

Freedom of Information Act 2000 (FOIA) Decision notice

Date: 8 July 2021

Public Authority: Department of Health and Social Security
Address: 39 Victoria Street
London
SW1H 0EU

Decision (including any steps ordered)

1. The complainant has requested information relating to scientific evidence of Covid-19.
2. The Commissioner's decision is that Department of Health and Social Security (DHSC) has correctly cited section 12(1) FOIA in response to the request.
3. The Commissioner does require the public authority to take any steps as a result of this decision notice.

Request and response

4. On 23 May 2020, the complainant wrote to DHSC and requested information in the following terms:

"On 21 May, Matt Hancock stated "This is a deadly virus and it has brought pain to so many both here and across the world". "But, thanks to your shared sacrifice, we've now brought R down. ... We are currently at step 1, which means: ..." "But for the public at large to know whether or not they have had coronavirus, we need antibody tests at large scale." "We are developing this critical science, to know the impact of a positive antibody test."

Therefore, please supply the following on Covid-19

1. *Is there an electron micrograph of the pure and fully characterised*

virus (SARS-CoV-2)?

2. What is the name of the primary specialist peer reviewed paper in which said virus is illustrated and its full genetic information described?

3. What is the name of the primary specialist peer reviewed paper which provides unequivocal proof that the 'Covid-19' virus is the sole cause of a particular disease?

4. Are there Autopsies on Covid-19 deaths which do confirm having died by SAR-CoV-2 and not by Disseminated intravascular coagulation, blood dyscrasia, Oxygen deprivation syndrome, or due to an increased intracellular calcium ($[Ca^{2+}]_i$) level? And of said autopsy results: what is the percentage of death only due to SAR-CoV-2?

5. Is there an antibody test specifically for SARS-CoV-2 as that fulfils the Koch' postulates and has a false positive below 30%, and confirms that Covid-19 symptoms are only due to SARS-CoV-2? And if not, then how is it possible that you or your advisers can provide a meaningful 'R' number?"

5. DHSC responded on 7 June 2020 and stated it did not hold the requested information. It suggested that the Office for Government Science may hold some information relevant to the request and provided contact details.

6. On 9 June 2020 the complainant requested an internal review and stated:

"The DHSC cannot negated [sic] to another department i.e. Govt Office for Science their obligation to justify Lockdown's likely collateral damage to the people".

7. In its internal review, DHSC amended its position and cited section 12(1) FOIA.

8. In his complaint to the Commissioner the complainant stated:

"On 24 Sep. Casework Manager Freedom of Information Team stated that the Department of Health and Social Care (DHSC) relies on Section 12(1) of the FOIA because my request for information (FOI-1228983/666987) exceed the appropriate limit i.e. £600.

Said use of FOIA Section 12(1) for not answering FOI 'peer reviewed/verified proof of the Covid-19 virus' is unconscionable for the following reasons:

1. For the members of the Public to give an informed consent to the Lockdown measurements and its consequences: requires that the Govt

or DHSC provides the information/ the science which support said Govt' actions;

2. Prior its implementations, Matt Hancock, the DHSC and the Cabinet gave the assurance to have the science which support the Corona Act and the Lockdown measurements;

3. The average costs of the Lockdown measurements (as DHSC advised), to most members of the public; is more than £600;

4. Every man/woman and child have an Inalienable right and duty to defend all Crimes against Humanity (mankind). Therefor a FOI request can be used for any/all public concerns: And under the Declaration of Helsinki; the Govt should answer the FOI;

5. On 7 July, the DHSC, stated "we are not the appropriate authority on this subject", and advised me to pose my FOI to Government Office for Science: who neither hold information relevant to my FOI. And now using FOIA Section 12 suggests that the DHSC is eschewing to answer FOI request #1228983;

6. Other FOI requests for the scientific -data or -principles which underpins Govt's actions regarding Covid19, posed to Public Health Scotland, PHE, 3 DHSC and the Science Office; were categorically under the FOISA sections 17 or 25 not answered;

7. The Govt's/DHSC categorically not answering said FOI requests, by using either FOIA Section 12(1), 17 or 25 is a breach of their code of Transparency and Accountability; the maxim 'Primum non nocere'; and the Declaration of Helsinki."

Scope of the case

9. The Commissioner contacted the complainant on 19 April 2021 to advise that, in her view, the DHSC's position would be upheld, and invited him to withdraw his complaint.
10. The complainant responded to the Commissioner on 22 April 2021 stating:

"Please see whether the Department of Health and Social Care (DHSC) has used Section 12(1) of the FOIA inappropriately? According to the

information available in the public domain and by my emails related to my FOI; DHSC cannot rely on FOIA Section 12(1):

And whereas:

1) For to impose measurements putting all social, economic and spiritual life into a Lockdown which inflicted on the British public grave and irreparable injuries; DHSC as by Matt Hancock should have at hand the prima facie evidence of the threat: the verifiable proof of the covid19 virus.

2) In April 2020, in a court case R (Dolan and Ors) v Secretary of State for Health and Social Care [2020] EWHC 1786 (Admin) Matt Hancock defending the necessity of said injuries measurements instead of having said prima facie evidence at hand, he defended himself by other means (see 9).

