

Ms Christine Massey



Email: cmssyc@gmail.com

Our ref: F21/1125

16 June 2021

Sent by email

Dear Ms Massey

FREEDOM OF INFORMATION APPLICATION

On 29 April 2021, the University of Western Australia (University) received a *Freedom of Information Act 1992 (WA) (FOI Act)* request from you requesting access to documents which you believed the University held.

You paid the required application fee of \$30.00 on the 1 June 2021 validating your application and requiring the University to provide its decision no later than the 16 July 2021.

I now attach the University's decision in this matter, by way of a Notice of Decision.

The Notice of Decision provides the following details -

- the background to your Application including any agreements as to scope.
- the findings relating to documents requested in your Application.
- the decision on whether any documents or content therein is exempt from release under Schedule 1 of the FOI Act; and
- the decision whether access to those documents is granted in full, with redaction or refused.

If you wish to discuss this application, please email foi@uwa.edu.au.

Yours sincerely

Jay Guyver

Manager - Information Governance, Governance Directorate

NOTICE OF DECISION

FREEDOM OF INFORMATION ACT 1992 SECTION 26

APPLICANT: MS CHRISITINE MASSEY
DECISION MAKER: JAY GUYVER
MANAGER - INFORMATION GOVERNANCE, GOVERNANCE
DIRECTORATE
THE UNIVERSITY OF WESTERN AUSTRALIA

DATE OF DECISION: 16 June 2021

For the reasons set below, I have made the following decision in relation to your access application:

It is not possible to provide access as all reasonable steps have been taken to find documents within the scope of your application; and I am satisfied that documents do not exist which meet the scope of your application.

BACKGROUND

On 29 April 2021, the University of Western Australia (the **University**) received a *Freedom of Information Act 1992 (WA) (FOI Act)* request from you for access to the following documents:

1. *All studies and/or reports in the possession, custody or control of Christine Carson (Senior Research Fellow, UWA Medical School, Pathology & Laboratory Medicine) or the University of Western Australia's President, Faculties, Vice-Chancellor, Senate, Officers, Executive Board, Secretary, or any health or science department head at the University of Western Australia 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") (via maceration, filtration and use of an ultracentrifuge; also referred to at times by some people as "isolation"), 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).*
2. *Please also note that my request includes any study/report matching the above description, for example (but not limited to) a published peer-reviewed study authored by anyone, anywhere since December 2019 and relied on by Christine Carson or any of the above-mentioned people/bodies as evidence of a disease-causing "virus" circulating in humans.*

In the same application you sought to clarify the scope of your application by further stating:

1. *Please note that I am not requesting studies/reports where researchers failed to purify the suspected "virus" from a patient sample and instead:*
 - a. *cultured an unpurified sample or other unpurified substance, and/or*
 - b. *performed an amplification test (i.e. a PCR test) on the total RNA from a patient sample or from a cell culture, or on genetic material from any unpurified substance, and/or*
 - c. *fabricated a genome based on PCR-detected sequences in the total RNA from a patient sample or from a cell culture or from any unpurified substance, and/or*
 - d. *produced electron microscopy images of unpurified things in a cell culture.*

2. *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.*
 - a. *Further, I am not requesting private patient records, or 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).*
 - b. *Please note that despite the fact that purification is an essential (but not sufficient) step in proving the existence of a disease-causing "virus", as of today 54 institutions globally have all failed to provide or cite any such records, therefore to my knowledge no such records exist and if they do exist I cannot access them until I am provided a citation or URL.*
 - c. *Therefore, 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.*

On the 29 April 2021, my office wrote to indicating your application lacked validity under s12 of the Act, namely no Australian address nor payment had been provided. You responded with an Australian address on the 12 May 2021.

On the 17 May 2021 I wrote to you advising you my office were making preliminary enquiries to ascertain the volume of documents involved in the scope of your application. You replied affirmatively on the 18 May 2021.

I then wrote to you on the 25 May 2021 indicating our preliminary enquiries suggested there may be no documents and asked you if you wish to continue and pay the application fee of \$30 on that basis. You replied the same day indicating you wished to continue with the application.

At this time in your email of the 25 May 2021 you reasserted:

- a. *Also I would like to remind that my request is not limited to studies/reports produced by, or based on work performed at, the University. It includes any study/report in the custody/control/possession of the University matching the description that I provided, for example any published peer-reviewed study authored by anyone.*
- b. *I also understand that studies that are already available elsewhere may not be subject to the Act. However, because I cannot access studies that to my knowledge do not exist, in the spirit of transparency as per the purpose of Freedom of Information legislation I request citations for any such studies that are in the custody/control/possession of the University and match my description of requested records, so that I may access them elsewhere.*

As the application is for other than 'Personal Information' as that term is defined within the FOI Act, an application fee of \$30 was required. I requested this fee on the 26 May 2021, and it was paid on 1 June 2021 and the application was accepted as valid. The permitted period requires a decision to be received by you on or before the 16 July 2021.

The Application

Based on your original application and further requests in consultation with you via email, I have summarised the scope of your application to be -

- A. *All studies and/or reports in the possession, custody or control of Christine Carson (Senior Research Fellow, UWA Medical School, Pathology & Laboratory Medicine) or the University of Western Australia's President, Faculties, Vice-Chancellor, Senate, Officers, Executive Board, Secretary, or any health or science department head at the University of Western Australia 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") (via maceration, filtration and use of an ultracentrifuge; also referred to at times by some people as "isolation"), 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).*
- B. *Please also note that my request includes any study/report matching the above description, for example (but not limited to) a published peer-reviewed study authored by anyone, anywhere since December 2019 and relied on by Christine Carson or any of the above-mentioned people/bodies as evidence of a disease-causing "virus" circulating in humans.*
- C. *Also I would like to remind that my request is not limited to studies/reports produced by, or based on work performed at, the University. It includes any study/report in the custody/control/possession of the University matching the description that I provided, for example any published peer-reviewed study authored by anyone.*

This then became the agreed scope (**‘the Application’**), comprised of parts A, B and C.

