



Australian Government

Department of Health

Department Reference: FOI 2541

Mr DXXXXX XXXXXX
via email: XXXXXX@XXXXXX

Dear Mr RXXXXX

NOTICE OF DECISION

I refer to your request received by the Department of Health (the department) on 20 July 2021 seeking access under the *Freedom of Information Act 1982* (Cth) (the FOI Act) to the following:

Documentation held by the Australian Department of Health, Therapeutics Goods Administration, or other relevant government department on the following;

1. Documentation proving isolation of the Sars-CoV-2 Delta strain, which is confirmed by means of a purified viral sample being imaged with an electron microscope.
2. Documentation (a controlled scientific experiment in humans or animals), where the isolated Sars-CoV-2 Delta virus sample (mentioned in point 1) is exposed to healthy humans or animals and shown to cause the disease "Covid-19".

FOI decision

I am authorised under subsection 23(1) of the FOI 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.

I am satisfied, on the basis of the consultation undertaken, that the department, including the Therapeutic Goods Administration, does not hold any documents referred to in your request.

As a consequence, relying on section 24A of the FOI 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 FOI Act, you may apply for internal review of this decision.

In accordance with section 54B of the FOI Act, an application for internal review must be made in writing within 30 days after the day you are notified of this decision (or such further period as the department allows). To assist in the internal review process, please provide reasons as to why you consider the review of my decision is necessary.

The internal review will be carried out by another officer of this department within 30 days of receipt of your application.

An application for an internal review should be addressed 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 FOI Act, you may apply to the 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 decision (if you do not request an internal review).

More information about Information Commissioner 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 of the FOI 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/C2021C00239>

Documents held by other government entities

Please note that the department does not have access to documents held by other government entities, including other Commonwealth, State or Territory departments. If you are seeking access to documents held by another government entity, you might like to consider submitting a request for documents to that entity under the legislation applicable in the relevant jurisdiction.

Contacts

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

Yours sincerely



Dr Marcelle Noja
Acting Assistant Secretary
Office of Health Protection & Response
Public Health Surveillance Branch

29 July 2021