



Australian Government

Department of Health

Department Reference: FOI 2428 IR

[REDACTED]
[REDACTED]

Dear [REDACTED]

**NOTICE OF DECISION - INTERNAL REVIEW
FREEDOM OF INFORMATION REQUEST**

I refer to your correspondence of 5 July 2021 requesting an internal review of the decision of 25 June 2021 by the Department of Health (the department) in response to your request for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

1. Any peer reviewed scientific reports showing that wearing masks stops the transmission of the Corona virus.
2. Any peer reviewed scientific reports showing that lockdowns stop the transmission of the Corona virus.
3. Any peer reviewed scientific reports that show that border closures stop the transmission of the virus.

The decision under review

The department's decision of 25 June 2021 was to refuse access under section 24A of the FOI Act as the decision maker was satisfied, on the basis of consultation with relevant departmental officers, that there are no documents falling within the scope of your request.

On 5 July 2021, you requested an internal review of the department's decision. You provided the following submission to support your request for the internal review:

I would like an internal review on this as the Australian government must have done their own studies on the wearing of masks in order to recommend them. I would like to see the studies.

Decision

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to freedom of information (FOI) requests, including requests for internal review.

I am writing to notify you of my decision in response to your request for internal review.

I have decided to affirm the primary decision.

Material taken into account

In making my decision, I have had regard to the following:

- the scope of your request
- the initial decision and reasons of 25 June 2021
- your request for internal review and submission of 5 July 2021
- advice from departmental officers with responsibility for matters relating to the documents sought
- the relevant provisions of the FOI Act, and
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines).

Reasons for decision

I am satisfied that all reasonable steps have been taken to find documents relevant to your request and I am satisfied that the department does not hold any documents.

FOI review rights

If you are dissatisfied with my decision, under section 54L of the FOI Act, you may apply to the Office of the Australian Information Commissioner (OAIC) for review of my decision by the Information Commissioner (IC).

In accordance with subsection 54S(1) of the FOI Act, an IC review application in relation to a decision covered by subsection 54L(2) (access refusal decisions) must be made in writing within 60 days after the day you are notified of this internal review decision.

More information about IC review is available on the OAIC website at:

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

The OAIC can be contacted by:

Email: enquiries@oaic.gov.au

Phone: 1300 363 992

Complaints

If you are dissatisfied with actions taken by the department, you may also make a complaint.

Complaint to the department

Complaints to the department are covered by the department's privacy policy. A form for lodging a complaint directly to the department is available on the department's website:

<https://www.health.gov.au/about-us/contact-us/complaints>

Complaint to the IC

Information about making a complaint to the IC about action taken by the department is available on the OAIC website:

<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>

Relevant provisions under the FOI Act

The FOI 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/C2021C00219>

Additional information

The department develops and delivers policies and programs and advises the Australian Government on health, aged care and sport. The department works with a wide range of stakeholders to ensure better health for all Australians.

The department and its portfolio agencies have played, and continue to play, an important role in managing and responding to the COVID-19 pandemic, including by:

- testing and verifying products such as prescription medicines, vaccines, sunscreens, vitamins, medical devices and blood and blood products
- facilitating the approval of vital medical devices including ventilators, personal protective equipment, and COVID-19 testing kits
- ensuring Australians have access to medical supplies when they need them
- developing legislation and legislative instruments to help prevent the transmission of COVID-19 and to keep all Australians safe
- developing processes and applications to help identify individuals exposed to the COVID-19 virus
- reporting case numbers, official medical advice and information on treatment, and

- developing and publishing resources designed to health stop the spread of the virus and keep Australians safe.

While the department does not hold the documents you have requested, I understand that on 15 June 2021, you were provided with publicly available information.

You may also be interested in information accessible from the link below in 'Communicable Diseases Intelligence', a peer-reviewed journal which aims to disseminate information on the epidemiology, surveillance, prevention and control of communicable diseases of relevance to Australia:

[https://www1.health.gov.au/internet/main/publishing.nsf/Content/cda-pubs-cdi-cdicur.htm#:~:text=Communicable%20Diseases%20Intelligence%20\(CDI\)%20is,diseases%20of%20relevance%20to%20Australia](https://www1.health.gov.au/internet/main/publishing.nsf/Content/cda-pubs-cdi-cdicur.htm#:~:text=Communicable%20Diseases%20Intelligence%20(CDI)%20is,diseases%20of%20relevance%20to%20Australia)

Contacts

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

Yours sincerely



Celia Street
First Assistant Secretary
Office of Health Protection & Response

30 July 2021