SEARCHES

Following receipt and agreement of the Application, searches for documents were undertaken within the University’s Electronic Document and Records Management System (known as ‘TRIM’). TRIM searches by keyword, title word and document content were conducted by our office using appropriate keywords concerning your request. Searches were particularly focused on records relating to research projects, grants, approvals and publications.

Further searches were made with the assistance of relevant officers within the University including specific enquiries to the Portfolio of the Deputy Vice-Chancellor Research, and to Dr Christine Carson (*the named respondent in your application*), and other researchers.

All the searches (**“Searches”**) were documented, and results recorded as evidence that the University conducted best and reasonable steps to find documents in scope of your application.

REQUESTED DOCUMENTS

Searches found some 329 documents which met our search criteria -

- 202 proved to be false positives (i.e., where terms such as ‘COVID*’, and/or ‘SARS*’ were found with terms such as ‘purification’, ‘isolation’ within the same document, or within a certain number of words from each other but were unrelated to any scientific endeavours to isolate/purify the virus e.g., isolation leave for COVID).
- 2 PhD Thesis met our criteria however the research was into unrelated matters which had been impacted by the pandemic, hence included words which met our criteria but not your scope
- 125 documents of a research type were reviewed, however this related in their entirety to policy issues, grant application criteria for SARS-COV-2 / COVID-19 research, or research into the effects of COVID-19 (the disease) on various social communities, or on resources, mental health or into antibody / antigen tools. These did not meet the exacting criteria of your scope.

Therefore, from our Searches, **no** documents were discovered which met the scope of your application.

No documents met the precise and specific criteria within part (A) of your application, and thereby there were no supporting documents / publications which were relied on by those documents or authors which would comprise part (B).

In relation to part (C) of the scope of your application no documents fall into this definition for which the Freedom of the Information Act 1992 (WA) would apply (*see my decision below*).

DECISION

In consideration of the above, I, Jay Guyver, Manager - Information Governance, Governance Directorate have today made the decision that:

In relation to part (A) of your application,

- despite reasonable steps, such as searches and enquiries being made, no documents have been found or surrendered which meet the specific and precise requirements of your scope.
- Enquiries of Dr Carson have yielded no such documents relating to the precise and exact isolation or purification of the virus you talk about, and research she has and is engaged in does not meet the criteria, indeed is specifically excluded by your criteria.

Part (B) of your application is subject to documentation or similar being found in relation to part (A) of your application.

- There are no documents meeting this part of your scope as there are no documents including but not limited to peer reviewed articles cited or relied up on by Dr Carson or any others in documents which meet part (A) of your scope
- Further, it would not be for the University to search for, enquire for or otherwise elucidate documents which “*for example (but not limited to) a published peer-reviewed study authored by anyone, anywhere since December 2019 and relied on by Christine Carson or any of the above-mentioned people/bodies as evidence of a disease-causing "virus" circulating in humans.*” unless these formed part of the documents which met your scope in Part (A) and were ‘*documents of this Agency*’. As there were none no further searches would fall under the purpose of the FOI Act.

Part (C) of your application requires documents which were “*not limited to studies/reports produced by, or based on work performed at, the University. It includes any study/report in the custody/control/possession of the University matching the description that I provided, for example any published peer-reviewed study authored by anyone*”. I do not believe that such a request is an obligation under the FOI Act for the University, namely -

- Peer-reviewed studies, reports, publications and similar authored by anyone, and potentially anywhere, if published and available whether at a fee or not are excluded specifically under s6 of the FOI Act such as
 - (a) available for purchase by the public or free distribution to the public; or
 - (d) publicly available library material held by agencies for reference purposes.
- Further access to documents which an agency may have access to, hold or otherwise control is limited under 27(2) (c) where (emphasis is mine)
 - (2) If the applicant has requested that access to a document be given in a particular way the agency has to comply with the request unless giving access in that way —
 - (c) would involve an infringement of copyright belonging to a person other than the State,

- Releasing studies which the University may simply have relating to 'COVID-19 virus, SARS-COV-2' within its libraries, or those which researchers may have access to are subject to copyright and licensing requirements.
- In response to your request that where I am unable to provide documents as detailed above you have asked for citations. Given that documents which do not meet your scope or are not subject to the FOI Act would not be returned or surrendered to my office, I am not able to provide such citations.

It is not possible to provide access as all reasonable steps have been taken to find documents within the scope of your application; and I am satisfied that documents do not exist which meet the scope of your application.

INTERNAL REVIEW

If you are aggrieved by the Decision of this agency, you may apply for an Internal Review within **30 days** of being provided this Notice. There are no charges for requesting an internal review and, once a request is received, UWA must review any disputed decision within 15 days.

An application for an internal review must:

- be in writing.
- set out the particulars of the decision that you wish to have reviewed.
- give an address in Australia for correspondence, to which notices under the FOI Act can be sent; and
- be lodged at an office of UWA (see below).

An internal review request may be sent by at foi@uwa.edu.au, delivered in person or by post to the following address:

Manager, Information Governance
Information Governance Team M461
University of Western Australia
35 Stirling Highway
CRAWLEY WA 6009

Should you require further information or assistance in preparing an internal review application, please contact foi@uwa.edu.au. Reference can also be made to: <http://www.spp.uwa.edu.au/riskandlegal/freedom-of-information/freedom-of-information-process#review>.

Yours sincerely

Jay Guyver,
Manager - Information Governance, Governance Directorate