



Christine Massey &lt;cmssyc@gmail.com&gt;

---

**FOI request to University of New South Wales re: "SARS-COV-2" purification**

---

**Christine Massey** <cmssyc@gmail.com>

Sat, Jul 31, 2021 at 3:11 PM

To: gipaa@unsw.edu.au

Bcc: tengelbrecht@gmx.net

July 31, 2021

To:

Mr. Paul Serov

Right to Information Officer

The University of New South Wales

Legal Office

Room 213 Chancellery Building

UNSW SYDNEY NSW 2052

Phone: +61 2 9065 5491

Submitted via email to: [gipaa@unsw.edu.au](mailto:gipaa@unsw.edu.au)

Dear Mr. Serov, Right to Information Officer,

This is a formal request for access to general records, made under the *Government Information (Public Access) Act 2009*.

**Please advise ASAP how best to submit the application fee during the "pandemic", otherwise I will mail a cheque payable to "UNSW" to the address listed above.**

**Also, I respectfully request the 50% reduction of charges based on the fact that the information requested is of special benefit to the public generally.**

**Description of Requested Records:**

All studies and/or reports in the possession, custody or control of Professor John Shine (Molecular Biology and Medicine) and/or the University of New South Wales's President, Faculties, Vice-Chancellor, Senate, Officers, Executive Board, Secretary, or any health or science department head at the University of New South Wales describing the **purification** (i.e. via filtration and use of an ultracentrifuge) of any **"SARS-COV-2" aka "COVID-19 virus"** (including any "variants"), 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 any private health information, or studies/reports where researchers failed to **purify** the suspected "virus" and instead:

- cultured an patient 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
- sequenced 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.

**Clarifications re my request**

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 **purification** of "the virus" (**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 someone at University of New South Wales or that pertain to work done at/by University of New South Wales. 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 that has been downloaded or printed by Professor Shine 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.

**Format:**

Electronic (i.e. pdf) documents sent to me via email; I do not wish for anything to be shipped to me.

**Name of applicant and address for correspondence**

Last name: Massey

First name: Christine

Email: [cmssyc@gmail.com](mailto:cmssyc@gmail.com)

Thank you in advance and best wishes,  
Christine Massey, M.Sc.



Christine Massey <cmssyc@gmail.com>

---

## UNSW - Right to Information Application - Notice of Decision

---

GIPAA <gipaa@unsw.edu.au>  
To: Christine Massey <cmssyc@gmail.com>

Mon, Oct 4, 2021 at 9:56 PM

Dear Ms Massey,

Please find attached the notice of decision in regard to your right to information application.

Sincerely,



**Paul Serov**

*Compliance Manager, Privacy Officer, Right to Information Officer*

*Compliance Unit, Legal Office*


THE UNIVERSITY OF NEW SOUTH WALES

UNSW SYDNEY NSW 2052 AUSTRALIA

T: +61 (2) 9065 5491 | E: [p.serov@unsw.edu.au](mailto:p.serov@unsw.edu.au) | W: [legal.unsw.edu.au](http://legal.unsw.edu.au)

CRICOS Provider No. 00098G

---

 UNSW\_GIPA\_ND7149\_Decision\_211005-3467-7519-7718-v1.pdf  
333K



UNSW Ref: ND7149

5 October 2021

Ms Christine Massey

By email: cmssyc@gmail.com

Dear Ms Massey

**Notice of decision in relation to access applications under the Government Information (Public Access) Act 2009 (NSW) (GIPA Act)**

I refer to your information access application under the GIPA Act dated 1 August 2021 and received as a valid application by the University on 12 August 2021. The scope of your applications was as follows:

*All studies and/or reports ... describing the purification (i.e. via filtration and use of an ultracentrifuge) of any "SARS-COV-2" aka "COVID-19 virus" (including any "variants"), 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 any private health information, or studies/reports where researchers failed to purify the suspected "virus" and instead:*

- *cultured an patient 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 sequenced 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 purification of "the virus" (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 someone at University of New South Wales or that pertain to work done at/by University of New South Wales. 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 that has been downloaded or printed ... 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.*

**Identification of information requested**

I have liaised with the University's Faculty of Medicine and Research Office to attempt to identify information that is held by the University and within the scope of

your request. Based on the specific requirements of your request I have not been able to identify any information that is within the scope of your request.

