



Mr Matthew Peos
via email: foi+request-7953-c266c64a@righttoknow.org.au

Dear Mr Peos

FREEDOM OF INFORMATION REQUEST: No. 2021/22-007 ACCESS DECISION

I refer to your request to the National Health and Medical Research Council (NHMRC) on 12 October 2021 made under the *Freedom of Information Act 1982* (FOI Act), seeking access to:

- *Any official documents presenting the official information of the Sars 2/ Covid 19 virus. I specifically request the documents relating to the isolation of the Covid 19 virus and sub strains as presented to medical bodies for assessment in relation to any supposed vaccine and their benefits and/or side effects.*
- *I specifically wish to see the Department of Health's records or any other Departments records of independent research into an isolated form of Sars2 and/or Covid 19 and sub strains.*
- *I specifically wish to see the Department of Health's or any other Departments independent documentation relating to the isolation of the Sars 2 / Covid 19 biological viral entity and the captured vision via electron microscope and/or any other method of capturing vision of the Covid 19 virus at molecular level.*
- *I specifically wish to see documentation related to the assessment of the Covid 19 Viral biological entity in relation to the mandate of Covid 19 vaccines as recommended to Business and/or advice given to business seeking to mandate vaccines for workers.*

Timeframe for processing your request

The FOI request was received by NHMRC via email on 12 October 2021. The statutory timeframe for processing a request is 30 days, starting from the day after the day on which your application was received. Accordingly, the due date for a decision on your request is 11 November 2021.

I am an authorised decision-maker under subsection 23(1) of the FOI Act and this letter sets out my decision on your request for access.

Decision

In making my decision, I have had regard to the following:

- the terms of your request
- the content of the documents to which you have sought access
- advice from NHMRC officers with responsibility for the matters relating to the documents to which you sought access
- the relevant provisions of the FOI Act (accessed via: www.legislation.gov.au)
- the Office of the Australian Information Commissioner's FOI Guidelines published under section 93A of the FOI Act (accessed via: www.oaic.gov.au/freedom-of-information/foi-guidelines).

NHMRC conducted a detailed search of all electronic files and relevant email mailboxes within the agency in line with the scope of your request. Particular focus was given to the files and emails related to the work of the [National COVID-19 Health and Research Advisory Committee](#). The search for relevant documents and emails was conducted in the date range from 1 January 2020 to present, as the World Health Organisation declared COVID-19 to be a Public Health Emergency of International Concern on 30 January 2020. The key search terms used were [SARS-CoV-2 and isolation and vaccination and efficacy/policy].

I will respond to your request in the following four parts, which correspond to the four dot points of your request.

Part 1 – Documents relating to the isolation of the Covid 19 virus and sub strains as presented to medical bodies for assessment in relation to any supposed vaccine and their benefits and/or side effects

No documents were identified that described the isolation of the SARS-CoV-2 virus, and/or its variants, to assess the benefits and side-effects of COVID-19 vaccines for presentation to medical bodies for their consideration.

NHMRC does not conduct independent research, nor does it have a role in consulting with medical experts for the purposes of assessing vaccine benefits and/or side-effects. The assessment of vaccines for safety, quality and efficacy before they are approved for use in Australia is undertaken by the Therapeutic Goods Administration (TGA) at the Department of Health. Further information on the TGA's processes and evidence requirements for vaccines is available on its website (www.tga.gov.au).

Accordingly, I have decided to refuse access to Part 1 of your request under subsection 24A(1) of the FOI Act, on the basis that these documents do not exist within NHMRC. Subsection 24A(1) of the FOI Act states that a request for access to a document may be refused if all reasonable steps have been made to find the documents and the agency is satisfied that the documents, *inter alia*, do not exist.

Part 2 – Records of independent research into an isolated form of Sars2 and/or Covid 19 and sub strains

NHMRC does not conduct laboratory research so does not possess independent research records on an isolated form of SARS-CoV-2 and/or its variants. This was confirmed by the search for electronic files as outlined above that identified no relevant documents.

