



Australian Government

Department of Health

Department Reference: FOI 2708

via email: foi+request-7568-b5ec5c35@righttoknow.org.au

Dear Ken

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

I refer to your request to the Department of Health (the department) seeking access under the *Freedom of Information Act 1982* (Cth) (the FOI Act) to documents related to COVID-19. Your request is in the following terms:

1. Copies of documents which include the statistics used to produce this video animation posted by the Prime Minister:
<https://twitter.com/scottmorrisonmp/status/1411995009008640011>
2. Specifically, the document(s) should include the number and percentage of first and second doses in each age group and by sex.
3. If possible, I request the data to be provided in its original, machine-readable format (for example, a spreadsheet).

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.

The FOI Act provides a mechanism for individuals to request access to documents held by relevant entities. It is not a mechanism for asking questions or seeking information that the entity does not hold in documents.

Appropriate steps have been taken to find documents you have requested 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, including the Therapeutic Goods Administration (TGA), does not hold any documents referred to in your request. Whilst the Department of Health contains data covering vaccination statistics, the animation was produced by the Department of the Prime Minister and Cabinet and they hold

the specific data used in this instance. As a consequence, relying on section 24A of the FOI Act, I cannot provide access to the documents you requested.

I would like to inform you that the department does not have access to all documents created by, received by, or stored by other government entities. You might like to submit a request for access to documents held by a particular Commonwealth, State or Territory agency if you would like access to documents held by that entity.

I would advise that you submit a Freedom of Information request to the Department of the Prime Minister and Cabinet.

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 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 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 decision (if you do not request an internal review).

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

Complaints

If you are dissatisfied with action 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 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/C2021C00239>

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

Perdi Mitchell
Assistant Secretary
Vaccines Operations Centre

15 September 2021