



Enquiries to: Verna Young
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Our Ref: 2283/21



Dear 

Your access application under the *Right to Information Act 2009* (the RTI Act), together with your application fee, was received by the Department of Health on 22 July 2021 and is now being processed.

I confirm that you are seeking access to the following documents for the date range of **2019, 2020 and 2021:**

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.
4. Any peer reviewed scientific papers or reports or evidence that show the PCR test can detect a "live" infection.
5. Any peer reviewed scientific papers or reports or evidence that show the PCR test can detect what type of RNA virus has been detected.
6. Copies of any directives from the Queensland Department of Health to practitioners about using PCR tests.
7. Copies of any written directives from the Queensland Department of Health to practitioners advising at what amplification the PCR test is to be run at.
8. Copies of all Directives or recommendations from the World Health Organization about the use of the PCR test.

Types of documents: internal memos, emails, letters, studies, documents, papers, directives, contracts etc.

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I note that you contacted this office on 3 August 2021 asking for a response to your application.

On 5 August 2021, I sent you an email advising that the legislative timeframe for processing applications is usually 25 business days but is often extended for various reasons, for example, if we must consult third parties.

I also advised you that there would be a Charges Estimate Notice (CEN) if an application takes longer than five hours to process.

Comments re searching for relevant documents

Upon receipt of your application, a search request was sent to the Office of the Chief Health Officer and Deputy Director-General Prevention Division, the relevant business unit of the department. I have now received their response as follows:

The documents listed in the terms (items 1-8) are all publicly available. Additionally, the date range (2019-2021) is entirely unreasonable and the time necessary to identify any internal documents that may refer to these public documents would likely be hundreds of hours.

Items 1 to 5:

The requestor may wish to search PubMed for peer reviewed scientific papers or reports <https://pubmed.ncbi.nlm.nih.gov/>

Items 6 and 7:

All current and superseded Queensland public health directions are published at <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers>

Item 8:

Documents produced by the World Health Organisation related to COVID-19 are published at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

In addition to the advice provided above, I suggest you also search the Department of Health's publicly available Disclosure Log for any documents concerning COVID that have been previously released under the RTI Act.

The link to the Department of Health Disclosure Log website is:

<https://www.health.qld.gov.au/system-governance/contact-us/access-info/disclosure-logs>

Notice of intention to refuse to deal with your application

Taking into account that the documents that you are seeking access to are publicly available, it follows that the only documents that could now fall within the terms of your application are internal documents. You stated in your application that the type of documents you are seeking are internal memos, emails, letters, studies, documents, papers, directives, contracts etc. This does contradict the actual detail of each item you have requested as those Items all detail the type of document that is sought.

However, as mentioned above, if you were to proceed with your application for internal documents, it would simply be an unreasonable diversion of the resources of the business units who are responsible for the response to the pandemic.

I have now determined that processing your application would take an excessive amount of time and it could be an extremely costly exercise. Therefore, I have now formed the view that the work involved to deal with your application would substantially and unreasonably divert our agency's resources.

Please note that I have not made a decision yet on your application, however, I am writing to consult you about this and to provide an opportunity to alter or clarify your application.

This letter is also to inform you that if your application is not changed, I intend to refuse to deal with it. Please note, I am not refusing to deal with your application yet and, as such, you cannot seek a review of this letter.

REASONS

I believe your application would result in a substantial and unreasonable diversion of agency resources because:

- The scope of your application is extremely broad for a lengthy date range
- It would take an enormous amount of time to identify any internal documents that may refer to these public documents
- Much of what you are asking for is searchable on the internet and publicly available so you can readily obtain it yourself

However, you do have an opportunity to consult with me to change your request so that I can deal with your application in a more manageable way.

THE WAY FORWARD

In order for me to continue to deal with your application, you would need to narrow the scope of your application.

Options available to you have been set out in the table below -

| Option # | Description | Outcome |
|-----------------|---|------------------------------------|
| Option 1 | Narrow the scope of your application to more specifically identify documents being sought | Processing charge will be incurred |
| Option 2 | Withdraw your application. | |

I will require a written response from you **by COB DATE 3 September 2021**, either confirming your original application or outlining which option of those outlined above you would like to choose.

If you do not respond in writing by the above date, then I will consider you no longer wish to continue with your application and no further action will be taken.

If you need any additional time to respond in writing, please contact me to discuss further.

I would encourage you to contact me via email or telephone on (07) 3082 0546 if you have any queries regarding this process.

Yours sincerely

Verna Young
Right to Information Officer
Privacy and Right to Information Unit
Department of Health

20 August 2021