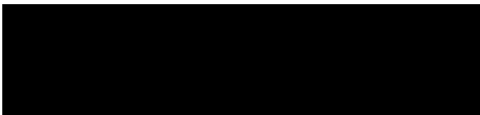




18 August 2022

Our ref: FOI2022/37



NOTICE OF DECISION - FREEDOM OF INFORMATION REQUEST – FOI2022/37

I refer to your request received by CSIRO via email on 19 July 2022 for access under the *Freedom of Information Act 1982* (FOI Act) to:

*“All records in the possession, custody or control of **CSIRO** that scientifically proves the existence of SARS-COV-2 virus.*

Scientific proof is NOT

- *Opinions*
- *Speculation*
- *Review papers*
- *Descriptive papers*

Scientific Proof is

- *Experiments that follow the scientific method*
- *Repeatable experiments that produce identical results*
- *Experiments all have valid control groups*

Scientific Method

The scientific method is a process used to prove or disprove hypotheses. My request requires the hypothesis to include the claim of existence of SARS-COV-2 particles. If the records do not have a hypothesis or do not have a hypothesis that claims the existence of SARS-COV-2, then these records are disqualified from my request.

Repeatability

I am requesting records that only use the scientific method and where the experiments have been repeated multiple times where the results were 100% the same. For any of the SARS-COV-2 Genome Sequences, multiple experiments must have been conducted and produced a 100% match for the

SARS-COV-2 genome sequence the researchers found. Records that have not been repeated with 100% matches for the SARS-COV-2 genome are disqualified from my request.

Controls

A control experiment is an experiment that has exactly the same parameters of the experimental group sans the variable being tested. For cell culture experiments, the control group should have exactly the same composition sans the SARS-COV-2 viruses. Experiments that do not have a valid control as defined are disqualified from my request.

Summary

Please provide all records that scientifically prove the existence of SARS-COV-2 as defined in this request.

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

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 response to your request.

CSIRO does not hold any documents that fall within the scope of your specific request. I am therefore required to 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.

I have come to this conclusion following consultation with relevant CSIRO officers. These officers have advised me that CSIRO has not been involved in any research aimed at proving the existence of SARS COV-2 or any research that conforms with the scope of your request.

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,



Annabel Kent
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.