Access to Inquiry documents

26 February 2026

Introduction and background

- [1] Over the past year, the Inquiry has been gathering evidence from government agencies, organisations and individuals. We have received around 8,000 documents from government agencies and non-government sources, and over 31,000 public submissions. We have carried out 29 interviews and held over 50 engagements sessions involving over 120 individual or organisation representatives.
- [2] The Inquiry has now completed its evidence gathering and is in the final stages of its deliberations and finalising its report. On 26 February 2026, this Inquiry will present its report to the Governor-General.
- [3] This minute addresses access to evidence and submissions gathered by the Inquiry after the Inquiry has concluded.

Approach

- [4] Public transparency and openness are of central importance to a public Inquiry such as this Royal Commission. Throughout the inquiry we have sought to operate in a transparent way, and for this reason have sent regular pānui/newsletters and recorded messages from the Chair, published a list of interviews and engagements conducted as part of the Inquiry, published the Inquiry's minutes, and held a public hearing into individuals' experiences and perspectives on the pandemic, which remains available to watch on our website.
- [5] Over the coming weeks we will also publish on our website:

- a. The final report of the evidence received and our findings and recommendations.
- b. a “Pandemic Perspectives” volume, which analyses and summarises in an anonymous way the evidence received through our public submissions process and engagement sessions.
- c. A report entitled “COVID-19 by the Numbers”, which collates research and statistics relevant to the COVID-19 experience in New Zealand and overseas.

[6] In relation to evidence and submissions provided to the Inquiry, we made an interim order under s 15 of the Inquiries Act on 18 December 2024 – see Minute 1: Phase Two. The effect of that order was to restrict access to submissions and evidence provided to the Inquiry so that they could only be accessed by the Commissioners and officers of the Inquiry, except where limited disclosure was necessary for us to fulfil our task. This order allowed the evidence we requested to be provided to us quickly, and without pausing for resolution of issues such as privacy or commercial interests, or where agencies were unsure of its relevance to the Inquiry. This flow of information was essential to us being able to ascertain the facts properly, and complete our task within the timeframe of the Inquiry.

[7] The interim order has effect until completion of the final report or further order of the Inquiry. We now need to determine the extent to which it is appropriate to make any further orders, in respect of the information held by the Inquiry. In doing so we take into account:

- a. the criteria set out in s 15(2) of the Inquiries Act:
 - i. The benefits of observing the principle of open justice; and
 - ii. The risk of prejudice to public confidence in the proceedings of the Inquiry; and
 - iii. The need for the Inquiry to ascertain the facts properly; and
 - iv. The extent to which public proceedings may prejudice the security, defence, or economic interests of New Zealand; and

- v. The privacy interests of any individual; and
 - vi. Whether it would interfere with the administration of justice, including any person's right to a fair trial, if an order were not made under subsection (1); and
 - vii. Any other countervailing interests.
- b. our terms of reference, and in particular, the requirement that we restrict access to Inquiry information where we consider that is required in order to, among other things, protect commercially sensitive information, including commercial information subject to an obligation of confidence; and protect information for any other reason that the Inquiry considers appropriate; and
 - c. the requirement under the Inquiries Act that in determining our processes we must have regard to the need to avoid unnecessary delay or cost in relation to public funds, witnesses, or other persons participating in the Inquiry.

[8] In respect of the documents we received as evidence, we note:

- a. The majority of the documents are copies of documents already held by Crown or quasi-Crown agencies. These documents continue to be held by the agencies themselves, and most of them are subject to Official Information Act 1982 ("OIA") requests in the usual way – indeed, many have been published by agencies already, either proactively or in response to OIA requests. We do not seek to make any orders that would restrict existing access to these documents held by the agencies themselves.
- b. The report contains a detailed examination of the evidence that we considered most relevant to reaching our conclusions, including citations to the particular documents discussed. We consider these documents to be the most relevant to our conclusions and the documents in which the interests of open justice and transparency are strongest. The report includes links to the many documents that are already publicly available. There is a smaller subset of these documents which are not currently publicly available, but that we have directly cited and relied on in our report.

- c. We made requests to agencies for documents, taking a broad view of what might be relevant to our terms of reference, but understanding that some documents would contain confidential information or information with privacy interests (including individual names and contact details) or commercial sensitivity, and information of limited relevance to the Inquiry. The exercise of reviewing each document to identify potential confidentiality, third party interests, and relevance, regardless of whether it formed a central part of the Inquiry's work, would be an inefficient use of time and cost for the public and the Inquiry.
- d. Ministry of Business, Innovation and Employment requested that a permanent section 15 order be made in relation to parts of *COVID-19 Vaccine Strategy: Update on vaccine purchasing* as this document contains material that is covered by non-disclosure agreements with vaccine providers.
- e. Inland Revenue requested a permanent section 15 in relation to paragraph [13] of its Narrative document that sets out the specific integrity measures that Inland Revenue used when reviewing applications for COVID-19 products. Inland Revenue considers there is a risk that the release of paragraph [13] would adversely affect the integrity of the tax system as the techniques and checks listed may be used for other products in the future, and the release of such techniques could provide an opportunity for gaming, manipulation and avoiding detection.

