



27 September 2021

Our ref: FOI2021/42



FREEDOM OF INFORMATION REQUEST – DECISION FOI2021/42

I refer to your request of **11 September 2021**, under which you sought access under the *Freedom of Information Act 1982* (FOI Act) to:

“All studies and/or reports in the possession, custody or control of CSIRO describing the purification of any “COVID-19 virus” (aka “SARS-COV-2”, including any alleged “variants” i.e. “B.1.1.7”, “B.1.351”, “P.1”) (for example: via filtration, ultracentrifugation and chromatography), directly from a sample taken from a diseased human 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 not requesting studies/reports where researchers failed to purify the suspected “virus” and instead:

- *cultured an unpurified sample or other unpurified substance, and/or*
- *performed an amplification test (i.e. a PCR test) on all the RNA from a patient sample or from a cell culture, or on genetic material from any unpurified substance, and/or*
- *fabricated a “genome” by editing/assembling/aligning sequences detected in the total RNA from a patient sample or from a cell culture or from any unpurified substance, and/or*
- *produced electron microscopy images of unpurified things.*

For further clarity, please note I am already aware that according to virus theory a “virus” requires host cells in order to replicate, and I am not requesting records describing the replication of a “virus” without host cells.

Further, I am not requesting records that describe a suspected “virus” floating in a vacuum; I am simply requesting records that describe its purification (separation from everything else in the patient sample, as per standard laboratory practices for the purification of other very small things).

Please also note that my request is not limited to records that were authored by CSIRO or that pertain to work done at/by CSIRO. Rather, my request includes any record matching the above description, for example (but not limited to): any published peer-reviewed study authored by anyone, anywhere, ever that has been downloaded or printed by CSIRO and relied on as evidence of a disease-causing “virus”.

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 one with certainty (i.e. title, author(s), date, journal, where the public may access it). Please provide URLs where possible."

Decision maker

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

Decision

Despite an extensive search, CSIRO has been unable to identify any document relevant to your request. I must therefore refuse access, pursuant to section 24A of the FOI Act 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 by other relevant staff and it was confirmed that CSIRO does not hold any documents relevant to the scope of your request. In this regard, CSIRO's research involves virus already isolated from human samples by a non-CSIRO institute.

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 be 'S Jones', with a horizontal line extending to the right from the end of the signature.

Stephen Jones
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.