



Christine Massey <cmssyc@gmail.com>

Decision // Our File 20-130

ZZG-FOI <zzg-foi@peelregion.ca>
To: "cmssyc@gmail.com" <cmssyc@gmail.com>

Thu, Jun 11, 2020 at 10:54 AM

Dear Requester,

A search has been conducted and no responsive records were located pertaining to your request under the [Municipal Freedom of Information and Protection of Privacy Act](#).

The official responsible for making this decision is Bart Danko, Manager, Access to Information & Privacy.

You may request the [Information and Privacy Commissioner](#) to review this decision within 30 days of the date of this email.

If you have any questions, please contact foi@peelregion.ca.

jc

Decision // Our File 20-130

ZZG-FOI <zzg-foi@peelregion.ca>
To: "cmssyo@gmail.com" <cmssyo@gmail.com>

Fri, Jun 12, 2020 at 2:36 PM

Good Afternoon,

Thank you for your email. During the current COVID-19 environment we have revised our process to eliminate the use of any personal information where we can as to minimize the associated risks, this includes removing the requesters name and the nature of the request from our email correspondence. We differentiate requests by referencing the file number associated with your request (20-130).

That being said, we can take your email as consent to share this information with you via email.

Request 20-130 was submitted by Christine Massey, by email on May 19, 2020. The \$5.00 application was received on May 28, 2020. The description of the request is as follows:

"All records in the possession, custody or control of the Region of Peel (for example: downloaded to a computer, printed in hard copy, etc.) describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased patient, where the patient sample was not first combined with any other source of genetic material (i.e. monkey kidney cells aka vero cells; liver cancer cells).

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 SARS-COV-2" refers instead only to:

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

[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 the public may identify and access each record with certainty (i.e. title, author(s), date, journal, where the public may access it).]

If you have any further questions, please don't hesitate to contact foi@peelregion.ca

Kind Regards,

Jenna Charlton

Statutory Specialist, Access to Information & Privacy

Region of Peel



Our file: A-2020-000208 / BH

Christine Massey
221 - 93 George St. S
Brampton, Ontario
L6Y 1P4

Dear Christine Massey:

This is in response to your request made under the *Access to Information Act* (the Act) for the following information:

All records describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased patient, where the patient sample was not first combined with any other source of genetic material (i.e. monkey kidney cells aka vero cells; liver cancer cells).

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 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 Health Canada (for example:downloaded to a computer, printed in hard copy, etc.).

Having completed a thorough search, we regret to inform you that we were unable to locate any records responsive to your request.

Should you have any questions or concerns about the processing of your request, please do not hesitate to contact Barbara Haase, the analyst responsible for this file, either by phone at 613-859-9073, by email at barbara.haase@canada.ca or by fax at 613-941-4541, with reference to our file number cited above.

Please be advised that you are entitled to complain to the Office of the Information Commissioner of Canada concerning the processing of your request within 60 days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint can be made online at: <https://www.oic-ci.gc.ca/en/submitting-complaint> or by mail to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, Quebec K1A 1H3

Yours sincerely,



Digitalement signé par Smith, Christine N.
Détails de la signature: Christine N. Smith, Christine N.
Remarque: I am the author of this document.
Localiser votre signature ici.
Date: 2020-06-24 07:50:34
Email: christinen@oic.gc.ca

Christine Smith

Team Leader, Access to Information and Privacy
Health Canada and the Public Health Agency of Canada / Government of Canada
christinen.smith@canada.ca / Tel: 613-862-6063

Chef d'équipe, Accès à l'information et de la protection des renseignements personnels
Santé Canada et Agence de la santé publique du Canada / Gouvernement du Canada
christinen.smith@canada.ca / Tél: 613-862-6063



Caisleán an Ruabhoic,
An Coláiste Ollscoile, Baile Átha Cliath,
Belfield, Baile Átha Cliath 4, Eire

Roebuck Castle,
University College Dublin,
Belfield, Dublin 4, Ireland

corporate.legal@ucd.ie
www.ucd.ie/corpsec

T +353 1 716 8708

Mr James McCumiskey
By email: jl_mccumiskey@yahoo.ie

22 June 2020

Reference: FOI12_1_544 Internal Review

Dear Mr McCumiskey,

I refer to your application for an internal review under the Freedom of Information Act 2014 of a decision by Ms Debbie Scanlan, dated 22 May 2020, concerning item 1 of your request for access to records of the National Virus Reference Laboratory (NVRL), as follows: *"1) I am looking for a scientific paper, which demonstrates how the Novel Coronavirus was purified? Surely, if the NVRL is able to detect the Novel Coronavirus, it should also be able to demonstrate how it is purified?"*

In the original decision, Ms Scanlan refused part 1 of your request on grounds that the University do not hold records to answer your request (Section 15 (1) (a)).

I have now conducted an internal review in accordance with Section 21 of the Act. I wish to inform you that I affirm the original decision.

The University's position is that matters of academic debate cannot be conducted under FOI and we would not regard academic research material as administrative records of an FOI body that would make them available for release under the legislation. The NVRL have advised that they do not culture live SARS-CoV-2 or purify SARS CoV 2 antigens. They detect SARS-CoV-2 RNA in diagnostic samples, as per the PCR assay that was shared with you previously. As such, there are no relevant records held and no further searches that may be taken for records that would provide an answer to your query. Section 15 (1) (a) of the FOI applies.

The University is committed to its obligations under the Act to provide requesters with access to records held by it and with reasons for its decisions that affect them. In this case, we regret that we cannot assist you further.

Under the Act, the University is required to advise you of your right, following receipt of your internal review decision, to make a further review application by writing to the Information Commissioner, 18 Lower Leeson Street, Dublin 2.

Yours sincerely,

Mr Julian Bostridge
Director of Legal Services



National Research Council
Canada

Conseil national de recherches
Canada

ATIP Office
1200 Montreal Road
Building M-55
Ottawa, Canada
K1A 0R6

ATIP.AIPRP@nrc-cnrc.gc.ca

Bureau de l'AIPRP
1200 chemin Montréal
Édifce M-55
Ottawa, Canada
K1A 0R6

NRC · CNRC

July 14, 2020

Our file: A2020-0010
PROTECTED

Christine Massey, M.Sc.
#221 - 93 George St. S.
Brampton, ON
L6Y 1P4

Dear Christine Massey:

This letter is in response to the request you made to the National Research Council (NRC) under the *Access to Information Act* for records pertaining to:

“All records in the possession, custody or control of the National Research Council of Canada (NRC) describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased patient, where the patient sample was not first combined with any other source of genetic material (i.e. monkey kidney cells aka vero cells; liver cancer cells).