[9] Other evidence we gathered was through direct engagement such as public submissions, engagement sessions, public hearing, interviews conducted in private and written responses to questions. In respect of this evidence, we note:

- a. For the reasons set out in Minute 4, we did not have a public hearing of the evidence of officials and decision-makers. Evidence from these individuals was instead gathered through interviews held in private. There is significant public interest in the evidence from many of these individuals.

- b. Prior to carrying out interviews, we indicated (in Minute 2, para [15]) that we would publish names of individuals we interviewed, but that in relation to officials, we would only publish names of those who held the rank of Deputy Chief Executive (or equivalent) or above.
- c. We also received evidence from many individuals and organisations outside of government agencies, who gave us invaluable insight into their experiences of the COVID-19 pandemic and the impact of the key decisions of government that we were tasked to review. This occurred largely through our public submission process, our series of engagements, and some interviews. Many of these individuals gave personal insights, and many sought confidentiality over their submissions.
- d. In interviews and public engagements, some people shared their personal experiences with us generously, and in a way that they may not have done had the evidence been given in a public forum, or if responses had been requested in writing. For a variety of reasons some were understandably cautious about speaking publicly in a way that would gain public attention, and may have resisted doing so had their evidence been given in public.
- e. Some public officials and some of their families have been the subject of online and in-person harassment and threats, including after our July 2025 hearing. We consider we should minimize the risk of further such interactions because they are beyond the realm of behaviour which public officials should be required to tolerate. This is a countervailing interest against publication and access to some official interview transcripts. We are confident that the evidence recorded and discussed in the report reflects the questions asked and relevant evidence gathered from those officials so that the countervailing interest outweighs the public interest in access to the official interview transcripts.

- f. Some non-government officials we interviewed, but have not referred to in the report, have also been the subject of online and in-person harassment and threats, including after our July 2025 hearing. We have determined that their interest in being protected as far as possible from such behaviour also outweighs the public interest in access to the official transcripts of their interviews.

[10] We have been mindful of the need to minimise unnecessary costs in the procedures we adopt. We have therefore focused on ensuring transparency of the evidence that we consider was most relevant to and crucial to our task of assessing key decisions of government.

Interview transcripts

[11] We have already published names of all interviewees, and a record of Inquiry engagements.

[12] All interviews were recorded and have been transcribed. We have made some minor redactions to official interview transcripts. These redactions relate only to:

- a. administrative matters which are not relevant to the purpose and findings of the Inquiry.
- b. comments of a personal nature in which there is a privacy interest, and that are not relevant to the purpose and findings of the Inquiry.
- c. evidence of a confidential nature where the interviewee has sought confidentiality and the redaction does not hinder the ability of the public to understand the proceedings of the Inquiry.
- d. the names of attendees at the interviews who were not at or above Deputy Chief Executive level or equivalent (consistent with our Minute 2), or who were there in a support capacity.

[13] To increase transparency, we have decided to publish, along with our report:

- a. high level summaries of engagements;

- b. official transcripts of:
 - i. All interviews with former ministers
 - ii. Interviews with Sir Ashley Bloomfield KNZM and Brook Barrington, being high-level officials that are cited in the report.
- c. Written responses to questions from Ministers.

[14] These interviews with decision-makers involved in the decisions we were tasked to review, were central parts of the evidence to the Inquiry. We had originally anticipated that at least some of this evidence would be provided in a public hearing setting. Our view was that there was strong public interest in this evidence, and that having some of this evidence given in public would increase public confidence in the processes of the Inquiry. The public hearing did not occur, but those considerations still apply. We therefore consider it appropriate that the transcripts of the interviews themselves are made public.

Orders restricting publication of and access to other evidence and submissions

[15] In respect of the other evidence received, having considered the matters in [7] above, requests made for privacy by interviewees, and the factors in 15(2) the Inquiry makes the orders set out in Appendix One.

[16] The orders have the effect of lifting the interim order over documents cited in the report where not otherwise publicly available; and over most official interview transcripts.

