



Št. 074-4/2020-9

Ljubljana, 30. november 2020

UL Medicinska fakulteta izdaja na podlagi drugega odstavka 22. člena Zakona o dostopu do informacij javnega značaja (Uradni list RS, št. 51/06 – uradno prečiščeno besedilo, 117/06 – ZDavP-2, 23/14, 50/14, 19/15 – odl. US, 102/15 in 7/18), v nadaljevanju: ZDIJZ in skladno s 15. členom ZDIJZ v upravni zadevi presoje utemeljenosti zahteve prosilke [REDACTED], za dostop do informacij javnega značaja

ODLOČBO

1. Zahteva prosilke [REDACTED] za dostop do informacij javnega značaja se zavrne v delu, ki se nanaša na posredovanje znanstvenih dokazov o izolaciji virusa Sars-Cov-2 v skladu s Kochovimi postulati in posredovanja študije, ki bi dokazala vzročno zvezo med Sars-Cov-2 in domnevno nalezljivo boleznijo Covid-19.
2. Stroški postopka niso nastali.

Obrazložitev:

Organ je dne 23. 11. 2020 s strani Ministrstva za zdravje, Direktorata za javno zdravje prejel odstop zahteve prosilke [REDACTED] v delu glede 3., 4. in 5. točke zahteve, in sicer glede:

- 3. točke - znanstveni dokazi o izolaciji virusa Sars-Cov-2 v skladu s Kochovimi postulati in študije, ki bi dokazala vzročno zvezo med Sars-Cov-2 in domnevno nalezljivo boleznijo Covid-19,
- 4. točke - certifikati o ustreznosti PRC testa za odkrivanje okužbe s Sars-Cov-2 in
- 5. točke - podatek o številu amplifikacijskih ciklov, ki se jih uporablja v Sloveniji od začetka testiranja do danes, po mesecih.

Skladno s 4. členom ZDIJZ je informacija javnega značaja tista informacija, ki izvira iz delovnega področja organa, nahaja pa se v obliki dokumenta, zadeve, dosjeja, registra, evidence ali drugega dokumentarnega gradiva (v nadaljevanju: dokument), ki ga je organ izdelal sam, v sodelovanju z drugim organom, ali pridobil od drugih oseb. Iz navedene določbe izhajajo trije osnovni pogoji, ki morajo biti kumulativno izpolnjeni, da lahko govorimo o obstoju informacije javnega značaja, in sicer:

1. informacija mora izvirati iz delovnega področja organa,

2. organ mora z njo razpolagati in
3. nahajati se mora v neki materializirani obliki.

Prosilka v 3. točki zahteva posredovanje znanstvenih dokazov o izolaciji virusa Sars-Cov-2 v skladu s Kochovimi postulati ter posredovanje študije, ki bi dokazala vzročno zvezo med Sars-Cov-2 in domnevno nalezljivo boleznijo Covid-19. UL MF Inštitut za mikrobiologijo in imunologijo znanstvene študije, ki bi izpeljala dokaz o izolaciji virusa Sars-Cov-2 v skladu s Kochovimi postulati, ni izvajal. UL MF Inštitut za mikrobiologijo in imunologijo prav tako ni izvedel znanstvene študije, ki bi dokazovala vzročno zvezo med Sars-Cov-2 in domnevno nalezljivo boleznijo Covid-19. Organ tako z zahtevanim dokumentom ne razpolaga, zaradi česar je bilo potrebno glede 3. točke zahteve odločiti, kot izhaja iz izreka tega sklepa.

Glede 4. točke zahteve prosilki sporočamo, da je število amplifikacijskih ciklov, ki se jih uporablja v Sloveniji od začetka testiranja do danes, 40.

Glede 5. točke prosilki v prilogi pošiljamo certifikat o ustreznosti PCR testa za odkrivanje okužbe s Sars-Cov-2.

V zvezi z izdajo te odločbe niso nastali posebni stroški. Ta odločba je v skladu s 30. točko 28. člena Zakona o upravnih taksah (Ur. l. RS, št. 106/10 – uradno prečiščeno besedilo, 14/15 – ZUUJFO, 84/15 – ZzeIP-J, 32/16 in 30/18) oproščena plačila upravne takse.

