



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](#)



Health Santé
Canada Canada

Access to Information and Privacy Division
7th Floor, Suite 700, Holland Cross - Tower B
1600 Scott Street, (Mail Stop: 3107A)
Ottawa, Ontario K1A 0K9

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,



Digitally signed by Smith, Christine R.
DN: cn=Smith, Christine R., o=Government of Canada
Reason: I am the author of this document
Location: your working location here
Date: 2020.05.24 07:50:34
Email: christine@ic.gc.ca Version: 3.7.0

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



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
Édifice 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 be '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, Budykowski 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

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., Budylowski, 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., Hatchette, 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 \(SARS-CoV-2\)](#)

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](#)

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](#)

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](#)

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,



Jesstina McFadden

Director, Privacy and Information Access (Interim)

416-586-4800 x 5886

Jesstina.McFadden@sinaihealth.ca



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,

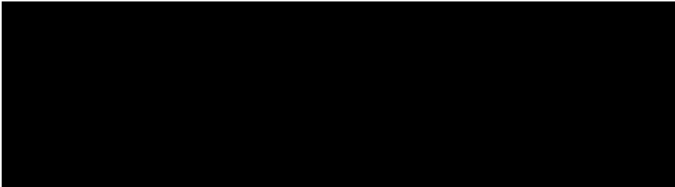
Lauren Der
Freedom of Information Officer
FreedomOfInformation@dhsc.gov.uk



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

A handwritten signature in blue ink, appearing to read 'KBishop'.

K. Bishop
Principal Lawyer
Legal Advice & Legislation Branch

9 September 2020

- 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 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