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 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.***

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

Your request was received by the NRC on June 13, 2020, and your application fee was received and processed on June 19, 2020.

A thorough search of NRC's records has now been completed, and we regret to inform you that no records responsive to your request were identified.

Please note that in the processing of your request, NRC's Access to Information and Privacy (ATIP) Office confirmed that it was not possible to generate a list of publications as specified within the above-cited text. Specific details regarding access to publications by NRC researchers have not been centrally documented by NRC's Human Health Therapeutics Research Centre, nor by the Library team responsible for NRC's electronic collections and journal subscriptions.

If you are not satisfied with this response, you are entitled to file a complaint with the Information Commissioner of Canada within 60 days (<https://www.oic-ci.gc.ca/en/submitting-complaint>) after the day on which you will have received this letter.

Yours sincerely,

2020-07-14

 Maria Krioutchkova

Signed by: Krioutchkova, Maria

Maria Krioutchkova
ATIP Coordinator

Decision to the Requester Regarding an Access Request

VIA EMAIL

July 14, 2020

Request Number 2020-0004

Christine Massey
#221 – 93 George St. S.
Brampton, ON L6Y 1P4

Dear Ms. Massey:

I am responding to your request for access to records under *the Freedom of Information and Protection of Privacy Act* as submitted to the University of Toronto on May 18, 2020. On June 2, 2020, the University transferred the request to Sunnybrook Health Sciences Centre (Sunnybrook) after determining that Sunnybrook had a greater interest in the responsive records. We received the \$5.00 application fee on July 8, 2020.

You requested access to the following information:

All records in the possession, custody or control of the Dalla Lana School of Public Health or any other department of the University of Toronto (for example: downloaded to a computer, printed in hard copy, etc.) describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased patient, where the patient sample was not first combined with any other source of genetic material (i.e. monkey kidney cells aka vero cells; liver cancer cells).

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 SARS-COV-2" refers instead only to:

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

[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 the public may identify and access each record with certainty (i.e. title, author(s), date, journal, where the public may access it).]

A search has been conducted by Sunnybrook's Freedom of Information and Privacy Office for records responsive to your request. No records corresponding to your request were identified. Consequently, the file is closed.

You may request this decision be reviewed by the Information and Privacy Commissioner of Ontario within 30 days of receipt of this letter. The Commissioner can be reached at:

Information and Privacy Commissioner/Ontario
Suite 1400, 2 Bloor Street East
Toronto, ON M4W 1A8
Telephone: 416 326-3333, 1-800-387-0073 (within Ontario).

The Commissioner will require a copy of your original request, a copy of this decision letter and an appeal fee in the amount of \$25.00, payable to the Minister of Finance.

Please contact me at 416-480-6100 ext. 85046 with any questions.

Sincerely,



Jeffrey Cutler
Privacy and Freedom of Information Coordinator

**Sunnybrook Freedom of Information Office: FOI Request
2020-0004**

Cutler, Jeffrey <jeffrey.cutler@sunnybrook.ca>

Wed, Jul 15, 2020 at 1:07
PM

To: Christine Massey <cmssyc@gmail.com>

Hello M. Massey,

In determining whether to transfer the request, the University of Toronto would have searched for and identified any responsive records. No responsive records were identified by them. A search by Sunnybrook also did not identify any responsive information. In summary, neither Sunnybrook nor the University of Toronto identified any responsive records.

Please contact me if you wish to discuss.

Sincerely,

Jeffrey Cutler, LL.B., CIPP/C

Privacy and Freedom of Information Coordinator, Sunnybrook Health Sciences Centre

2075 Bayview Ave., Toronto ON M4N 3M5

7 August 2020

[REDACTED]
By email: [REDACTED]
Ref: H202005599

Dear [REDACTED]

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) on 30 July 2020 to the Ministry of Health (the Ministry) for:

"All records in the possession, custody or control of the Ministry of Health describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.*

Please also note that my request is not limited to records that were authored by the The Ministry of Health or that pertain to work done by the Ministry of Health. My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that the Ministry of Health 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)."

The Ministry does not hold records that describe the isolation of a SARS-COV-2 virus. As such, we are refusing this request under section 18(e) of the Act. The Institute of Environmental Science and Research (ESR), has provided scientific expertise to support the national response to COVID-19 on behalf of the Ministry, primarily in health intelligence and diagnostic testing.

We contacted ESR, on your behalf, to ask if they held any information within the scope of your request. ESR confirmed they do not hold any information in scope of your request. As such, we have decided not to transfer your request to ESR.

Under section 28(3) of the Act you have the right to ask the Ombudsman to review any decisions made under this request.

Please note that this response, with your personal details removed, may be published on the Ministry website

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nick Allan', with a long horizontal stroke extending to the right.

Nick Allan
Manager, OIA Services
Office of the Director-General

Ms Christine Massey
221-93 George St. St.
Brampton, Ont. L6Y 1P4

August 13, 2020

cmssyc@gmail.com

Dear Christine:

**Re: Freedom of Information Request 2020-GR-010 (the “Request”)
Freedom of Information and Protection of Privacy Act (RSO 1990)**

1. The Request

I am writing regarding your access request under the *Freedom of Information and Protection of Privacy Act* (hereafter, ‘the Act’) received by our office on July 7, 2020.

We confirm your Request provided as follows:

For the period November 1, 2019 to July 17, 2020:

All records in the possession, custody or control of McMaster University describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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; fetal bovine serum).

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 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.*

Please also note that my request is not limited to records that:

- were authored by McMaster University researchers, or*
- pertain to work done by McMaster University researchers, or*
- pertain to work done at McMaster University.*

My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that McMaster University 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).

2. Responsive Record

A search has been conducted, and we have found no responsive records to your request. At this time, the research related to this request is in progress, and so no records have been produced at McMaster University.

