



2 December 2021

George Parastaditis

By email: foi+request-8036-77352300@righttoknow.org.au

Dear George,

Freedom of Information Request – Acknowledgment

Reference: FOI 21/3601

Thank you for your request received 29 October 2021, in which you are seeking access to the following documents under the [Freedom of Information Act 1982 \(Vic.\) \(Act\)](#):

1. *All records describing the isolation of a SARS-Cov-2 virus, from the period of 1st of January 2019 to date.*
 - *To clarify, I am requesting all such records that are in the possession, custody or control of the University of Melbourne (for example: downloaded to a computer, printed in hard copy, etc.)*
2. *Proof of the existence of Covid-19(SARS-COV-2 virus) by isolating it from the period of 1st of January 2019 to date by the Peter Doherty Institute for Infection and Immunity and or the Melbourne Hospital as joint research and studies between the University of Melbourne and the Royal Melbourne Hospital and the Peter Doherty Institute for Infection and Immunity. any sources made available to the University of Melbourne or relied on by the University of Melbourne whether locally obtained or sourced from internationally.*
3. *All records and data from who the University of Melbourne relies upon and receives data from those various reputable laboratories who utilise a range of scientifically-proven techniques to test and report on the existence and presence of SARS-CoV-2 in provided samples.*
4. *The existence of SARS-CoV-2 as scientifically proven and demonstrated by many renowned scientific organisations and publications around the world. and the findings of this public research as well as relevant resources, both Australian and international.*
5. *All data and information the University of Melbourne relies on for the existence of the Sars-Covid-2 virus both Australian and International in the University of Melbourne possession.*
6. *Please note I am using “isolation” in the every-day sense of the word: the act of separating a thing(s) from everything else. I am not requesting records where “isolation of SARS-COV-2” refers instead to:*
 - *The culturing of something, or the performance of an amplification test (i.e. a PCR test), or the sequencing of something. To clarify, I am requesting all such records that are in the possession, custody or control of the University of Melbourne (for example: downloaded to a*

computer, printed in hard copy, etc.) and or provided to the University of Melbourne from all sources including International that the University of Melbourne relies on for the existence of Sars- Covid- 2 and including joint research conducted by the University of Melbourne in conjunction with The Peter Doherty Institute for Infection and Immunity as a joint venture between the University of Melbourne and the Royal Melbourne Hospital.

7. *All data, documents, findings and relevant resources including scientific material both Australian and International that the University of Melbourne has in its' possession.*
8. *All data and scientific evidence and or findings of research and findings by the University of Melbourne as provided, found conducted or obtained from all sources including joint research with the Peter Doherty Institute for Infection and Immunity and the Melbourne Hospital and any other organisations obtained both locally and Internationally in the possession of the University of Melbourne.*

MAKING A VALID REQUEST

To be valid under Section 17 of the Act, a request must meet three criteria:

- 1) It must be made in writing;
- 2) It must be accompanied by the necessary fee (currently **AUD\$30.10**); *and*
- 3) It must be sufficiently clear to enable us to undertake a search for relevant documents.

The 30-day timeframe for a decision to be made on your request does not commence until all three criteria are met. Your request currently meets the first criteria.

FOI PROCESSING FEE

In order to meet the second criterion, the fee can be paid online at <http://go.unimelb.edu.au/e8zn>.

If you are unable to pay the fee on the basis of hardship, please state your reasons in writing and provide any evidence that you believe supports your claim (e.g. health care card, pensioner card).

You will be informed as to whether your hardship claim is accepted or not.

SUFFICIENTLY CLEAR TERMS

The third criterion requires us to determine whether your request is sufficiently clear to enable us to undertake searches for the relevant documents. Once we have had an opportunity to consider your request in detail, we may need to contact you for further clarification of the terms of your request.

Please note that requests made under the FOI Act must be for documents which are in the possession of the University and does not cover the generation of new information at the request of applicants, or answers to questions, for example.

Further, the FOI Act does not apply to documents that are publicly available, whether for a fee or other charge, or otherwise available via public access.

PROCESS AND TIMEFRAMES

In responding to your application, we will make preliminary enquiries to determine:

- if the University is in possession of the documents you are requesting,

- how many documents might be involved, and
- the effort required in retrieving and assessing the documents.

These enquiries may have different outcomes:

- your application may proceed in its original form
- your application may require some form of clarification to proceed
- you may be required to amend your application in order to avoid refusal under section 25A of the Act, which states that the request may be refused if the work involved in processing it would substantially and unreasonably divert the resources of the University from its other operations. If this applies, the statutory timeframe and processing of your request are suspended until the issues are resolved.

You will be notified in writing and will be provided with an opportunity to consult with the University to resolve the issues should section 25A be invoked.

a) Third Parties

There are a variety of timeframes applicable to different steps in the FOI process. The University has an obligation to consult, if practicable, with any individuals (other than the applicant) whose personal affairs information is contained in a document being considered for release. Personal affairs information may be exempted if it is considered unreasonable to release.

Personal affairs information is defined in the FOI Act as "*information relating to the personal affairs of any person*", which includes information that identifies any person or discloses their address or location, or from which any person's identity, address or location can reasonably be determined (such as a name or email address).

If a decision is made to release personal affairs information and the affected individual has not consented to the release, they are provided with 60 days in which to appeal the decision with the Victorian Civil and Administrative Tribunal (VCAT). **If you are not seeking access to personal affairs information of other individuals, please advise me.**

Businesses and commercial entities are also entitled to appeal decisions to release their business, commercial or financial information contained in documents being considered for release. Consultation is required under section 34 of the Act to gain the views of each entity regarding any commercial disadvantage which might occur if the information were to be released.

If an entity objects to the release of the information and the University makes a decision to disclose, the entity has the right to appeal to VCAT for review within 60 days. Until the 60 days expires, and it is determined that no appeals have been lodged, the documents cannot be released.

Should it become apparent while processing your request that this applies, you will be notified in writing.

Where consultations are necessary, the legislative timeframe may be extended by 15 days.

b) Access Charges

Under section 22 of the FOI Act, access charges are applicable to FOI requests. Such charges are a separate consideration than the initial application fee.

If it is estimated that the charges to process the request may exceed AUD\$50.00 but be less than AUD\$100, a deposit of AUD\$25.00 is required before the request is further processed.

If the estimated amount will exceed AUD\$100.00, the required deposit is 50 percent of the estimated charge. Documents are not provided until the applicable charges are paid in full.

You will be advised in writing should it become apparent that access charges apply.

c) Decision Making

When the relevant documents have been identified they will be assessed to determine whether any exemptions apply to the material. The main exemptions considered are:

1. Law enforcement documents;
2. Some internal working documents;
3. Documents attracting legal professional privilege, such as legal advice;
4. Documents affecting personal privacy;
5. Material obtained in confidence (but not business, commercial or financial information); and
6. Documents relating to trade secrets (both of University and external entities).

It is possible that some of the relevant documentation requested cannot be provided to you where exemptions apply.

For further information, including documents covered by the Act, visit

<https://about.unimelb.edu.au/strategy/governance/compliance-obligations/freedom-of-information>.

Kind regards,

Freedom of Information

University of Melbourne