Other information held by the Inquiry

[17] The records of the Inquiry also consist of internal deliberations, including drafts, internal documents, internal correspondence, meeting minutes, and other matters; and correspondence with government agencies and members of the public, including information requests and lists of questions to be discussed at interviews.

[18] In respect of these records, the Inquiry adopts the position set out by the Royal Commission into the Terrorist Attack on Christchurch Mosques with appropriate modifications as set out in Appendix Two.

Appendix One - Orders prohibiting publication and access

[1] Except as provided in [2] below, the Inquiry forbids the publication of and public access to:

- a. Documents received by the Inquiry from or on behalf of an organisation subject to the Official Information Act 1982 on the basis that, while some are relevant to the Inquiry, all or part of those documents do not cease to be official information under the Official Information Act 1982 in the hands of those organisations.
- b. In any document not subject to [1](a) above, names and identifying particulars of any individual lower than Deputy Chief Executive (or equivalent) level.
- c. Documents provided to the Inquiry where the provider, not being an organisation subject to the Official Information Act 1982, requested the Inquiry maintain confidentiality over the document, or where the document otherwise contains confidential information.
- d. Personal or other identifying information relating to submissions made by members of the public through the public submission process, along with any submissions made to the Inquiry by organisations and members of the public who have requested that their submission be kept confidential.
- e. Responses received from persons or organisations provided with extracts of the draft report as part of the Inquiry's natural justice process.
- f. In relation to interview records all recordings, notes taken, and draft transcripts, other than the documents labelled as the official transcript of that interview.
- g. Records of engagements and other meetings with Inquiry, other than as published on our website or set out in (f) above.

[2] The order in [1] does not extend to:

- a. documents cited in the report; and

- b. documents, excluding email correspondence, created specifically in response to the Inquiry's production orders made under s 20 of the Inquiries Act.
- c. Official transcripts of interviews.

[3] Notwithstanding order [2] the Inquiry has decided after consideration of the s 15(2) factors to forbid the publication of and access to the following documents:

- a. The parts of COVID-19 Vaccine Strategy: Update on vaccine purchasing that are covered by non-disclosure agreements with vaccine providers.
- b. Paragraph [13] of the Inland Revenue narrative document that sets out the specific integrity measures that Inland Revenue used when reviewing applications for COVID-19 products.
- c. Official transcripts of interviews with Dr Ian Town, Dr Chris James, and Darryl Carpenter.
- d. Official transcripts of interviews with non-government officials who prior to 13 March 2026 notify the Inquiry email address that they consider potential harassment and threats arising from public access to that transcript to be a concern.

[4] For the avoidance of doubt, the orders above apply only in respect of the material held by the Inquiry as at 26 February 2026, and individuals including public submitters are not prohibited from publishing their own accounts or documents separately. The orders also do not apply to research commissioned by the Inquiry, which will be published separately by the authors of that research.

The orders above are also not intended to prohibit an individual from accessing records of their own submission, interview or engagement with the Inquiry under the Privacy Act.

**Appendix Two – Summary of approach taken by previous Royal Commissions to
“internal deliberations”, as applied to this Inquiry**

For the reasons set out by the Royal Commission into the Terrorist Attack on Christchurch Mosques, the Inquiry considers that the phrase “any documents that relate to the internal deliberations of the Inquiry” in the Inquiries Act 2013 should be interpreted broadly and, in particular, in a way that gives significant weight to the importance of allowing the Inquiry to deliberate confidentially. The phrase, therefore, covers any document that directly or indirectly relates to the decision-making process of the Inquiry. It includes, but is not restricted to, documents such as:

- [1] Internal correspondence (including emails) to or from any Commissioner or Inquiry staff member or counsel
- [2] Correspondence (including emails) between Commissioners, staff, or counsel of the Inquiry and experts engaged by the Inquiry
- [3] Internal memoranda, including research and analysis
- [4] Notes prepared in relation to (both prior and following) any public or private hearings, meetings, interviews or engagements, with witnesses or other persons (excluding published summaries of any such engagements)
- [5] File notes taken by the Inquiry
- [6] Working papers prepared by the Inquiry
- [7] Legal advice (which is also subject to solicitor-client privilege in any event)
- [8] Internal meeting notes, minutes, and action points
- [9] Draft versions of reports, including
 - a. Annotations to or comments on such drafts and internal communications; and
 - b. Draft extracts of the report provided to individuals or entities through our due diligence process including for fact-checking, and for natural justice purposes.

- c. Requests for information by the Inquiry to individuals and entities, including correspondence between the Inquiry and entities regarding the scope of those requests. These requests reveal the thinking of the Royal Commission at a particular point in time and therefore are properly characterised as internal deliberations.
- d. Any drafts of the documents listed above.