3. Decision

While our search resulted in no responsive records, we have identified a publication that may be of interest to you:

Banerjee A, Nasir JA, Budyłowski P, et al. Isolation, Sequence, Infectivity, and Replication Kinetics of Severe Acute Respiratory Syndrome Coronavirus 2 [published online ahead of print, 2020 Jun 19]. *Emerg Infect Dis.* 2020;26(9):10.3201/eid2609.201495. doi:10.3201/eid2609.201495

In compliance with the terms of McMaster's subscription to this journal, we cannot provide you with the article. You can find this article here: <https://pubmed.ncbi.nlm.nih.gov/32558639/>

4. Fees

There are no further fees required to complete this process.

5. Party Responsible for Decision

The official responsible for making final access decisions on your request is Ms Andrea Thyret-Kidd, University Secretary and Privacy Officer.

6. Appeal

You may request the Information and Privacy Commissioner to review this decision and fee within thirty days from the date of this letter. The Commissioner's address is Suite 1400, 2 Bloor Street East, Toronto, Ontario, M4W 1A8. A request for appeal must be accompanied by a \$25.00 fee and should include the following:

- the file number assigned to this request (2020-GR-010)
- a copy of this decision letter
- a copy of the original request for information

Sincerely,



Ms Andrea Thyret-Kidd
University Secretary and Designated Head of Institution

cc: File

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

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)."

Response

PHE can confirm it does not hold information in the way suggested by your request.

Under section 16 of the Act, public authorities have a duty to provide advice and assistance. I have signposted you to the below links which contain information on taking COVID-19 swabs.

<https://www.gov.uk/government/publications/covid-19-guidance-for-taking-swab-samples>

<https://www.gov.uk/government/publications/types-and-uses-of-coronavirus-covid-19-tests/types-and-uses-of-coronavirus-covid-19-tests>

Additionally, the below publication contains some information on virus isolation:

<https://www.eurosurveillance.org/content/10.2807/1560-7917.ES.2020.25.32.2001483>

If you have any queries regarding the information that has been supplied to you, please refer your query to in writing in the first instance. If you remain dissatisfied and would like to request an internal review, then please contact us at the address above or by emailing xxx@xxx.xxx.xx.

Please note that you have the right to an independent review by the Information Commissioner's Office if a complaint cannot be resolved through the PHE complaints procedure. The Information Commissioner's Office can be contacted by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,
FOI Team

2

August 24, 2020

Christine Massey
#221 - 93 George St. S.,
Brampton ON L6Y 1P4
via e-mail: cmssyc@gmail.com

Dear Christine:

RE: Freedom of Information Request # 20-03

I am writing regarding your access request under the *Freedom of Information and Protection of Privacy Act* ("FIPPA"), received on July 17, 2020, as follows:

All records in the possession, custody or control of Mount Sinai Hospital describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.*

*Please also note that my request is **not limited** to records that:*

- *were authored by Mount Sinai Hospital researchers, or*
- *pertain to work done by Mount Sinai Hospital researchers, or*
- *pertain to work done at Mount Sinai Hospital.*

My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that Mount Sinai Hospital 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.



I have been engaging with our experts at Sinai Health regarding your request. We are not clear on the records that you are requesting, as we are not aware that isolation of a virus in the manner that you have described is possible for any virus; it is not within the scope of current scientific processes.

On this basis, we are not able to process your request as it is currently worded.

We wrote to you on July 30 and August 8, 2020 seeking clarification of your request, however you declined to speak with us and did not provide a substantive response. We would be pleased to assist you in reformulating your request in a way that would allow us to respond.

For your interest, we are pleased to share with you the following articles and pre-prints, which are demonstrative of the research on Sars-Cov-2 being done at Sinai Health:

Jamal AJ, Mozafarihashjin M, Coomes E, et al. Sensitivity of nasopharyngeal swabs and saliva for the detection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) [pub. online ahead of print, 2020 Jun 25]. *Clin Infect Dis*. 2020; ciaa848. <https://doi.org/10.1093/cid/ciaa848>

Banerjee, A., Nasir, J. A., Budyłowski, P., Yip, L., Aftanas, P., Christie, N., Ghalami, A., Baid, K., Raphenya, A. R., Hirota, J. A., Miller, M. S., McGeer, A. J., Ostrowski, M., Kozak, R. A., McArthur, A. G., Mossman, K., & Mubareka, S. (2020). Isolation, Sequence, Infectivity, and Replication Kinetics of Severe Acute Respiratory Syndrome Coronavirus 2. *Emerging infectious diseases*, 26(9), 2054–2063. <https://doi.org/10.3201/eid2609.201495>

LeBlanc, J. J., Gubbay, J. B., Li, Y., Needle, R., Arneson, S. R., Marcino, D., Charest, H., Desnoyers, G., Dust, K., Fattouh, R., Garceau, R., German, G., Hachette, T. F., Kozak, R. A., Krajden, M., Kuschak, T., Lang, A., Levett, P., Mazzulli, T., McDonald, R., ... COVID-19 Pandemic Diagnostics Investigation Team of the Canadian Public Health Laboratory Network (CPHLN) Respiratory Virus Working Group (2020). Real-time PCR-based SARS-CoV-2 detection in Canadian laboratories. *Journal of clinical virology : the official publication of the Pan American Society for Clinical Virology*, 128, 104433. <https://doi.org/10.1016/j.jcv.2020.104433>

Kirtsman, M., Diambomba, Y., Poutanen, S. M., Malinowski, A. K., Vlachodimitropoulou, E., Parks, W. T., Erdman, L., Morris, S. K., & Shah, P. S. (2020). Probable congenital SARS-CoV-2 infection in a neonate born to a woman with active SARS-CoV-2 infection. *CMAJ : Canadian Medical Association journal = journal de l'Association medicale canadienne*, 192(24), E647–E650. <https://doi.org/10.1503/cmaj.200821>

[The impact of thermal pasteurization on viral load in human milk and other matrices: A rapid review](#)

Michael A. Pitino, Deborah L. O'Connor, Allison J. McGeer, Sharon Unger

<https://www.medrxiv.org/content/10.1101/2020.05.23.20111369v2>



[Sensitivity of nasopharyngeal swabs and saliva for the detection of severe acute respiratory syndrome coronavirus 2 \(SARS-CoV-2\)](https://www.medrxiv.org/content/10.1101/2020.05.01.20081026v1)

Alainna J Jamal, Mohammad Mohammad, Eric Coomes, Jeff Powis, Angel Li, Aimee Paterson, Sofia Anceva-Sami, Shiva Barati, Gloria Crawl, Amna Faheem, Lubna Farooqi, Saman Khan, Karren Prost, Susan Poutanen, Lily Yip, Zoe Zhong, Allison J McGeer, Samira Mubareka

