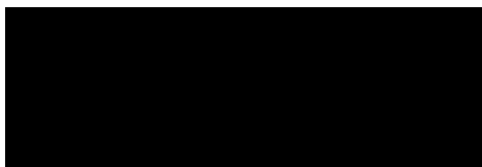


4 February 2021

**Our ref: FOI2021/2**



### FREEDOM OF INFORMATION REQUEST – DECISION FOI2021/2

I refer to your request of 5 January 2021, under which you sought access under the *Freedom of Information Act 1982* (FOI Act) to:

*“All records in the possession, custody or control of CSIRO describing the isolation of any Viruses on the [Australia's National Immunisation Program Schedule](#), directly from a sample taken from a human patient, where the patient sample was not first combined with any other source of genetic material (i.e. monkey kidney cells aka vero cells; lung cells from a lung cancer patient).*

*Please note that 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 virus" refers instead to:*

- *the culturing of something, or*
- *the performance of an amplification test (i.e. a PCR test), or*
- *the sequencing of something.*

*Please also note that my request is not limited to records that were authored by CSIRO or that pertain to work done by CSIRO. My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that CSIRO has downloaded or printed.*

*If any records match the above description of requested records and are currently available to the public elsewhere, please provide enough information about each record so that I may identify and access each record with certainty (i.e. title, author(s), date, journal, where the public may access it).*

*Format: PDF documents or links to PDFs sent to me via email; I do not wish for anything to be shipped to me.*

*The list of diseased allegedly caused by viruses that are currently on Australia's National Immunisation Program Schedule:*

- *Influenza*
- *Diphtheria*
- *Rotavirus*
- *Hepatitis B*
- *Polio*
- *Haemophilus Influenzae type b*
- *Measles*
- *Mumps*
- *Rubella*
- *Varicella*

- *Human Papillomavirus*
- *Herpes Zoster*

*Please include any virus that I may have missed in the list above that is on the Ministry of Health's Vaccination Schedule."*

### **Decision maker**

I am an authorised decision maker under section 23 of the FOI Act. This letter sets out my decision and reasons for the decision in relation to your request.

### **Decision**

Despite an extensive search, CSIRO has been unable to identify any document relevant to your request. I must therefore refuse access, pursuant to section 24A of the FOI Act.

### **Searches conducted**

Searches were conducted by The Australian Centre for Disease Preparedness (formerly the Australian Animal Health Laboratory) and relevant staff and it was confirmed that CSIRO does not hold any documents relevant to the scope of your request. In this regard, CSIRO does not conduct work in relation to "isolation" that does not constitute "the culturing of something, or the performance of an amplification test (i.e. a PCR test), or the sequencing of something".

To assist I note that documentation containing scientific proof the virus known as SARS CoV-2 has been isolated and purified can be found here:

[https://www.mja.com.au/system/files/issues/212\\_10/mja250569.pdf](https://www.mja.com.au/system/files/issues/212_10/mja250569.pdf)

### **Rights of Review**

In accordance with section 26(1)(c) of the FOI Act, a statement setting out your rights of review under the Act is at Attachment A. Since my decision is that no documents exist, an application for review would be limited to a situation where you consider that I have not identified all the documents in the CSIRO's possession that are relevant to your request.

Yours sincerely



Beth Cribb  
Senior Legal Counsel  
CSIRO

## **Review rights**

You are entitled to seek review of this decision.

## **Internal Review**

Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:

30 days of you receiving this notice; or 15 days of you receiving the documents to which you have been granted access.

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 in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

FOI Coordinator,  
[FOI@csiro.au](mailto:FOI@csiro.au)

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

## **External review by the Australian Information Commissioner**

Alternatively, under 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website [www.oaic.gov.au](http://www.oaic.gov.au).

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commissioner at:

GPO Box 2999  
Canberra ACT 2601

## **Complaints to Ombudsman or Information Commissioner**

You may complain to either the Commonwealth Ombudsman or the Information Commissioner about action taken by CSIRO in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)  
Email [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

There is no particular form required to make a complaint to the Ombudsman or the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify CSIRO as the relevant agency.