



Australian Government

Department of Health and Aged Care

FOI reference: FOI 25-0034 LD

Andrew

By Right to Know: foi+request-12106-f24187c2@righttoknow.org.au

Dear Andrew,

Decision on your Freedom of Information Request

I refer to your information access request of 1 October 2024 made to the Department of Health and Aged Care (the department) under the *Freedom of Information Act 1982* (Cth) (FOI Act). In your request, you sought access to:

The scientific evidence relied upon in making the "ATAGI statement regarding COVID-19 vaccines in the setting of transmission of the Delta variant of concern" of 2 August 2021 here - <https://www.health.gov.au/news/atagi-statement-regarding-covid-19-vaccines-in-the-setting-of-transmission-of-the-delta-variant-of-concern> Specifically, I am interested in what studies, opinions or otherwise ATAGI relied upon in making this claim:

"In addition to strict public health measures, providing a first dose of COVID-19 vaccine will contribute to interrupting transmission in affected areas. Evidence suggests that a first dose reduces symptomatic infection and transmissibility, with the protective effect starting 2-3 weeks after vaccination."

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 access request.

Reasonable searches

The department has conducted reasonable searches for documents in scope of your request. As per the FOI Guidelines [at 3.89], these searches were undertaken with reference to:

- the subject matter of your request
- the department's current and past file management systems
- the department's record management systems

- the individuals within the department with knowledge of the subject matter of the documents, or who could assist with location of documents
- the age of the documents.

I am satisfied that the searches undertaken were both thorough and reasonable in the context of the scope of your request, the resources of the department, and the requirements of the FOI Act and FOI Guidelines.

The document relevant to your request was publicly available in 2021 but has since been removed from the department's website and replaced with an updated version. The scientific evidence that the department relied upon were all publicly available studies, and therefore the department does not hold a copy of these. However, a list of these studies can be found in the 'references list' within the document released to you.

Decision on access

I have identified one document that is relevant to your request.

This document was in the possession of the department when your request was received.

I have decided to grant access to this document in full.

A schedule setting out the document relevant to your request, with my decision in relation to this document, is at **ATTACHMENT A**.

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 B**.

Publication

Where I have decided to release documents to you, the department may also publish the released material on its Disclosure Log, as required by section 11C of the FOI Act. The department will not publish personal or business affairs information where it would be unreasonable to do so.

For your reference the department's Disclosure Log can be found at: www.health.gov.au/resources/foi-disclosure-log.

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, appearing to read 'Dave McNally', with a stylized, cursive script.

Dave McNally
Assistant Secretary
Immunisation Program Policy Branch
22 October 2024

ATTACHMENT A.

SCHEDULE OF DOCUMENTS

FOI REQUEST 25-0034 LD

Document	Pages	Date	Description	Decision on access	Relevant provision/s of FOI Act
1	30	30/07/2021	ATAGI Clinical guidance on COVID-19 vaccines in Australia	Release in full	N/A

ATTACHMENT B.

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