



## Notice of Decision

REQUEST BY: Deborah-May Torrens

REFERENCE: FOI/2425/002

### *Freedom of Information Act 1982*

Dear Ms Torrens,

#### **Freedom of information request ref. FOI/2425/002**

1. The purpose of this letter is to give you a decision about access to documents that you requested from the National Indigenous Australians Agency (NIAA) under the *Freedom of Information Act 1982* (FOI Act).
2. I am an officer authorised by the NIAA's Chief Executive Officer under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

#### **Summary**

3. On 10 July 2024, you requested access to the following:

*'Under the Freedom of Information Act 1982, I am requesting access to documents held by the National Indigenous Australians Agency that pertain to any medical and/or technological experiments, specifically those involving Pfizer's Biological Nanotechnology (BioNTech), conducted on the remnant original host groups and nations who have been classified as "Aboriginal and Torres Strait Islander" populations.*

*1. Overview and Scope of Experiments: Documents detailing the nature, scope, and purpose of any experiments involving nanotechnology that have targeted Aboriginal and Torres Strait Islander individuals and families through Aboriginal Community-Controlled Health Organisations.*

*2. Ethical Approvals and Oversight:*

*Copies of ethical approvals, any related discussions, decisions from ethical review boards, and oversight mechanisms established for these experiments.*

*3. Community Consent Processes:*



*Documents related to the processes of obtaining informed consent from the communities involved, including educational and informational materials provided to participants.*

*4. Participant Selection Criteria:*

*Information on how participants were selected for these experiments, especially given the small proportion (3.4%) of Aboriginal and Torres Strait Islander peoples in the overall Australian population.*

*5. Results and Outcomes:*

*Any findings, reports, evaluations, or feedback from these experiments, including assessments of both intended and unintended outcomes (vaccine-induced injuries, including but not limited to Aboriginal and Torres Strait Islander prenatal and postnatal, stillbirths, miscarriages, hospitalisations, ICU admissions and deaths).'*

4. On 19 July 2024 the NIAA acknowledged your request and suggested that you consider withdrawing your FOI request as the subject matter of your request appeared to align more closely with the functions and responsibilities of the Therapeutic Goods Administration (TGA). You did not respond to this email.
5. A decision in relation to your request is due on 9 August 2024.

### **Material taken into account**

6. I have taken the following material into account in making my decision
  - the terms of your request
  - the acknowledgement sent to you
  - document searches undertaken by NIAA advisers
  - the FOI Act, and
  - Guidelines made by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

### **Decision**

7. Section 24A(1) of the FOI Act provides that where all reasonable steps have been taken to find documents, and the agency is satisfied that documents cannot be found or do not exist, then the agency may refuse a request for access to the documents.
8. I have decided that the documents you requested access to do not exist (section 24A(1)(b)(ii) of the FOI Act). Information about why they do not exist is given below.

### **Information about searches**

9. The NIAA searched for documents in the locations set out below:
  - NIAA parliamentary document management system (PDMS)
  - IT searches of NIAA staff email accounts

- NIAA records management systems ('ShareHub')

10. I am satisfied that the searches undertaken by the NIAA were reasonable, having regard to

- the subject matter of the documents you seek access to,
- the record management systems in place, and
- input from subject matter experts from the Health and Wellbeing Branch of the NIAA.

11. I am satisfied that all reasonable steps have been taken to locate documents within the scope of your FOI request, and that no documents have been identified. Accordingly, I have decided to refuse your request under subsection 24A(1) of the FOI Act.

12. Information about the NIAA's COVID-19 response and links to further resources can be access at the NIAA's website via the following link: <https://www.niaa.gov.au/covid-19>

13. Your rights to seek review under the FOI Act or submit a complaint are set out in **Attachment A** to this notice.

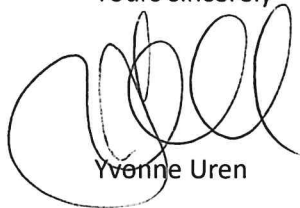
### Questions about this decision

14. If you have any questions about this notice or NIAA's FOI process, please contact the NIAA's FOI Coordinator at:

Email: [foi@niaa.gov.au](mailto:foi@niaa.gov.au)

Post: Freedom of Information Coordinator  
National Indigenous Australians Agency  
GPO Box 2191  
Canberra ACT 2601

Yours sincerely



Yvonne Uren

Branch Manager  
Health and Wellbeing Branch

8 August 2024

