



Australian Government

Department of Health

Department Reference: FOI 1848

Jaay-H

Via email: foi+request-6516-9f30f541@righttoknow.org.au

Dear Jaay-H

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

I refer to your request of 23 July 2020 to the Department of Health (department) seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to the following documents:

A copy of the document listing the number of COVID-19 decedents who passed away with co-morbidities recorded in Part II of their medical cause of death certificates.

I am writing to advise you of my decision.

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 on your request.

All reasonable steps have been taken to find the documents referred to in your request including consultation with relevant policy and program areas, thorough searches of departmental file management systems, electronic documents on shared and personal drives and departmental data bases, and individual and group email accounts.

I am satisfied the consultation undertaken and the searches conducted were thorough and all reasonable steps have been taken to locate documents relevant to your request. I am satisfied the documents referred to in your request do not exist.

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

FOI review rights

If you are dissatisfied with my decision, you may apply for an internal review or Australian Information Commissioner (Information Commissioner) review of the decision.

Internal review

Under section 54 of the FOI 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). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this department within 30 days.

An application for an internal review should be addressed to:

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

Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review 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).

The Australian Information Commissioner can be contacted by:

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

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at:
[https://www.oaic.gov.au/freedom-of-information/reviews/.](https://www.oaic.gov.au/freedom-of-information/reviews/)

You may also make a complaint to the Information Commissioner about action taken by the department in relation to your application. Further information can be obtained from the OAIC website.

Relevant provisions of 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/C2020C00110>

Additional information

While the department does not hold the documents you have requested, I can provide the following information which I trust will be of assistance to you.

Publicly available information about COVID-19 deaths

The internet hosts a range of information about COVID-19, including deaths and recovery rates. For example, information about case numbers, deaths and cases around the world is available on the World Health Organisation website here:

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

The department's website hosts information, including Australian statistics about COVID-19. The *Coronavirus (COVID-19) current situation and case numbers* site, which provides regular updates on COVID-19 cases, including information about the number of COVID-19 related deaths by state and territory. That webpage can be accessed here: <https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-current-situation-and-case-numbers>

Requesting access to a death certificate

While the department supports the Australian community's access to health services, it is not involved in the direct delivery of these services and does not usually hold personal health records, death certificates or other similar documents.

Death certificates are generally held by the Births, Deaths and Marriages authority in the relevant state or territory. Information about requesting copies of death certificates can generally be found on the website of the Births, Deaths and Marriages authority in the state or territory in which the death occurred.

Contacts

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

Yours sincerely



K Bishop
Principal Lawyer
Legal Advice and Legislation Branch

12 August 2020