Accordingly, I have decided to refuse access to Part 2 of your request under subsection 24A(1) of the FOI Act, on the basis that these documents do not exist within NHMRC. Subsection 24A(1) of the FOI Act states that a request for access to a document may be refused if all reasonable steps have been made to find the documents and the agency is satisfied that the documents, *inter alia*, do not exist.

Part 3 – Other Departments independent documentation relating to the isolation of the Sars 2 / Covid 19 biological viral entity and the captured vision via electron microscope and/or any other method of capturing vision of the Covid 19 virus at molecular level

NHMRC does not conduct independent laboratory research so does not possess documentation on the isolation or image capture of SARS-CoV-2 and/or its variants. This was confirmed by a search for electronic files as outlined above that identified no relevant documents. In addition, NHMRC does not have access to, or possession of, other Departments' independent documentation.

Accordingly, I have decided to refuse access to Part 3 of your request under subsection 24A(1) of the FOI Act, on the basis that these documents do not exist within NHMRC. Subsection 24A(1) of the FOI Act states that a request for access to a document may be refused if all reasonable steps have been made to find the documents and the agency is satisfied that the documents, *inter alia*, do not exist.

Part 4 – Documentation related to the assessment of the Covid 19 Viral biological entity in relation to the mandate of Covid 19 vaccines as recommended to Business and/or advice given to business seeking to mandate vaccines for workers

The roles and functions of the NHMRC do not include the development or implementation of vaccination policy – this is the role of the Department of Health and the state and territory health departments. NHMRC does not possess documents on the assessment of SARS-CoV-2, and/or its variants, and the recommendations or advice for businesses on the mandatory COVID-19 vaccinations of its workers. This was confirmed by a search for electronic files as outlined above that identified no relevant documents.

Accordingly, I have decided to refuse access to Part 4 of your request under subsection 24A(1) of the FOI Act, on the basis that these documents do not exist within NHMRC. Subsection 24A(1) of the FOI Act states that a request for access to a document may be refused if all reasonable steps have been made to find the documents and the agency is satisfied that the documents, *inter alia*, do not exist.

You specified in your email of 12 October that the access request includes Department of Health documentation. As NHMRC is an independent statutory agency we are not able to search Health's records. I am aware that you have lodged access requests on similar terms with both the Department of Health and the TGA, so I have decided not to transfer Part 2 or 4 of your request to these agencies under section 16 of the FOI Act.

About NHMRC

NHMRC is a statutory agency responsible for funding high-quality health and medical research, building research capability and supporting the translation of health and medical research into better health outcomes. NHMRC develops specific guidelines on various aspects of health, health care, health research and environmental health, as part of its responsibilities for developing evidence-based health advice for the Australian community, health professionals and governments (see: www.nhmrc.gov.au/health-advice). NHMRC also promotes the highest standards of ethics and integrity in health and medical research.

NHMRC is committed to supporting the national and international response to the COVID-19 pandemic by funding high-quality research, as well as supporting the health and medical research sector more broadly to address the multiple challenges posed by the COVID-19 pandemic. We provide information for the health and medical research sector in response to the COVID-19 pandemic, as well as information about NHMRC's contribution to national and international pandemic research on NHMRC's website (see: www.nhmrc.gov.au/research-policy/COVID-19-impacts).

Charges

I have decided not to impose charges for processing this FOI request.

Your review rights

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

Internal review

Under section 54 of the FOI Act, you may apply in writing to NHMRC for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter. Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. Such an application must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

- online: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10
- email: foidr@oaic.gov.au
- post: GPO Box 5218, Sydney NSW, 2001.

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website (accessed via: www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/).

Questions

If you have any queries or wish to discuss my decision, please contact the NHMRC FOI Unit at foi@nhmrc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Prue Torrance', is written over a light grey, textured rectangular background.

Prue Torrance
Executive Director
Research Quality and Priorities

9 November 2021