



Australian Government

Department of Health

FOI reference: FOI-3776

Melissa Korostin

Via email: foi+request-8880-85063597@righttoknow.org.au

Dear Ms Korostin

Decision on your Freedom of Information Request

Thank you for your request of 9 May 2022, to the Department of Health, seeking access under the *Freedom of Information Act 1982* to:

documents/information held within the Department of Health regarding the number of positive Covid-19 cases recorded that have been diagnosed with Myocarditis and Pericarditis post Covid-19 infection for unvaccinated patients and vaccinated patients that have had 1, 2, 3 or 4 vaccinations for Covid-19. From 20th January 2020 to 9th May 2022.

Information about the announcement of the COVID-19 pandemic

On 11 March 2020, the World Health Organisation (WHO) made an assessment that COVID-19 could be characterised as a pandemic. You can find this announcement and associated commentary in the public domain, including on the WHO website. Links to information regarding the announcement are provided below for your information:

<https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/news/news/2020/3/who-announces-covid-19-outbreak-a-pandemic>

<https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>

Generally, the concept of a pandemic refers to a disease that typically affects a significant proportion of persons and is prevalent throughout an entire continent or the world. This understanding is reflected in publicised medical resources relating to infectious diseases.

Information about COVID-19 vaccines

Before a prescription medicine (including a COVID-19 vaccine) can be legally supplied in Australia, the Therapeutics Goods Administration (TGA) rigorously assesses the safety, quality and effectiveness to confirm that the benefits outweigh any risks. The risk-benefit approach assures consumers that the products they take are safe for their intended use, while still providing access to products that are essential to their health

needs. More information can be found here: <https://www.tga.gov.au/how-tga-regulates>

The TGA provisionally approved the Pfizer, AstraZeneca and Moderna COVID-19 vaccine candidates after a complete assessment of all available data using the same process that is used for other vaccines approved in Australia. With rolling submissions, collaboration with international regulators, and proactively working with sponsors, the evaluation of COVID-19 vaccines has been, and continues to be, expedited without compromising on strict standards of safety, quality and efficacy.

The COVID-19 vaccines approved for use in Australia have each been shown to be highly effective in preventing severe illness, hospitalisation, and death from COVID-19, caused by SARS-CoV-2. The risk of a person infected with the SARS-CoV-2 virus developing symptomatic illness and becoming seriously unwell with COVID-19 is significantly reduced if that person has received a COVID-19 vaccine. For each approved vaccine, the TGA has established the acceptable safety, quality and efficacy of the vaccine based on a comprehensive evaluation of a wide range of information.

Further information relating to the safety and efficacy of the COVID-19 vaccines available in Australia, including the Pfizer, AstraZeneca and Moderna vaccines, is publicly available on the TGA website: <https://www.tga.gov.au/covid-19-vaccine-safety-monitoring-and-reporting>

Australia's Federal system

Australia's health system is one of the best in the world. It provides quality, safe and affordable health care and is one of the reasons Australians enjoy one of the longest life expectancies in the world.

The Australian, state and territory, and local governments share responsibility for our health system. While the relevant departments and agencies often work together to achieve optimal outcomes, they have different responsibilities. Each Commonwealth, State and Territory department and agency creates, receives and stores different documents relevant to their functions. The department does not have access to all documents created by, received by, or stored by other Commonwealth, State or Territory government entities. You might like to submit a request for access to documents held by a particular Commonwealth, State or Territory agency if you would like access to documents held by that entity.

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 on your request.

The right to request access to a document in accordance with the FOI Act relates to documents in the possession of the department (section 4 (definition of 'document of an agency') refers).

Section 24A of the FOI Act provides that:

- (1) An agency or Minister may refuse a request for access to a document if:
 - (a) all reasonable steps have been taken to find the document, and
 - (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found, or
 - (ii) does not exist.

The relevant business areas within the department, including the Office of Health Protection and Response Division, the National Covid Vaccine Taskforce, the Therapeutic Goods Administration, and the Health Economics Research Division have conducted searches of the department's information holdings. They have advised that no documents matching the description in your request were identified as being in the possession of the department.

Based on these searches, I am satisfied that all reasonable steps have been taken to find the documents and the documents do not exist.

Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562

Your review rights

I have set out your review rights at **ATTACHMENT A**.

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely



Stephen Bouwhuis
General Counsel
Legal Advice and Legislation Branch
Legal and Assurance Division

3 June 2022

YOUR REVIEW RIGHTS

If you are dissatisfied with my decision, you may apply for a review.

Internal review

You can request internal review within 30 days of you receiving this decision. An internal review will be conducted by a different officer from the original decision-maker.

No particular form is required to apply for review although it will assist your case to set out the grounds on which you believe that the original decision should be changed.

Applications for internal review can be made by:

Email: FOI@health.gov.au
Mail: FOI Unit (MDP 516)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

If you choose to seek an internal review, you will also have a right to apply for Information Commissioner review (IC review) of the internal review decision once it has been provided to you.

Information Commissioner review or complaint

You also have the right to seek Information Commission (IC) review of this decision. For FOI applicants, an application for IC review must be made in writing within 60 days of the decision. For third parties who object to disclosure of their information, an application for IC review must be made in writing within 30 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

While there is no particular form required to make a complaint to the OAIC, the complaint should be in writing and set out the reasons for why you are dissatisfied with the way your request was processed. It should also identify the Department of Health as the agency about which you are complaining.

You can make an IC review application or make an FOI complaint in one of the following ways:

- online at www.oaic.gov.au/freedom-of-information/reviews-and-complaints/
- via email to foidr@oaic.gov.au
- by mail to GPO Box 5218 Sydney NSW 2001, or
- by fax to 02 9284 9666.

More information about the Information Commissioner reviews and complaints is available on the OAIC website here: www.oaic.gov.au/freedom-of-information/foi-review-process.

Complaint

If you are dissatisfied with action taken by the department, you may also make a complaint directly 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 here: www.health.gov.au/about-us/contact-us/complaints