



Australian Government

Department of Health

Department Reference: FOI 2680

Lauren

via email: foi+request-7680-f3f75f89@righttoknow.org.au

Dear Lauren

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

I refer to your request of 12 August 2021 to the Department of Health (the department) seeking access under the *Freedom of Information Act 1982* (Cth) (the FOI Act) in the following terms:

From 1 Jan 2020 to 31 December 2020 inclusive, provide an accurate summary of COVID-19 statistics that is not currently available on any .gov website
Specifically:

- 1) the number of COVID-19 *cases* in Australia from Jan 1 2020 to December 31st 2020 inclusive,
- 2) the number of COVID-19 *deaths* in Australia from Jan 1 2020 to December 31st 2020 inclusive.

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.

Information on total COVID-19 case numbers and associated deaths can be found on the department's website:

- Daily case summary of cases: <https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-current-situation-and-case-numbers>
- Daily infographic, including previous versions dating back to 5 April: <https://www.health.gov.au/resources/collections/coronavirus-covid-19-at-a-glance-infographic-collection>
- Communicable Diseases Intelligence COVID-19 epidemiology fortnightly report: https://www1.health.gov.au/internet/main/publishing.nsf/Content/novel_coronavirus_2019_ncov_weekly_epidemiology_reports_australia_2020.htm

COVID-19 cases and associated deaths are reported to the department by the states and territories. The national case definitions for COVID-19 cases, including COVID-19 associated deaths, are outlined in the Communicable Diseases Network Australia COVID-19: National Guideline for Public Health Units, see: <https://www1.health.gov.au/internet/main/publishing.nsf/Content/cdna-song-novel-coronavirus.htm>.

National notification data on COVID-19 confirmed cases, including associated deaths, is collated in the NINDSS based on notifications made to state and territory health authorities under the provisions of their relevant public health legislation. As the Department are custodians of these data, a request for the release of data from the NINDSS requires agreement from states and territories via the Communicable Diseases Network Australia. Depending on the sensitivity of the data sought, and proposed use, ethics approval may also be required. Please be aware, due to the COVID-19 response, unfortunately, specific requests for NINDSS data are experiencing lengthy delays. For information on how to apply to access data from the NINDSS please contact the NINDSS Data Requests inbox (nndss.datarequests@health.gov.au).

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. In addition to the information provided above on the NINDSS, the website links provided to you for publicly available information on COVID-19 case numbers and associated deaths should be able to assist you with the information you have requested.

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 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



Dr Marcelle Noja
Acting Assistant Secretary
Public Health and Surveillance Branch

13 September 2021