



Australian Government

Department of Health

Department Reference: FOI 2261

Mr
via email:

Dear Mr

**NOTICE OF DECISION UNDER SECTION 24A
OF THE FREEDOM OF INFORMATION ACT 1982**

I refer to your request of 15 February 2021 to the Therapeutic Goods Administration (TGA) seeking access under the *Freedom of Information Act 1982* (Cth) (the Act) to the following documents:

The currently held scientific papers, such as a controlled trial (in animals or humans), that prove there is a novel strain of SARS-CoV-2 (including but not limited to the strain B.1.1.7), that is up to 70% more infectious.

The TGA, a Division within the Department of Health (the department), has referred your request to the department's Freedom of Information Unit for processing and response.

FOI decision

I am authorised under subsection 23(1) of the Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision in response to your request.

Appropriate steps have been taken to find the documents referred to in your request including consultation with relevant departmental officers and searches of departmental file management systems.

I am satisfied, on the basis of the consultation undertaken and the searches conducted, that the department does not hold any documents referred to in your request.

As a consequence, relying on section 24A of the Act, I cannot provide access to the documents you requested.

FOI review rights

If you are dissatisfied with my decision, you may apply for a review.

Internal review

Under section 54 of the Act, you may apply in writing to the department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the department allows). To assist in the internal review process, please provide reasons you consider review of my decision is necessary. The internal review will be undertaken by another officer of the department within 30 days of receipt of your application.

An application for an internal review can be sent to:

Email: FOI@health.gov.au
Mail: FOI Unit (MDP 516)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Information Commissioner review

Alternatively, under section 54L of the Act, you may apply to the Office of the Australian Information Commissioner (OAIC) for review of my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

You may also make a complaint to the OAIC about action taken by the department in relation to your application.

The OAIC can be contacted by:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992

More information about OAIC review and making a complaint is available on the OAIC website:

<https://www.oaic.gov.au/freedom-of-information/reviews/>

Relevant provisions of the Act

The Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2020C00366>.

Additional information

While the department does not hold documents relevant to your request, the following links, provided outside the FOI Act, may be of assistance to you:

<https://www.cdc.gov/mmwr/volumes/70/wr/mm7003e2.htm>

<https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/a-new-strain-of-coronavirus-what-you-should-know>

Contacts

If you require clarification of any of the matters discussed in this letter you should contact the department's Freedom of Information Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "KBishop".

K. Bishop
Principal Lawyer
Legal Advice & Legislation Branch

17 March 2021