**Authorisation**

I am authorised by the Vice-Chancellor (acting as principal officer for the purposes of s 9(3) of the GIPA Act) to make the decision of your access application.

**Decision**

I have decided, in accordance with s 58(1)(b) of the GIPA Act, that the information requested is not held by the University.

**Your rights of review**

If you are aggrieved by my decision, you may seek review under Part 5 of the GIPA Act. Your rights for review are outlined in the attached fact sheet from the Information Commissioner – *Your review rights under the GIPA Act*.

If you have any queries about this notice or require further information on your rights of review, please contact me.

Yours sincerely



Paul Serov  
**Right to Information Officer, UNSW**

Encl.



## Your review rights under the GIPA Act

You can apply for access to information and NSW government agencies will make a decision under the *Government Information (Public Access) Act 2009* (GIPA). If you are dissatisfied with the decision you can request a review.

### What decisions can be reviewed?

You have the right to request a review of certain decisions<sup>1</sup> made by government agencies about the release of information under the GIPA Act:

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit,
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to

pay an advance deposit within the time required for payment

- m) a decision to include information in a disclosure log despite an objection by the authorised objector (or a decision that the authorised objector was not entitled to object).

You generally have three review options.

### 1. Internal review

You have **20 working days**<sup>2</sup> after the notice of a decision has been given to you, to ask for an internal review by the agency that made the decision. An agency may accept an application for internal review out of time, but is not obliged to do so.<sup>3</sup>

If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review<sup>4</sup>, but you can ask for an external review (see below).

Similarly, if the access applicant or one of any number of third parties has sought an internal review of the decision that you are not satisfied with, you are not entitled to seek an internal review of the decision.<sup>5</sup> You are however able to seek an external review.

The review must be carried out by an officer who is no less senior than the person who made the original decision.<sup>6</sup> The review decision must be made as if it was a fresh application.<sup>7</sup>

There is a \$40 fee for an internal review application.<sup>8</sup> An agency may choose to waive the internal review fee.<sup>9</sup> No fee applies for an internal review if the decision is a 'deemed refusal' because the agency did not process your application in time<sup>10</sup> or the internal review is conducted because the Information Commissioner has recommended the agency reconsider its decision under

---

<sup>1</sup> Section 80 GIPA Act

---

<sup>2</sup> Section 83(1) GIPA Act

<sup>3</sup> Section 83(2) GIPA Act

<sup>4</sup> Section 82(2) GIPA Act

<sup>5</sup> Section 88 GIPA Act

<sup>6</sup> Section 84(2) GIPA Act

<sup>7</sup> Section 84(1) GIPA Act

<sup>8</sup> Section 85(1) GIPA Act

<sup>9</sup> Section 127 GIPA Act

<sup>10</sup> Section 85(2) GIPA Act

section 93 of the GIPA Act.<sup>11</sup> In this case, you cannot be charged a review fee.

The agency must acknowledge your internal review application within **five** working days of receiving it.<sup>12</sup> The agency must decide the internal review within **15** working days<sup>13</sup> (this can be extended by **10** working days if the agency has to consult with a third party not previously consulted<sup>14</sup>, or by agreement with you<sup>15</sup>).

**Note:** You cannot ask for internal review of a decision that is being or has already been reviewed by the Information Commissioner<sup>16</sup> or the NSW Civil and Administrative Tribunal (NCAT)<sup>17</sup>. This does not apply if the internal review was recommended by the Information Commissioner under section 93.

### What is a working day?

A working day is defined as any day that is not a Saturday, Sunday, public holiday or any day during the period declared by the Premier as the Christmas closedown period.<sup>18</sup>

### What does notice 'given to' mean?

In the decision of *Choi v University of Technology Sydney* [2017] NSWCATAD 198, the NCAT considered when notice of a decision could be considered to have been 'given to' an access applicant, for the purposes of calculating the time period to seek a review.

NCAT gave the following guidance, in the circumstances where the applicant was emailed a notice of decision as an attachment:

- the words 'given to' have their ordinary meaning of 'delivered' or 'handed over' (at [23], citing *Melville v Townsville City Council* [2004] 1 Qd R 530 at [27])
- in the case of notification by email, notice was given when the decision was emailed to an applicant (at [23])

In the case of notification by post, notice is given at the time when the notice is posted by the Agency.<sup>19</sup> Once the posting of the notice to the postal address is completed, notice is considered to have been given by the agency.