Pouk o pravnem sredstvu:

Zoper to odločbo je v zavrnilnem delu dovoljena pritožba Informacijskemu pooblaščenцу RS, Zaloška 59, 1000 Ljubljana v roku 15 dni od dne prejema te odločbe. Pritožba se vloži pisno ali ustno na zapisnik pri UL Medicinski fakulteti, Vrazov trg 2, 1000 Ljubljana ali pošije priporočeno po pošti na ta isti naslov. V tem roku se lahko stranka pravici do pritožbe tudi odpove. Pritožba je takse prosta.

S spoštovanjem,

Prof. dr. Igor Švab, dr. med.
dekan



Priloga:

- Certifikat certifikati o ustreznosti PRC testa za odkrivanje okužbe s Sars-Cov-2

Poslati:

- [REDACTED], Stara ulica 8, 9000 Murska Sobota

Vrazov trg

University of Ljubljana 1000 Ljub,
Faculty of Medicine

Ljubljana, 30 November 2020

The Faculty of Medicine issues on the basis of the second paragraph of Article 22 of the Access to Public Information Act (Official Gazette of the Republic of Slovenia, No. 51/06 - official consolidated text, 117/6 - ZdavP-2, 23/14, 50/14, 19 / 15 - decisions US, 102/15 and 7/18), hereinafter: ZDIJZ and in accordance with Article 15 of ZDIJZ in the administrative case of assessing the merits of the request of the applicant [applicant name] for access to public information

DECISION

1, The request from [applicant name] for access to public information is rejected in so far as it relates to the provision of scientific evidence on the isolation of Sars-Cov-2 virus in accordance with Koch's postulates and the submission of a study proving a causal link between Sars-Cov-2 and suspected infectious disease Covid-19.

2. No costs have been incurred.

Justification:

On 23 November 2020, the Authority received from the Ministry of Health, Directorate for Public Health, the resignation of the request of the applicant [applicant name] in the part regarding points 3, 4 and 5 of the request, namely regarding:

- Point 3: scientific evidence on the isolation of Sars-Cov-2 virus according to Koch's postulates and studies proving a causal link between Sars-Cov-2 and the suspected infectious disease Covid-19,
- Point 4: certificates of suitability of the PRC test for the detection of Sars-Cov-2 infection and
- Point 5: data on the number of amplification cycles used in Slovenia from the beginning of testing until today by months.

In accordance with Article 4 of the ZDIJZ, information of a public nature is information that originates from the work area of the body and is in the form of a document, case, dossier, register, record or other documentary material (hereinafter: document) produced by the body itself, in cooperation with another body, or obtained from other persons. Three basic conditions derive from that provision, which must be cumulatively fulfilled in order to be able to speak of the existence of information of a public nature, namely:

1. the information must come from the scope of work of the body,
2. it must be at the disposal of the authority; and
3. it must be in some materialized form.

In point 3, the applicant requests the submission of scientific evidence on the isolation of Sars-Cov-2 virus in accordance with Koch's postulates and the transmission of a study

proving a causal link between Sars-Cov-2 and suspected infectious disease Covid-19. UL MF Institute of Microbiology and Immunology a scientific study to provide evidence of Sars-Cov-2 virus isolation according to Koch's postulates has not been performed. UL ME Institute of Microbiology and Immunology also did not conduct a scientific study, which would demonstrate a causal link between Sars-Cov-2 and the suspected infectious disease Covid-19. The authority thus does not have the required document at its disposal, which is why it was necessary regarding point 3 requirements to decide as follows from the operative part of this decision.

Regarding point 4 of the request, we inform the applicant that the number of amplification cycles used is in Slovenia from the beginning of testing until today, 40.

Regarding point 5, we are sending the applicant a certificate of suitability of the PCR test for the detection of infection with Sars-Cov-2.

No specific costs were incurred in issuing this decision. This decision is in accordance with point 30 of Article 28 Of the Administrative Fees Act (Official Gazette of the Republic of Slovenia, No. 106/10 - officially consolidated text, 14/15 – ZUUJFO, 84/15 - ZzeIP-J, 32/16 and 30/18) exempt from administrative fees.

Remedy instruction:

An appeal against this decision is allowed in the rejection part to the Information Commissioner of the Republic of Slovenia, Zaloška 59, 1000 Ljubljana within 15 days from the date of receipt of this decision. The appeal shall be lodged in writing or orally to the minutes at the UL Faculty of Medicine, Vrazov trg 2, 1000 Ljubljana or send by registered mail by post to that same address. Within this period, the party may also waive the right to appeal. Complaint is tax free.

With respect,

Prof. dr. Igor Švab, Ph.D. med.