<https://www.medrxiv.org/content/10.1101/2020.05.01.20081026v1>

[Evidence for sustained mucosal and systemic antibody responses to SARS-CoV-2 antigens in COVID-19 patients](https://www.medrxiv.org/content/10.1101/2020.08.01.20166553v1)

Baweleta Isho, Kento T Abe, Michelle Zuo, Alainna J Jamal, Bhavisha Rathod, Jenny H Wang, Zhijie Li, Gary Chao, Olga L Rojas, Yeo Myong Bang, Annie Pu, Natasha Christie-Holmes, Christian Gervais, Derek Ceccarelli, Payman Samavarchi-Tehrani, Furkan Guvenc, Patrick Budylowski, Angel Li, Aimee Paterson, Yue Feng Yun, Lina GMarin, Lauren Caldwell, Jeffrey L Wrana, Karen Colwill, Frank Sicheri, Samira Mubareka, Scott D Gray-Owen, Steven J Drews, Walter L Siqueira, Miriam Barrios-Rodiles, Mario Ostrowski, James M Rini, Yves Durocher, Allison J McGeer, Jennifer L Gommerman, Anne-Claude Gingras

<https://www.medrxiv.org/content/10.1101/2020.08.01.20166553v1>

[Comparison of SARS-CoV-2 Indirect and Direct Detection Methods](https://www.biorxiv.org/content/10.1101/2020.05.12.092387v1)

Joel D. Pearson, Daniel Trcka, Sharon J. Hyduk, Marie-Ming Aynaud, J. JavierHernández, Filippas Peidis, Suying Lu, Kin Chan, Jim Woodgett, Tony Mazzulli, Liliana Attisano, Laurence Pelletier, Myron I. Cybulsky, Jeffrey L. Wrana, Rod Bremner

<https://www.biorxiv.org/content/10.1101/2020.05.12.092387v1>

[A simple protein-based SARS-CoV-2 surrogate neutralization assay](https://www.biorxiv.org/content/10.1101/2020.07.10.197913v1)

Kento T. Abe, Zhijie Li, Reuben Samson, Payman Samavarchi-Tehrani, Emelissa J.Valcourt, Heidi Wood, Patrick Budylowski, Alan Dupuis, Roxie C. Girardin, Bhavisha Rathod, Karen Colwill, Allison J McGeer, Samira Mubareka, Jennifer L.Gommerman, Yves Durocher, Mario Ostrowski, Kathleen A. McDonough, Michael A. Drebot, Steven J. Drews, James M. Rini, Anne-Claude Gingras

<https://www.biorxiv.org/content/10.1101/2020.07.10.197913v1>

I trust that this is of some assistance to you.

Yours very truly,

A handwritten signature in cursive script that reads "Jesstina McFadden".

Jesstina McFadden

Director, Privacy and Information Access (Interim)

416-586-4800 x 5886

Jesstina.McFadden@sinaihealth.ca



Department
of Health &
Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London
SW1H 0EU

www.gov.uk/dhsc

[REDACTED]

24 August 2020

Dear [REDACTED]

Freedom of Information Request Reference FOI-1244462 and FOI-1244664

Thank you for your two requests dated 27 July 2020 in which you asked the Department of Health and Social Care (DHSC):

FOI-1244462

Covid-19 / SARS-Cov-2 Coronavirus

Please provide a copy of all records in the possession, custody or control of the Department of Health and Social Care or any of its associated organisations describing the isolation of a SARS-COV-2 / Covid-19 virus, directly from a sample taken from a diseased patient, where the patient sample was not first combined with any source of other genetic material (e.g. monkey kidney cells aka vero cells, liver cells or suchlike).

Please note that the term "isolation" is used in the everyday sense of the word, i.e. the act

of separating a thing or things from everything else. I am not requesting records where "isolation of SAR-COV-2 / Covid-19" refers instead to the culturing of something, the performance of an amplification test (e.g. a PCR test), or the sequencing of something. This request is not limited to records that were authored by, or work commissioned by the UK Government, but includes any sort of record such as, but not limited to, any published peer reviewed study that the DHSC has downloaded, printed or has otherwise been supplied with.

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 it can be identified and accessed (e.g. title, author(s), date, journal, etc) where it can be accessed by the public.

FOI-1244664

Please provide a copy of all records in the possession, custody or control of the Department of Health and Social Care or any of its associated organisations describing and/or demonstrating how the SARS-COV-2 / Covid-19 virus meets the requirements of Koch's postulates that were formulated to establish a causative relationship between a microbe and a disease; or any records that describe why Koch's postulates do not apply in the case of SARS-COV-2 / Covid 19.

This request is not limited to records that were authored by, or work commissioned by the UK Government, but includes any sort of record such as, but not limited to, any published peer reviewed study that the DHSC has downloaded, printed or has otherwise been supplied with.

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 it can be identified and accessed (e.g. title, author(s), date, journal, etc) where it can be accessed by the public.

Your requests have been handled under the Freedom of Information Act (FOIA).

Where more than one request is received for the same or similar information, section 5(2) of the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows public authorities to aggregate requests and respond to them together, and I have therefore aggregated your requests.

DHSC does not hold this information.

However, outside of the scope of the FOIA, and on a discretionary basis, the following information has been advised to us, which may be of interest. Most infectious diseases are caused by viruses, bacteria or fungi. Some bacteria or fungi have the capacity to grow on their own in isolation, for example in colonies on a petri dish. Viruses are different in that they are what we call "obligate pathogens" – that is, they cannot survive or reproduce without infecting a host. An explainer of these different types of pathogen (disease causing agents) can be found from BMC Biology here: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5648414/>

For some diseases, it is possible to establish causation between a microorganism and a disease by isolating the pathogen from a patient, growing it in pure culture and reintroducing it to a healthy organism. These are known as "Koch's postulates" and were developed in 1884. However, as our understanding of disease and different disease-causing agents has advanced, these are no longer the method for determining disease causation. It has long been known that viral diseases cannot be identified in this way as viruses cannot be grown in 'pure culture'. When a patient is tested for a viral illness, this is normally done by looking for the presence of antigens, or viral genetic code in a host with molecular biology techniques.