3) On 23 May 2020 my FOI included the request for said prima facie evidence to which the DHSC responded on 7 July with FOIA Section 17 "we are not the appropriate authority on this subject", and advised me to pose my FOI to the Government Office for Science.

4) On 24 Aug. 2020, the DHSC responded to FOI-1243364 with "DHSC does not hold information on the isolation of a SARS-COV-2 virus".

5) In Sep. 2020 Matt Hancock was notified that 'The Bernician' seeks to list a PCP against him for having (regarding point 1: absence of said prima facie) breached Section 2 of the Fraud Act 2006. This PCP is now listed for hearing at Bromley Magistrates Court.

6) On 24 Sep. the DHSC, for to cover-up the absence of said prima facie, used instead of Section 17, used Section 12(1) of the FOIA for to obtain an 'absolute' exemption (9). Yet to prepare Matt Hancock's defence in Court: the DHSC have to seek the evidence of covid19 virus to be at hand.

7) After 11 months from the date that Matt Hancock stated "This is a deadly virus and it has brought pain to so many both here and across the world" and the date of my FOI request for said prima facie evidence; neither the DHSC, Government Office for Science, SAGE nor anyone else has access to -or published- a peer reviewed article proving the existence of the covid19 virus. Therefore, Hancock's statement as a means to endorse said measurements; breaches the Fraud Act 2006.

8) Matt Hancock served a conflict of interest by stating he had the science about the covid19 virus to enforce said Lockdown

measurements, the emergency approval of 'Covid19 vaccine' and its associated I.T surveillance techniques: As from these profited his companies and his shares in vaccine manufacturing, that of Chris Hancock (half-brother) and that of his step-dad Ian Johnston.

9) *FOIA Section 12(1) has been used by the DHSC to eschew its obligations to the Declaration of Helsinki and to the Fraud Act 2006, and to block FOI-1228983/ 666987 follow-up inquiries.*

10) *When mass injuries have been inflicted by government policy, it is always the case that the state-controlled police and public prosecutor refuse to investigate such allegations by members of the oppressed masses: e.g., see point 2 and 6. Such Gov- immunity should not be abetted by the ICO.*

According to the above facts, I ask you to reconsider your Preliminary conclusion."

11. Section 17 provides the legal requirements a public authority should include in its refusal notice request made under FOIA and is not, in itself an exemption.
12. Section 25 is used in conjunction with sections 23 and 24 for dealing with national security measures.
13. Section 12 is an 'absolute' exemption and there is no consideration of the public interest test. The DHSC does not take into consideration the reasons why a FOIA request has been made as the legislation is applicant and purpose blind.
14. The Commissioner notes the substantial number of points raised by the complainant in support of his request. However, the Commissioner's remit only extends to the consideration of section 12(1) and cannot take account of other legislation such as the Fraud Act 2006 or Declaration of Helsinki (a statement of ethical principles to provide guidance to physicians and other participants in medical research involving human subjects). Consequently, the only matter to consider is to determine if DHSC has complied with the requirements of FOIA and correctly cited section 12(1) in response to the request.

Reasons for decision

15. Section 12(1) of FOIA states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate cost limit.
16. The appropriate limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Fees Regulations') at £600 for public authorities such as DHSC. The Fees Regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour, meaning that section 12(1) effectively imposes a time limit of 24 hours for the public authority.
17. Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the cost it reasonably expects to incur in carrying out the following permitted activities in complying with the request:
 - determining whether the information is held;
 - locating the information, or a document containing it; retrieving the information, or a document containing it; and
 - extracting the information from a document containing it.
18. Section 12 FOIA makes it clear that a public authority only has to estimate whether the cost of complying would exceed the appropriate limit. It is not required to provide a precise calculation. The task for the Commissioner here is to reach a conclusion as to whether the cost estimate made by the DHSC was reasonable; whether it estimated reasonably that the cost of compliance with the request would exceed the limit of £600, that section 12(1) therefore applied and that it was not obliged to comply with the request.
19. Although the Commissioner would expect DHSC to carry out searches using key words, such as *Autopsies on Covid-19* to identify any information held it is likely to return a large number of 'hits'. Each one of those documents would then have to be manually reviewed to consider if it fell within the scope of the request.
20. For example, whilst a file may be about "Autopsies on Covid-19" it may have other information related to underlying conditions or the other causes mentioned in paragraph 4. So whilst DHSC can determine it holds information within the scope of the request, it still needs to locate,

retrieve and extract that information. It is these activities that will take a significant amount of time.

21. Apply this across all parts of the request and the Commissioner is satisfied that it would take more than 24 hours work to comply with the request and consequently exceed the cost limit of £600.
22. Under section 16 FOIA a public authority is obliged to provide advice and assistance where reasonably possible, to a requestor. In this case DHSC suggested the complainant could focus on one part of his request and therefore has complied with section 16.
23. In all the circumstances of the case the Commissioner finds that section 12(1) FOIA is engaged and DHSC has correctly cited it in response to the request.

Right of appeal

24. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

25. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
26. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Phillip Angell
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Wycliffe House
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SK9 5AF