

Our reference: 2021-104643

4 November 2021

Mr Daniel Brown

By email to: foi+request-8013-1bd05e4d@righttoknow.org.au

Dear Mr Brown

I acknowledge receipt of your email dated 25 October 2021 in which you made an access application for certain information under the *Freedom of Information Act 2016* (the FOI Act).

Your access application was expressed in the following way:

'...I would like to see all information relating to the Pfizer, Moderna vaccine deals
This has been deemed as sensitive and the details are not open to view, discuss
and or debate
Tax payer funding was used in the making of these deals
Mandates are being placed against us, regardless of individual risk or opinion we
are being given zero option to decide what to do with our own Health.
The only thing we know is these companies have zero liability in the event of any
adverse reactions
If we are going to be forced to take a vaccine by the Government who has made
deals with the companies who are the direct financial beneficiaries of these
vaccines and against our right to consent, right to decide
Then we should know all the details about what exactly has been agreed...'.

This letter constitutes notice of my decision on your access application. The ombudsman has appointed me as an information officer the purposes of the FOI Act. This appointment authorises me to make this decision.

Decision

I have decided, pursuant to s 35(1)(b) of the FOI Act, that this Office does not hold any information falling within the scope of your access application.

Statement of reasons

As required by s 34(1) of the FOI Act, we have searched our records to identify any documents or other information falling within the scope of your access application. In undertaking this search, we searched the Ombudsman's document management and complaint management systems for copies of any agreements with the Australian Government for the supply of Pfizer and Moderna vaccine doses to Australia. We also searched for information discussing the terms and conditions of the Australian Government's agreements with the suppliers of the Pfizer and Moderna vaccines. Our searches did not locate any documents or other information relevant to your access application.

Review rights

Ombudsman review

Under s 73 of the FOI Act, you may apply in writing to this Office for a review of this decision. To do so, you should write to the Ombudsman requesting a review, to actfoi@ombudsman.gov.au or using the contact information set out at the foot of the first page of this letter.

The review application must be made within 20 working days after the day this decision is published in our disclosure log which is available at: <http://ombudsman.act.gov.au/contact-us/seeking-information/disclosure-log>. While no particular form is required to apply for review of this decision, we recommend that applicants use the form available at: <http://www.ombudsman.act.gov.au/Freedom-of-Information>.

ACAT review

Should you be dissatisfied with this Office's review decision, you would be able to apply to the ACT Civil and Administrative Tribunal (ACAT) for review. Further information, including contact information for the ACAT, and information about how to make an application to the ACAT is available at: <https://www.acat.act.gov.au/>.

Judicial review

A further option for review of this decision may be available under the *Administrative Decisions (Judicial Review) Act 1989*. Advice about pursuing this option may be obtained from a qualified legal practitioner.

If you require clarification of any of the matters discussed in this letter you may contact me using the contact information set out at the foot of the first page of this letter.

Yours sincerely



Gregory Parkhurst
Information Officer

Attachment A — Schedule of relevant provisions of the FOI Act

Section 11 - Right of access

(1) Subject to this Act, every person has a legally enforceable right to obtain access in accordance with this Act to:

- (a) a document of an agency, other than an exempt document; or
- (b) an official document of a Minister, other than an exempt document.

(2) Subject to this Act, a person's right of access is not affected by:

- (a) any reasons the person gives for seeking access; or
- (b) the agency's or Minister's belief as to what are his or her reasons for seeking access.

Section 35 – Deciding access – how applications are decided

(1) The respondent decides an access application for government information by deciding-

...

- (b) that the information is not held by the respondent