If you have any queries in relation to the above discretionary information, we suggest that you may wish to contact the Government Office for Science (Go-Science). FOI requests may be submitted to Go-Science at contact@go-science.gov.uk.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF



September 4, 2020

Christine Massey
221-93 George St. S.
Brampton ON L6Y 1P4

via email: cmssyc@gmail.com

Dear Ms. Massey,

Re: Access to Information Request 2020-006

Thank you for your access to information request received DATE, requesting access to:

All records in the possession, custody or control of the Vaccine and Infectious Disease Organization-International Vaccine Centre (VIDO-InterVac) describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.*

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

This is to advise you that the record(s) you wish to access do not exist. For your information, this notification has been provided pursuant to clause 7(2)(e) of *The Local Authority Freedom of Information and Protection of Privacy Act*. If you would like to request a review of this decision, you may do so by completing a "Request for Review" form and forwarding it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. Your completed form can be sent to 503-1801 Hamilton Street, Regina, Saskatchewan, S4P 4B4 or webmaster@oipc.sk.ca. This form is available from this office or online at www.oipc.sk.ca.

If you have questions or concerns, please contact the writer at rayelle.johnston@usask.ca.

Sincerely,

Rayelle Johnston
Access and Privacy Officer



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

[REDACTED]

4 September 2020

Dear [REDACTED]

Freedom of Information Request Reference FOI-1247803

Thank you for your request dated 9 August, in which you asked the Department of Health and Social Care (DHSC):

“All records in the possession, custody or control of The Department of Health and Social Care describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.*

Please also note that my request is not limited to records that were authored by the The Department of Health and Social Care or that pertain to work done by The Department of Health and Social Care. My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that the Department of Health and Social Care 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 sent to me via email; I do not wish for anything to be shipped to me.”

Your request has been handled under the Freedom of Information Act (FOIA).

DHSC does not hold the information you have requested.

You may wish to direct your request to Public Health England (PHE) and the Government Office for Science (Go-Science). FOI requests can be submitted to PHE at FOI@phe.gov.uk, and to Go-Science at contact@go-science.gov.uk.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/concerns/>

Yours sincerely,

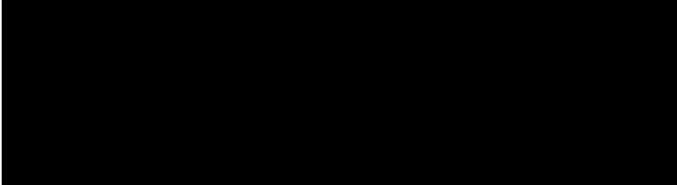
Lauren Der
Freedom of Information Officer
FreedomOfInformation@dhsc.gov.uk



Australian Government

Department of Health

Department Reference: FOI 1937



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

I refer to your request of 11 August 2020 to the Department of Health (department) seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to the following documents:

"All records in the possession, custody or control of The Department of Health describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 SARS-COV-2" refers instead to:

- the culturing of something,*
- 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 The Department of Health or that pertain to work done by The Department of Health. My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that The Department of Health 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)."

On 24 August 2020, the department sent you an email advising the department does not hold any documents relating to the scope of your request and referring you to the states and territories. You responded the same day, seeking a PDF response and asking questions about SARS-COV-2 Virus Isolation.

I am writing to advise you of my decision.

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.

All reasonable steps have been taken to find documents referred to in your request including consultation with relevant policy and program areas, thorough searches of departmental file management systems, electronic documents on shared and personal drives and departmental data bases.

I am satisfied the consultation undertaken and the searches conducted were thorough and all reasonable steps have been taken to locate documents relevant to your request. I am satisfied the documents referred to in your request do not exist.

As a consequence, relying on section 24A of the FOI Act, I cannot provide access to the documents you requested.

FOI review rights

If you are dissatisfied with my decision, you may apply for an internal review or Australian Information Commissioner (Information Commissioner) review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the department allows). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this department within 30 days.

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

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

The Australian Information Commissioner can be contacted by:

Email: enquiries@oaic.gov.au

Phone: 1300 363 992

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at:

<https://www.oaic.gov.au/freedom-of-information/reviews/>

You may also make a complaint to the Information Commissioner about action taken by the department in relation to your application. Further information can be obtained from the OAIC website.

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/C2020C00110>

Additional information

As mentioned in the department's email to you of 25 August 2020, the FOI Act provides a mechanism for individuals to access 'documents' held by entities such as the department. It does not provide a mechanism for making enquiries or asking questions about issues.

However, outside the FOI Act, I can provide you with the following information that may be of assistance to you.

Point-of-care testing is a form of testing in which the analysis is performed where healthcare is provided, close to or near the patient. All point-of-care test kits for identifying the SARS CoV-2 virus (COVID-19 test kits) approved by the Therapeutic Goods Administration (TGA) for supply within Australia and inclusion in the Australian Register of Therapeutic Goods are listed on the TGA website at: www.tga.gov.au/covid-19-test-kits-included-artg-legalsupply-australia.

Information about the regulation of in vitro diagnostic medical devices in Australia, including the COVID-19 test kits, is also available on the TGA website at: www.tga.gov.au/overview-regulatory-framework-vitro-diagnostic-medical-devices

Additionally, there is a publically available paper on the isolation of SARS-CoV-2 at VIDRL (which describes inoculation of Vero/hSLAM cells which led to the isolation of SARS-CoV-2 in culture), which can be located at the following link:

<https://www.mja.com.au/journal/2020/212/10/isolation-and-rapid-sharing-2019-novel-coronavirus-sars-cov-2-first-patient>

Contacts

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

Yours sincerely



K. Bishop
Principal Lawyer
Legal Advice & Legislation Branch

9 September 2020

September 18, 2020

Christine Massey
#221 - 93 George St. S.
Brampton ON L6Y 1P4
via e-mail: cmssyc@gmail.com

Dear Christine:

RE: Freedom of Information Request # 20-03 – Decision Letter

I am writing regarding your access request under the *Freedom of Information and Protection of Privacy Act* (“FIPPA”), received on July 17, 2020, as follows:

All records in the possession, custody or control of Mount Sinai Hospital describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.*

*Please also note that my request is **not limited** to records that:*

- *were authored by Mount Sinai Hospital researchers, or*
- *pertain to work done by Mount Sinai Hospital researchers, or*
- *pertain to work done at Mount Sinai Hospital.*

My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that Mount Sinai Hospital 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.



