

Last Name*: Massey
Organization Name (optional):
Address line 1*: [REDACTED]
Address line 2 (optional):
City / Town*: Toronto
Province/State*: Ontario
Postal/ZIP Code*: [REDACTED]
Country*: Canada
Telephone No.*: [REDACTED]
Alternate No. (optional): [REDACTED]
E-Mail (optional): [REDACTED]

Description

Freedom Of Information Request \$5.00

Base Amount:\$5.00

Records Requested*: Description of Requested Records: All records in the possession, custody or control of Dr. Eileen de Villa, Toronto Public Health or any Department or Staff Member of the City of Toronto, 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; 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, and/or - the performance of an amplification test (i.e. a PCR test), and/or -the sequencing of something. Please also note that my request is not limited to records that were authored by Dr. de Villa or the City of Toronto or that pertain to work done by Dr. de Villa or the City of Toronto. My request includes any sort of record authored at any time by anyone, for example (but not limited to) any published peer-reviewed study authored by anyone, anywhere, ever that Dr. de Villa or anyone working for the City of Toronto has downloaded or

RE: Access Request - Receipt #23705133

Edward Scanga <Edward.Scanga@toronto.ca>
To: "omsayo@gmail.com" <omsayo@gmail.com>
Cc: "Pauline P. W. Lam" <Pauline.Lam@toronto.ca>

Thu, Nov 19, 2020 at 10:34

Hello Ms. Massey,

I am replying to your request, submitted online on November 16, 2020, under the Municipal Freedom of Information and Protection of Privacy Act.

Your request is for:

" All records in the possession, custody or control of Dr. Eileen de Villa, Toronto Public Health or any Department or Staff Member of the City of Toronto, 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; 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, and/or
- the performance of an amplification test (i.e. a PCR test), and/or
- the sequencing of something.

Please also note that my request is not limited to records that were authored by Dr. de Villa or the City of Toronto or that pertain to work done by Dr. de Villa or the City of Toronto. My request includes any sort of record authored at any time by anyone, for example (but not limited to) any published peer-reviewed study authored by anyone, anywhere, ever that Dr. de Villa or anyone working for the City of Toronto has downloaded or printed."

Please note that due to the ongoing COVID-19 pandemic, Toronto Public Health staff continue to be unable to respond to any FOI and non-FOI related enquiries. Numerous staff have been redeployed and will continue to be for the foreseeable future. We strongly recommend that you withdraw your current request and resubmit a new one when TPH resumes normal operations.

Also, the purpose of MFIPPA is to provide records created by an institution that relates to City business. An institution is not required to answer procedural questions or respond to any scientifically related enquiry for research purposes. You will have to contact TPH directly to enquire whatever information is available publicly that pertains to your topic of interest.

We will not proceed with your request and issue you a \$5 refund for your application fee which will be mailed to you separately.

Thank you.

Fri, Nov 20, 2020 at 3:40

Christine Massey <cmssyc@gmail.com>
To: Edward Scanga <Edward.Scanga@toronto.ca>
Cc: "Pauline P. W. Lam" <Pauline.Lam@toronto.ca>, "Tory" <mayor_tory@toronto.ca>, Councillor_Bradford@toronto.ca

Dear Edward,

1. I am not withdrawing my request.
2. Regarding *MFIPPA*, its purposes are shown below, and it is not restricted to records created by an institution.

Purposes

1 *The purposes of this Act are,*

(a) to provide a right of access to information under the control of institutions in accordance with the principles that,

(i) information should be available to the public,

(ii) necessary exemptions from the right of access should be limited and specific, and

(iii) decisions on the disclosure of information should be reviewed independently of the institution controlling the information; and

(b) to protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information. R.S.O. 1990, c. M.56, s. 1.

Interpretation

2 (1) *In this Act,*

"record" means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

(a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and

(b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution; ("document")

3. I have not asked a procedural question.

3. I have not asked a procedural question.

4. Scientifically related **requests for records** held by the City are not automatically exempted under *MFIPPA*. It would be bizarre and blatantly contrary to the public interest if they were.

Under *MFIPPA* "a head shall refuse to disclose a record that reveals ... scientific... information" **only if it is "supplied in confidence implicitly or explicitly" and "the disclosure could reasonably be expected to" meet further criteria.**

And "a head may refuse to disclose a record that contains...scientific ...information **that belongs to an institution and has monetary value or potential monetary value..."**

Whether I will use the City's response for research, or legal, or other purposes, is my business - not the City's.

5. Evidence regarding "COVID-19" measures taken by the City and recommended by Dr. de Villa obviously do relate to City business.

6. I am not withdrawing my request.

Over 30 institutions from around the world, 9 of them in Canada (including the Region of Peel), have already responded to the same records request.

Be advised that your response to this request has already been made public. It reflects poorly on the institution and suggests incompetence or deliberate obstruction of access.

Any future response, or lack thereof, will also be publicly noted.

Best wishes,
Christine

Edward Scanga

to me, Pauline ▾

Nov 24, 2020, 1:38 PM (3 days ago)



Hello Ms. Massey,

Thank you for your response, as a result, we have contacted Toronto Public with the details in the scope of your request.

Staff from Toronto Public Health have advised that they do not have any records related to your scope. However, they have recommended that you contact Ontario Public Health directly. Here is the link to the website. <https://www.publichealthontario.ca/>

We will not proceed with your request and issue you a refund for your application fee as previously outlined.

Thank you,

Edward Scanga

Assistant Registrar

Access & Privacy Office

City Clerk's Office

416-392-4901

Edward.Scanga@toronto.ca

RE: Access Request - Receipt #23705133

Christine Massey <cmssyc@gmail.com>
To: Edward Scanga <Edward.Scanga@toronto.ca>

Fri, Nov 27, 2020 at 2

Dear Edward,

Thank you, but I have not withdrawn my request.

Also, be advised that this same request was already submitted to Public Health Ontario (submitted July 16, 2020) and their response is long overdue. They have ignored my request entirely.

Responses from 2 other Canadian institutions are also long overdue:

Ontario Ministry of Health (submitted May 14, 2020; after some initial emails with the FOI coordinator John Babos, I have heard nothing since June 2, 2020)

Public Health Agency of Canada (submitted June 13, 2020)

Those institutions both cashed my cheques on the same day, about 6 weeks ago. PHAC advised approx. 2 weeks ago that their response was ready and only awaiting approval. I've heard nothing since.

I do have responses from 9 other Canadian institutions: Health Canada, National Research Council of Canada, Vaccine and Infectious Disease Organization-International Vaccine Centre (VIDO-InterVac), McGill University, Reg of Peel, University of Toronto, Sunnybrook Health Sciences Centre, McMaster University and Mount Sinai Hospital. None were able to locate even 1 responsive record.

I await the City of Toronto's proper, formal signed and dated response letter that includes a file number for my formal *MF/PPA* request.

For now, your latest response will be made public, along with any future response, or lack thereof.

Thank you and best wishes,
Christine

RE: Access Request - 2020-01757 (Toronto Public Health) > coronavirus/FOI x

Edward Scanga

to me, Pauline ▾

Mon, Nov 30, 2020, 8:16 AM

Hello Ms. Massey,

Thank you for your response.

We will proceed with your request under FOI # 2020-01757.

Thank you,

Edward Scanga

Assistant Registrar

Access & Privacy Office

City Clerk's Office

416-392-4901

Edward.Scanga@toronto.ca