



FREEDOM OF INFORMATION ACT 1982

REQUEST BY: Deborah-May Torrens (Right-to-Know)

DECISION BY: Ali Jenkins
Group Manager
Social Policy Group

REFERENCE: FOI/2425/002/IR

NOTICE OF INTERNAL REVIEW DECISION

Dear Ms Torrens,

Decision on Internal Review – Freedom of Information Act 1982

1. The purpose of this notice is to advise you of my decision following your request for internal review of the National Indigenous Australians Agency (NIAA) decision to refuse access to documents you requested under the *Freedom of Information Act 1982 (FOI Act)*.

Authority to make decision

2. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests, including internal review decisions.

Your original request

3. On 10 July 2024, you requested access to documents under the FOI Act was as follows:

“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)."

The NIAA's original access refusal decision

4. You were advised on 9 August 2024 of the decision to refuse access to documents you requested on the basis that the documents do not exist (section 24A(1)(b)(ii) of the FOI Act).

Request for internal review

5. On 9 August 2024, you asked for internal review of the NIAA's decision referred to at paragraph [4] above. The terms of your review request were as follows:

"I am writing to request an internal review of National Indigenous Australians Agency's handling of my FOI request 'Request for Information on Pfizer's BioNTech (Biological and Nanotechnological) Experiments Involving 80% of "Aboriginal and Torres Strait Islander Populations"."

Material I have taken into account

6. I have taken the following material into account in making my decision:
- the terms of your original request
 - your internal review request
 - searches completed by NIAA advisers
 - the content of the documents that fall within the scope of your request
 - consultation with NIAA advisers
 - the provisions of the FOI Act, and
 - the guidelines made by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the **FOI Guidelines**).



Internal review decision

7. I have affirmed the NIAA's original decision of 9 August 2024 to:
- to refuse access to documents under section 24A(1)(b)(ii) (documents do not exist).

Reasons for my decision

Review of searches

8. Staff from the relevant business area conducted comprehensive searches in the following locations:
- a. NIAA Parliamentary Document Management System (PDMS)
 - b. IT searches of NIAA staff email accounts
 - c. NIAA records management systems ('ShareHub')
9. Staff used combinations of key terms from your request to search these locations, for example "Medical experiments" AND "'Pfizer's Biological Nanotechnology (BioNTech)", "Aboriginal and Torres Strait Islander" AND "Pfizer's Biological Nanotechnology (BioNTech)", "Experiments" AND "Nanotechnology".
10. The search terms captured general vaccination and food security-related information that is not relevant to this request.

Documents do not exist

11. I have reviewed the search results that were considered by the original decision maker and I am satisfied that all reasonable steps have been taken to find the documents and that the documents you requested access to do not exist (section 24A(1)(b)(ii)).

Your review rights

12. If you are dissatisfied with my decision, you may apply to the Office of the Australian Information Commissioner (OAIC) for review.
13. The OAIC is an independent office that can review the decisions of agencies under the FOI Act.
14. The OAIC review process is free. You must apply to the OAIC within 60 days of being given notice of the decision. You must apply in writing, and further details are available on the OAIC website: www.oaic.gov.au
15. If you cannot access the website, please contact the FOI Coordinator (contact details at the end of this notice), and further details will be provided to you.

Your complaint rights

16. If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. Making a complaint about the way the NIAA has handled an FOI request is a separate process to seeking review of the NIAA's decision.
17. If you are not satisfied with our response, you can make a complaint to OAIC.
18. A complaint to the OAIC must be in writing and identify the agency in respect of which the complaint is made. Details about how you may contact the OAIC can be found on their website: <https://www.oaic.gov.au/about-us/contact-us/>.

19. If you cannot access the website, please contact the FOI Coordinator (contact details at the end of this notice), and further details will be provided to you.

Contact details

20. If you have any questions about this decision, or the FOI process, please contact the NIAA FOI Coordinator at foi@niaa.gov.au.

Yours sincerely



Ali Jenkins

Group Manager
Social Policy Group

30 August 2024