I have again reviewed your request, as well as your e-mail of August 26, 2020 clarifying the records that you are seeking, with experts at Sinai Health who have significant knowledge and experience in respect of the isolation of viruses as well as SARS-CoV-2. We do not interpret the clarification that you have provided to change the substance of your request.

As set out in my letter of August 25, 2020, isolation of a virus in the manner that you have described is not possible for any virus, including SARS-CoV-2; it is not within the scope of current scientific processes. For this reason, and based on a reasonable search for responsive records, Sinai Health is satisfied that the records you are seeking do not exist.

You may request the Information and Privacy Commissioner to review this decision. The Commissioner can be reached at:

Information and Privacy Commissioner/Ontario
1400 - 2 Bloor Street East
Toronto, Ontario, M4W 1A8

The appeal fee is \$25.00, payable by cheque or money order to the Minister of Finance and must be included with your correspondence. Please note that you have 30 days from the receipt of this letter to request a review by the Commissioner.

Yours very truly,

A handwritten signature in blue ink that reads "Jesstina McFadden".

Jesstina McFadden

Director, Privacy and Information Access (Interim)
416-586-4800 x 5886
Jesstina.McFadden@sinaihealth.ca



By email

[REDACTED]

Our ref: 04/09/kl/1184

21 September 2020

Dear [REDACTED]

Re: Freedom of Information Request: Studies re Isolation of SARS-COV-2

Thank you for your email dated 4 September 2020. In accordance with Section 1(1)(a) of the Freedom of Information Act 2000 (the Act), I can confirm that Public Health England (PHE) does not hold the information you have specified.

Your Request

All records in the possession, custody or control of Public Health England describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.***

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

Response

PHE can confirm it does not hold information in the way suggested by your request.

Under Section 16 of the Act, public authorities have a duty to provide advice and assistance. I have signposted you to the below links which contain information on taking COVID-19 swabs:

<https://www.gov.uk/government/publications/covid-19-guidance-for-taking-swab-samples>

<https://www.gov.uk/government/publications/types-and-uses-of-coronavirus-covid-19-tests/types-and-uses-of-coronavirus-covid-19-tests>

Additionally, the below publication contains some information on virus isolation:

<https://www.eurosurveillance.org/content/10.2807/1560-7917.ES.2020.25.32.2001483>

If you have any queries regarding the information that has been supplied to you, please refer your query to in writing in the first instance. If you remain dissatisfied and would like to request an internal review, then please contact us at the address above or by emailing foi@phe.gov.uk.

Please note that you have the right to an independent review by the Information Commissioner's Office if a complaint cannot be resolved through the PHE complaints procedure. The Information Commissioner's Office can be contacted by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,
FOI Team



FOI: re Isolation of SARS-COV-2

1 message



Sat, Sep 12, 2020 at 12:06 PM

To: doherty-reception@unimelb.edu.au

This is a Freedom of Information Act Request to The Peter Doherty Institute for Infection and Immunity.

Description of Requested Records:

All records in the possession, custody or control of The Peter Doherty Institute for Infection and Immunity describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.

Please also note that my request is not limited to records that were authored by The Peter Doherty Institute for Infection and Immunity or that pertain to work done by The Peter Doherty Institute for Infection and Immunity. My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that The Peter Doherty Institute for Infection and Immunity 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).

I will accept PDFs or links to PDFs.

Can you also please prepare your response as a signed PDF?

Kind Regards



29 September 2020



I refer to your email dated 12 September 2020 in which you have requested documents under the *Freedom of Information Act 1982* ("**Act**"). Please be advised that at this stage, we do not consider that a valid Freedom of Information (FOI) request has been lodged.

We note that you have requested documents in the possession, custody or control of The Peter Doherty Institute for Infection and Immunity ("**Doherty Institute**"). Please note that the institute is an incorporated joint venture between The University of Melbourne ("**Unimelb**") and Melbourne Health ("**MH**").

As such, the Doherty Institute does not accept FOI applications directly; however, you may wish to refer to the below FOI resource pages for Unimelb and MH should you wish to lodge an application with either of those organisations.

These resources outline the requirements for an FOI request to be considered valid with the relevant agency.

<https://about.unimelb.edu.au/strategy/governance/compliance-obligations/freedom-of-information/how-to-make-an-foi-request>

<https://www.thermh.org.au/patients-visitors/coming-hospital/medical-records>

We have undertaken a preliminary review of your request to determine if it may be appropriate to provide you with documents outside of the *Act*. Following this review, we can inform you your request relates to a process which is outside the scope of the usual operations of the Doherty Institute and therefore no documentation is available.

On that basis, insofar as your request relates specifically to the Doherty Institute, it is unlikely that any relevant documents would be located if you choose to lodge a formal FOI request.

Thank you for your interest in this matter.

Yours sincerely



Professor Sharon Lewin AO, FRACP, PhD, FAAHMS

Director, The Peter Doherty Institute for Infection and Immunity, The University of Melbourne and Royal Melbourne Hospital,

Professor of Infectious Diseases, Melbourne Medical School and Head, Doherty Department, The University of Melbourne,

Consultant Physician, Victorian Infectious Diseases Service, Royal Melbourne Hospital, Melbourne, Australia

Consultant Physician and Adjunct Professor, Department of Infectious Diseases, Alfred Hospital and Monash University, Melbourne, Australia



Government Office for Science

Government Office for Science
10 Victoria Street
London
SW1H 0NN

+44 (0)20 7215 5000 - Public enquiries
+44 (0)20 7215 6740 - Textphone
(for those with hearing impairment)

Date 2/10/20
Ref no: GOS-COV-040920-0068

Thank you for your email of 4/9/20 where you requested the following information:

"All records in the possession, custody or control of the Government Office for Science describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.*

Please also note that my request is not limited to records that were authored by the Government Office for Science or that pertain to work done by the Government Office for Science. My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that the Government Office for Science 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"

Response

We do not hold the information you have requested. This information may be available from DHSC ([contact](#)) or PHE ([contact](#)).