<sup>11</sup> Section 93(6) GIPA Act

<sup>12</sup> Section 83(3) GIPA Act

<sup>13</sup> Section 86(1) GIPA Act

<sup>14</sup> Section 86(2) GIPA Act; IPC Fact Sheet [Why consult third parties; Guideline 5 Consultation on the public interest considerations](#)

<sup>15</sup> Section 86(4) GIPA Act

<sup>16</sup> Section 82(4) GIPA Act

<sup>17</sup> Section 82(5) GIPA Act

<sup>18</sup> Clause 1, Schedule 4 to the GIPA Act

<sup>19</sup> Section 126 (2) GIPA Act

Calculating time then commences on the first working day after the notice is posted.<sup>20</sup>

- it was not necessary for the applicant to have read or been aware of the contents of a decision for it to have been 'given to' them (at [23]).

## 2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for an external review by the Information Commissioner.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the Information Commissioner to review it.<sup>21</sup>

However, if you are not the access applicant, you **must** seek an internal review before applying for review by the Information Commissioner, unless an internal review is not available to you<sup>22</sup> (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by NCAT).

You have **40 working days**<sup>23</sup> from being given the decision to ask for a review by the Information Commissioner.

There is no provision in the GIPA Act that permits the Information Commissioner to accept applications out of time.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency. This may include a recommendation that the agency reconsider and make a new decision on the access application.<sup>24</sup> This enables the agency to make a new decision, whether or not the decision has already been the subject of internal review by the agency.<sup>25</sup>

The Information Commissioner has 40 working days from the day on which all necessary information relating to a review application has been received to complete the review of a decision and make any recommendations.<sup>26</sup>

<sup>20</sup> *ANQ v Department of Attorney General and Justice, Corrective Services* [2012] NSWADT 271 at [8]- [11]

<sup>21</sup> Section 89(2)(a) GIPA Act

<sup>22</sup> Section 89(2)(b) GIPA Act

<sup>23</sup> Section 90 GIPA Act

<sup>24</sup> Section 93(1) GIPA Act

<sup>25</sup> Section 93(2) GIPA Act

<sup>26</sup> Section 92A(1) GIPA Act



The Information Commissioner and applicant can agree to an extension of the timeframe. The Information Commissioner will notify the agency of any extension.<sup>27</sup>

If the Information Commissioner does not complete the review within the 40 working day period, the Information Commissioner is deemed to have made no recommendations to the agency.<sup>28</sup> The effect of this is that the original decision stands and the only option available to the applicant is to seek a review by NCAT. The applicant must be notified when the review is completed and advised of any recommendations made by the Information Commissioner.<sup>29</sup>

**Note:** You cannot ask the Information Commissioner to review a decision that is being or has already been reviewed by NCAT<sup>30</sup>.

### 3. External review by the NSW Civil and Administrative Tribunal (NCAT)

If you disagree with any of the decisions listed above, you can ask for a review by NCAT.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the NCAT to review it. However, if you are not the original access applicant (i.e. you are a third party), you must seek an internal review before applying for review by NCAT, unless an internal review is not available to you<sup>31</sup> (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by the Information Commissioner).

You do not have to have the decision reviewed by the Information Commissioner before applying for review by NCAT.<sup>32</sup>

You have **40 working days**<sup>33</sup> from being given the decision to apply to NCAT for review. However, if you have applied for review by the Information Commissioner, you have **20 working days**<sup>34</sup> from being notified of the Information Commissioner's review outcome to apply to NCAT.

### For more information

Contact the Information and Privacy Commission NSW (IPC):

**Freecall:** 1800 472 679  
**Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
**Website:** [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

<sup>27</sup> Section 92A(2) GIPA Act

<sup>28</sup> Section 92A(3) GIPA Act

<sup>29</sup> Section 92A(4) GIPA Act

<sup>30</sup> Section 98 GIPA Act

<sup>31</sup> Section 100(2) GIPA Act

<sup>32</sup> Section 100 GIPA Act

<sup>33</sup> Section 101(1) GIPA Act

<sup>34</sup> Section 101(2) GIPA Act