



Australian Government

Department of Health and Aged Care

FOI reference: FOI 5247

Deborah May-Torrens

Right to Know

Email via: foi+request-11584-3b8dfaf4@righttoknow.org.au

Dear Ms Torrens

Decision on your Freedom of Information Request

I refer to your request of 1 July 2024 which was received on transfer from the National Indigenous Australians Agency to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

Current data and statistics showing the number of Aboriginal and Torres Strait Islander's who have been injured, hospitalised, placed on ventilators and died in connection with or as a result of SARS CoV-2 infection.

Clarification/Modification of scope of request

On 15 July 2024, following consultation with you, you agreed to modify the scope of your request to the following:

Current data and statistics from 20 March 2020 to 1 July 2024, showing the number of Aboriginal and Torres Strait Islander's who have been injured, hospitalised, placed on ventilators and died in connection with or as a result of SARS CoV-2 infection.

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request.

Extension of time

On 23 July 2024, the department requested a 14-day extension until 14 August 2024 under section 15AA of the FOI Act. We received agreement from you on 24 July 2024 which therefore extended the statutory due date until 14 August 2024.

Background

Requests involving computers

Section 17 of the FOI Act provides that an agency can produce a written document containing the information in discrete form by the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information.

The department is not able to produce a written document containing the information requested by you pursuant to subsection 17(1)(c)(i) of the FOI Act as the department does not hold the data covered by the scope of the request.

Rather, the data requested is stored across multiple databases managed either by the department or by various external stakeholders and would be a substantial and unreasonable diversion of the resources of the department to collate.

However, the department would like to advise that the National Notifiable Diseases Surveillance System (NNDSS) coordinates data on over 70 diseases, including COVID-19, that present a risk to public health in Australia. You may wish to request data directly from them via email at: NNDSS.datarequests@health.gov.au.

In addition to the above, there is information available in the public domain in relation to data regarding COVID-19 statistics that may assist you. This can be accessed through the following sources:

- [COVID-19 Epidemiology Reports](#)
- [Australian Respiratory Surveillance Reports](#)
- [SPRINT-SARI Australia monthly reports](#)
- [PIM-TS in Australia](#)

FOI decision

The right to request access to a document in accordance with the FOI Act relates to documents in the possession of the department (section 4 (definition of 'document of an agency') refers).

Section 24A of the FOI Act provides that:

- (1) An agency or Minister may refuse a request for access to a document if:
 - (a) all reasonable steps have been taken to find the document, and
 - (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found, or
 - (ii) does not exist.

The relevant business area within the department have conducted searches of the department's information holdings, including TRIM, outlook and relevant data sources. No documents matching the description in your request were identified as being in the possession of the department.

Based on these searches, I am satisfied that all reasonable steps have been taken to find the documents and the documents cannot be located or do not exist in the possession of the department.

I am refusing your request in accordance with section 24A of the FOI Act as the department does not hold the documents you have requested.

Legislative provisions

The FOI Act, including the provisions referred to in my decision, is available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562.

Your review rights

I have set out your review rights at **ATTACHMENT A**.

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Emma Denehy
Assistant Secretary
Public Health & Surveillance Branch

13 August 2024

ATTACHMENT A.

YOUR REVIEW RIGHTS

If you are dissatisfied with my decision, you may apply for a review.

Internal review

You can request internal review within 30 days of you receiving this decision. 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 the grounds on which you believe that the original decision should be changed.

Applications for internal review can be made by:

Email: FOI@health.gov.au

Mail: FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you choose to seek an internal review, you will also have a right to apply for Information Commissioner review (IC review) of the internal review decision once it has been provided to you.

Information Commissioner review or complaint

You have the right to seek Information Commissioner (IC) review of this decision. For FOI applicants, an application for IC review must be made in writing within 60 days of the decision. For third parties who object to disclosure of their information, an application for IC review must be made in writing within 30 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

While there is no particular form required to make a complaint to the OAIC, the complaint should be in writing and set out the reasons for why you are dissatisfied with the way your request was processed. It should also identify the Department of Health and Aged Care as the agency about which you are complaining.

You can make an IC review application or make an FOI complaint in one of the following ways:

- online at www.oaic.gov.au/freedom-of-information/reviews-and-complaints/
- via email to foidr@oaic.gov.au
- by mail to GPO Box 5218 Sydney NSW 2001, or

- by fax to 02 9284 9666.

More information about the Information Commissioner reviews and complaints is available on the OAIC website here: www.oaic.gov.au/freedom-of-information/foi-review-process.

Complaint

If you are dissatisfied with action taken by the department, you may also make a complaint directly to the department.

Complaints to the department are covered by the department's privacy policy. A form for lodging a complaint directly to the department is available on the department's website here: www.health.gov.au/about-us/contact-us/complaints