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal

review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to:

Government Office for Science Internal Reviews
Government Office for Science
10 Victoria Street
London
SW1H 0NN
Email: foi.reviews@go-science.gov.uk

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

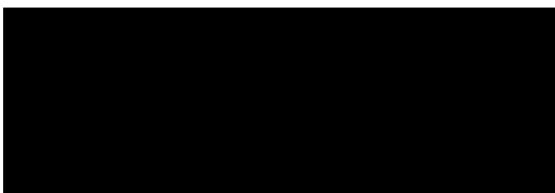
Yours Sincerely

Government Office for Science

GPO Box 1700 Canberra ACT 2601
Telephone (02) 6276 6431 • ABN 41 687 119 230
Email: foi@csiro.au

7 October 2020

Our ref: FOI 2020/50



FREEDOM OF INFORMATION REQUEST – DECISION FOI2020/50

I refer to your request of 7 September 2020, 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 a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.*

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).”

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

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 on the basis that the document[s] sought do not exist or cannot be found.

Searches conducted

Searches were conducted by The Australian Centre for Disease Preparedness (formerly the Australian Animal Health Laboratory) and relevant staff in CSIRO's Business Units, and it was confirmed that CSIRO does not hold any documents relevant to the scope of your request.

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,

A handwritten signature in black ink, appearing to read 'Beth Maloney', written in a cursive style.

Beth Maloney
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

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.

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

Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email 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.

Rebecca Ewert <r.ewert@auckland.ac.nz>

Wed, Sep 9, 2020 at 2:31 PM

To: [REDACTED]

Dear [REDACTED]

I refer to your request of 7 September 2020 below. I understand you have made similar requests to other units within the University. For the purposes of the Official Information Act, the University is one organisation and accordingly all requests for official information are managed centrally. Could you send all your requests for official information under the Official Information Act to my email address, r.ewert@auckland.ac.nz, or to the generic address legal@auckland.ac.nz. The University will respond to your requests as soon as reasonably practicable, but no longer than 20 working days after receipt, in accordance with the Act.

Yours sincerely,

Rebecca Ewert

General Counsel

University of Auckland

From: [REDACTED]

Sent: Monday, 7 September 2020 12:54 PM

To: Peter Hunter <p.hunter@auckland.ac.nz>

Subject: OIA Request: re Isolation of SARS-COV-2

This is an Official Information Act Request to Auckland University's 'Auckland Bioengineering Institute'.

Description of Requested Records:

All records in the possession, custody or control of Auckland Bioengineering Institute describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 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.**

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

I will accept PDFs or links to PDFs.

King Regards

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Rebecca Ewert <r.ewert@auckland.ac.nz>

Thu, Sep 17, 2020 at 2:34 PM

To: [REDACTED]

Dear [REDACTED]

I refer to your requests of 7 September 2020. The University's response follows:

"All records in the possession, custody or control of Auckland Bioengineering Institute describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 also note that my request is not limited to records that were authored by Auckland Bioengineering Institute or that pertain to work done by Auckland Bioengineering Institute. My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that Auckland Bioengineering Institute has downloaded or printed."

No such records have been authored by Auckland Bioengineering Institute staff or pertain to work done by Auckland Bioengineering Institute staff. Your request for these documents is refused under section 18(e) of the Official Information Act 1982, as the requested documents do not exist. Your request for any other such records – including published studies by third parties that Auckland Bioengineering Institute staff have downloaded or printed – would require substantial collation or research to provide, and unless this part of your request is amended or withdrawn the University would likely refuse it under section 18(f) of the Official Information Act. Please advise by 24 September 2020 whether you wish to amend or withdraw this part of your request.

"All records in the possession, custody or control of Auckland University's Science Department describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased 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 also note that my request is not limited to records that were authored by Auckland University's Science Department or that pertain to work done by Auckland University's Science Department. My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that Auckland University's Science Department has downloaded or printed."

No such records have been authored by University staff in the Faculty of Science or pertain to work done by staff in the Faculty of Science. Your request for these documents is refused under section 18(e) of the Official Information Act 1982, as the requested documents do not exist. Your request for any other such records – including published studies by third parties that University staff in the Faculty of Science have downloaded or printed – would require substantial collation or research to provide, and unless this part of your request is amended or withdrawn the University would likely refuse it under section 18(f) of the Official Information Act. Please advise by 24 September 2020 whether you wish to amend or withdraw this part of your request.

You have the right to make a complaint to an Ombudsman if you are dissatisfied with this response.

[Quoted text hidden]

Fri, Sep 18, 2020 at 8:25 AM

Reply-To: [REDACTED]
To: Rebecca Ewert <r.ewert@auckland.ac.nz>

Dear Rebecca,

"Your request for any other such records – including published studies by third parties that Auckland Bioengineering Institute staff have downloaded or printed – would require substantial collation or research to provide..."

"Your request for any other such records – including published studies by third parties that University staff in the Faculty of Science have downloaded or printed – would require substantial collation or research to provide..."

The first sentence of my request reads "***All records in the possession, custody or control of Auckland Bioengineering Institute ...***" and "***All records in the possession, custody or control of Auckland University's Science Department describing the isolation of a SARS-COV-2 virus***".

I have clearly **not** requested the University of Auckland to conduct research or do a literature search on the topic.

Given that:

- devastating lockdown measures have been imposed based on reports of "confirmed COVID-19 cases" and "COVID-19 deaths" said to be caused by a novel coronavirus called "SARS-COV-2", and
- isolation is one of the essential steps in determining scientifically whether a suspected pathogen causes any disease, and
- The Bioengineering Lab claims to have designed face shields that "... provide another layer of protection, to be worn over surgical face masks, to reduce the viral load that healthcare workers can be exposed to." (<https://www.auckland.ac.nz/en/abi/our-research/covid-19-research/face-shield-fast-effective-protection/about-our-face-shields.html>), and
- The Bioengineering Lab are researching the modeling of transmission and infection which would require background research (<https://www.auckland.ac.nz/en/abi/our-research/covid-19-research/covid-19-modelling-at-abi.html>), and
- The Bioengineering Lab is actively recruiting staff to research SARS-COV-2/COVID-19 (<https://www.auckland.ac.nz/en/abi/our-research/covid-19-research/join-abi.html>)

I would expect scientists and engineers at the University who are doing COVID-19 research to have all responsive records at their fingertips.

Thus I am **not** amending my request, and I look forward to the University's final, formal response.

Can I also please have the University's response in a signed PDF?

Thank you

[Quoted text hidden]

Rebecca Ewert <r.ewert@auckland.ac.nz>

Fri, Sep 18, 2020 at 4:16 PM

To: [REDACTED]

Dear [REDACTED]

I refer to your email of 18 September 2020.

