



Australian Government

Department of Health

Department Reference: FOI 3329

Lauren

via email: foi+request-8057-06015c39@righttoknow.org.au

Dear Lauren

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

I refer to your request of 3 November 2021 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:

According to the Covid-19 CDNA National Guidelines for Public health Units V5.1, a definition of COVID-19 death is:

"...defined for surveillance purposes as a death in a confirmed COVID-19 case, unless there is a clear alternative cause of death that cannot be related to COVID-19 (e.g. trauma)". Coronors guidance in WA also advises that "Where a person is known to have suffered typical symptoms of COVID-19, such as fevers, cough, or breathing difficulties, during a COVID-19 pandemic, but has not been formally tested or diagnosed, then it is reasonable to "assume" the death was related to COVID-19 and should be recorded on the death certificate"

While data collection for Covid-19 remains important, it appears that a vital report is missing from the data set.

In order to calculate the true mortality rate of Covid-19 in cases, we require the report to be made available that separates and isolates Covid-19 as the PRIMARY and unequivocal (not "assumed") cause of death, not simply as a "death in a confirmed Covid-19 case".

NSW Health acknowledges that due to this form of reporting data to the public, it is clear that "not all Australia's Covid deaths were directly linked to the virus" (<https://www.msn.com/en-au/news/australia/nsw-health-switches-to-recording-deaths-with-instead-of-from-covid/ar-AANRyFk>).

As such, to ensure accuracy of Covid-19 reporting, please send through any and all reports held, created or utilised by the department of health, that clearly isolate and differentiate between those deaths that are reported by health.gov that take place IN a confirmed Covid-19 case (data that also can encompass those who have died of

brain cancer or a heart attack, yet simply also tested positive from Covid-19), vs the deaths that have Covid-19 as the PRIMARY cause of death.

Information about COVID-19 deaths

The department does not hold data or documentation that disaggregates the number of confirmed deaths that have died 'from' or died 'with' COVID-19, and therefore we are unable to provide the requested documents on deaths caused by COVID-19. This data may be available from State and Territory health departments or via reports issued by the Australian Bureau of Statistics (ABS).

COVID-19 cases and associated deaths are reported to the department by the states and territories via the National Interoperable Notifiable Diseases Surveillance System (NINDSS). The national case definitions for COVID-19 cases, including COVID-19 associated deaths, reporting 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>. The current definition for a COVID-19 associated death is:

- A COVID-19 death is defined for surveillance purposes as a death in a confirmed COVID-19 case, unless there is a clear alternative cause of death that cannot be related to COVID-19 (e.g. trauma). There should be no period of complete recovery from COVID-19 between illness and death. Where a Coroner's report is available, these findings are to be observed.

Information and reports on COVID-19 case numbers and associated deaths, as reported to the department by states and territories, is available 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, which includes information on cases and deaths associated with the current Delta outbreaks: https://www1.health.gov.au/internet/main/publishing.nsf/Content/novel_coronavirus_2019_ncov_weekly_epidemiology_reports_australia_2020.htm

National notification data on COVID-19 confirmed cases, including COVID-19 associated deaths (based on the definition noted above), 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 is custodian of this 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 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).

Deaths certified as being from COVID-19 are routinely collated and reported by the ABS. Mortality data compiled by the ABS is based on death registrations processed by the jurisdictional Registries of Births, Deaths and Marriages, and information on the cause of death sourced from a Medical Certificate of Cause of Death (MCCD) completed by a certifying practitioner. Compared with NINDSS data, information from the registration based system than the surveillance system, it is more comprehensive and can provide important additional insights into deaths from COVID-19. This is especially the case with data obtained from the MCCD, which enables identification of the underlying cause of death and other associated causes. These data sources also provide demographic information about the decedent (e.g. age, sex and usual residence). For COVID-19 mortality data from the ABS, we suggest:

- The monthly 'Provisional Mortality Statistics' reports, available at: <https://www.abs.gov.au/statistics/health/causes-death/provisional-mortality-statistics/latest-release>. These reports provide information on doctor certified deaths and their registered causes, including deaths from COVID-19, noting that there is an approximate 3 month lag in the availability of these data. Please note that these data are provisional, and do not include deaths that have been referred to a coroner. Further information on the provisional report methodology can be found at: <https://www.abs.gov.au/methodologies/provisional-mortality-statistics-methodology/jan-2020-jul-2021>.
- The annual 'Causes of Death, Australia' reports, which include information and aggregated data on deaths for the calendar year of 2020, is available at: <https://www.abs.gov.au/statistics/health/causes-death/causes-death-australia/2020>.
- A recently published article 'COVID-19 Mortality' which reports on COVID-19 deaths that occurred by 31 July 2021 that have been registered and received by the ABS, is available at: <https://www.abs.gov.au/articles/covid-19-mortality-1>.
- Requests for ABS mortality data should be directed to the ABS.

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.

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 does not hold any documents referred to in your request. This research and information is available in the public domain as described above.

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/C2021C00382>

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



Megan Lancaster
Assistant Secretary
Public Health and Surveillance Branch

2 December 2021