"The first sentence of my request reads *"All records in the possession, custody or control of Auckland Bioengineering Institute ..."* and *"All records in the possession, custody or control of Auckland University's Science Department describing the isolation of a SARS-COV-2 virus"*.

I have clearly **not** requested the University of Auckland to conduct research or do a literature search on the topic."

Section 18(f) of the Official Information Act allows requests for official information to be refused where "the information requested cannot be made available without substantial collation or research". "Research" here means the work in finding the requested information held by the University; it does not mean conducting research to obtain new information (as the Official Information Act only applies to official information held by organisations). "Collation" refers to bringing the requested information together.

I note that you have identified particular projects which are of interest to you. If you wish to amend your request to be limited to records held by staff carrying out specified projects, so that we can narrow the search to a small number of staff, rather than records held by the Science Faculty and the Bioengineering Institute, then we may be able to proceed with your request rather than refuse it under section 18(f) as requiring substantial collation or research. Please advise whether you wish to amend your request in this way.

You should be aware, however, that if the substantial collation or research issue is addressed there are other potential issues which may result in all or part of your request being refused. For example:

1. The definition of "official information" excludes library material held for reference purposes, and this may exclude material obtained from our Library databases by our researchers.
2. Providing the requested material may breach agreements under which the material was supplied; for example, journal articles are copyright material and it may breach the University's licensing agreements with publishers to provide these to you.

Yours sincerely,

Rebecca Ewert

General Counsel

University of Auckland

Fri, Sep 18, 2020 at 4:44 PM

Reply-To: [REDACTED]
To: Rebecca Ewert <r.ewert@auckland.ac.nz>

Greetings Rebecca,

"Section 18(f) of the Official Information Act allows requests for official information to be refused where "the information requested cannot be made available without substantial collation or research". "Research" here means the work in finding the requested information held by the University; it does not mean conducting research to obtain new information (as the Official Information Act only applies to official information held by organisations). "Collation" refers to bringing the requested information together.

I note that you have identified particular projects which are of interest to you. If you wish to amend your request to be limited to records held by staff carrying out specified projects, so that we can narrow the search to a small number of staff, rather than records held by the Science Faculty and the Bioengineering Institute, then we may be able to proceed with your request rather than refuse it under section 18(f) as requiring substantial collation or research. Please advise whether you wish to amend your request in this way."

I have submitted and received responses from many organizations from the UK, Australia, and New Zealand. None of these organizations had any problem with responding. For instance, I submitted an OIA to the New Zealand Ministry of Health. Not only did the Ministry respond but they also inquired with ESR. ESR responded that they too did not have any responsive records.

I assume that each university department has an email list; it surely doesn't require 'research' to send an email to such lists. I hardly think that 'substantial collation' is required for reading the email responses and summarizing those responses. But maybe you can ask The Ministry of Health for help in responding to this request?

You should be aware, however, that if the substantial collation or research issue is addressed there are other potential issues which may result in all or part of your request being refused. For example:

1. The definition of "official information" excludes library material held for reference purposes, and this may exclude material obtained from our Library databases by our researchers.
2. Providing the requested material may breach agreements under which the material was supplied; for example, journal articles are copyright material and it may breach the University's licensing agreements with publishers to provide these to you.

I understand that my OIA is for publicly available information.

I would be extremely surprised if the most important research of our lifetime is hidden away behind a paywall. Again, none of the other organizations mentioned paywalls or IP issues when responding to my requests.

I won't be modifying my OIA as the Ministry of Health had no trouble providing a response of 18(e) as they had no records. I will certainly object to a response with an 18(f) rejection with the Ombudsmen as The Ministry of Health responded which has already set the precedence for this OIA request if you decide to go this route.

Regards

[Quoted text hidden]

Landon Watt <landon.watt@auckland.ac.nz>

Tue, Oct 6, 2020 at 8:40 PM

To: [REDACTED]

Dear [REDACTED]

I refer to your email of 18 September 2020, which clarifies that your Official Information Act request is for publicly available information. Accordingly, to the extent that the University holds the requested information, your request is refused under section 18(d) of the Official Information Act, on the basis that the information requested is publicly available. You have the right to make a complaint to an Ombudsman if you are dissatisfied with this response.

Yours sincerely,

Landon Watt
Legal Advisor

Office of the Vice Chancellor

University of Auckland

[REDACTED]
To: Landon Watt <landon.watt@auckland.ac.nz>

Tue, Oct 6, 2020 at 8:51 PM

Greeting Landon Watt,

Can you please provide links to the publicly available information according to 18(d) that satisfies my OIA request?

If you fail to provide this information, then I will be left with no other choice but to file against the university for fraudulently refusing my request.

Thank you.

[Quoted text hidden]

Date 7 October 2020]
Our Ref 2020-000133
Enquiries to p hs.foi@nhs.net

Dear Athanasios Kandas

Freedom of Information Reference: 2020-000133

I refer to your request of 9 September 2020 under the above legislation for information about:

All records in the possession, custody or control of Public Health Scotland, describing the isolation of a SARS-COV-2 virus, directly from a sample taken from a diseased patient, where the patient sample was not first combined with any other source of genetic material (i.e. monkey kidney cells aka vero cells; liver cancer cells).

*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 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.*

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

I am writing to advise you that following a search of our records, I have established that under Section 17(1) of the Freedom of Information (Scotland) Act 2002, Public Health Scotland (PHS) does not hold the information you requested.

PHS has not been involved in any studies where methods of isolation described have been performed. Such studies may have been performed in a number of Universities but PHS is not aware of any specific studies to be able to direct you to them for more information.

If you have any questions please contact me on p hs.foi@nhs.net.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this correspondence, and we will reply within 20 working days of receipt.

1 South Gyle Crescent, Edinburgh EH12 9EB

Glasgow office: 5 Cadogan Street, Glasgow G2 6QE

The review will be undertaken by a reviewer who was not involved in the original decision-making process. The reviewer can be contacted as follows:

The FOI Reviewer

Public Health Scotland
Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EB
Email: p hs.foi@p hs.scot

If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

Yours sincerely

A handwritten signature in black ink that reads "Vicki Bibby". The signature is written in a cursive style with a large, stylized 'V' and 'B'.

Vicki Bibby
Head of Strategy, Governance and Performance
Public Health Scotland