



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

Mr Marc Horn
[request-679704-
af26e86@whatdotheyknow.com](mailto:request-679704-af26e86@whatdotheyknow.com)

28 October 2020

Annex A: DHSC's response to initial request dated 24 August 2020
Annex B: Request for internal review dated 25 August 2020

Dear Mr Horn,

FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1243364

You originally wrote to the Department of Health and Social Care (DHSC) on 25 July requesting information about the SARS-CoV-2 virus. We responded to you on 24 August (our ref: FOI-1243364), stating that we do not hold the requested information. A copy of our response, including the full text of your request, is at Annex A.

You subsequently emailed DHSC on 25 August requesting an internal review into the handling of your original request. A copy of your email is at Annex B.

The purpose of an internal review is to assess how your FOI request was handled in the first instance and to determine whether the decision given to you was correct. This is an independent review as I was not involved in the original decision. I apologise for the delay in responding, which I appreciate has fallen short of expectations.

I have undertaken discussions with the team that has responsibility for your request, and we have taken the opportunity to consider it again.

Conclusion

After careful consideration of the subject matter, I have concluded that the response you received was compliant with the requirements of the FOIA and I uphold DHSC's statement that the Department does not hold the requested information.

I note that you were provided with information outside of the scope of the FOIA in order to be as helpful as possible. I also note that your subsequent questions are being dealt with separately.

The review is now complete.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

<https://ico.org.uk/concerns>

Yours sincerely,

Charlene Carter
Casework Manager
Freedom of Information Team
FreedomofInformation@dhsc.gov.uk

Annex A: DHSC's response to initial request

24 August 2020

Dear Mr Horn,

Freedom of Information Request Reference FOI-1243364

Thank you for your request dated 25 July 2020 in which you asked the Department of Health and Social Care (DHSC):

Subject: Freedom of Information request - Full, accurate and complete disclosure of SARSCOV-2 virus records

Please provide a full, accurate and complete list of records held within your office, and or under your authority, describing the isolation of a SARS-COV-2 virus, directly taken from a symptomatic patient of COVID-19 where the sample was not first combined with any other source of genetic material (not limited but by way of example monkey kidney cells, aka vero cells, liver cancer cells) thereby eliminating contamination as a possible alternative source of sampling.

Please note isolation is used in the normally understood meaning of the word – the act of separating a thing from another. I am not referring, and hence not requesting, to isolation meaning the culture of something else, the performance of an amplification test (eg PCR test which only detect mRNA or DNA) or the sequencing of “something”.

If any records match the above description and are available to the public elsewhere, please provide enough information so that I may identify and access each record with certainty (i.e. title, author(s), date, journal, and weblink or location where the public may access it). I remind you full, accurate and complete disclosure is required.

Your request has been handled under the Freedom of Information Act (FOIA).

DHSC does not hold information on the isolation of a SARS-COV-2 virus.

However, outside of the scope of the FOIA, and on a discretionary basis, the following information has been advised to us, which may be of interest. Most infectious diseases are caused by viruses, bacteria or fungi. Some bacteria or fungi have the capacity to grow on their own in isolation, for example in colonies on a petri dish. Viruses are different in that they are what we call “obligate pathogens” – that is, they cannot survive or reproduce without infecting a host. An explainer of these different types of pathogen (disease causing agents) can be found from BMC Biology here: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5648414/>

For some diseases, it is possible to establish causation between a microorganism and a disease by isolating the pathogen from a patient, growing it in pure culture and reintroducing it to a healthy organism. These are known as “Koch’s postulates” and were developed in 1884. However, as our understanding of disease and different disease-causing agents has advanced, these are no longer the method for determining disease causation. It has long been known that viral diseases cannot be identified in this way as viruses cannot be grown in ‘pure culture’. When a patient is tested for a viral illness, this is normally done by looking for the presence of antigens, or viral genetic code in a host with molecular biology techniques.

If you have any queries in relation to the above discretionary information, we suggest that you may wish to contact the Government Office for Science (Go-Science). FOI requests may be submitted to Go-Science at contact@go-science.gov.uk.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/concerns/>

Annex B: Request for internal review

From: Marc Horn request-679704-a9f26e86@whatdotheyknow.com

Sent: 25 August 2020 16:39

To: FreedomofInformation freedomofinformation@dhsc.gov.uk

Subject: Internal review of Freedom of Information request - Full, accurate and complete disclosure of SARS-COV-2 virus records

Dear Department of Health and Social Care,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Department of Health and Social Care's handling of my FOI request 'Full, accurate and complete disclosure of SARS-COV-2 virus records'.

Based upon your previous responses to my FOI:

...it has long been known that viral diseases cannot be identified in this way as viruses cannot be grown in 'pure culture'. When a patient is tested for a viral illness, this is normally done by looking for the presence of antigens, or viral genetic code in a host with molecular biology techniques

Accordingly, please provide a full, accurate and complete list of records held within your office, and / or under your authority, supporting the following claims;

- 1 - Which symptoms uniquely identify COVID-19?
- 2 - Which viral antigens uniquely identify COVID-19?
- 3 - Which viral genetic code uniquely identifies SARS-Cov-2?
- 4 - What is the accuracy of the testing method for unique COVID-19 antigens upon which those governing rely upon, with supporting scientific verification?
- 5 - What is the accuracy of the testing method for unique SARS-Cov-2 genetic code upon which those governing rely upon, with supporting scientific verification?
- 6 - <https://www.gov.uk/guidance/high-consequ...>
shows updates detailing the explanation of the removal of COVID-19 from the HCID list was on the version dated 21 March 2019. However, there is no link to the source document.

Please provide source document from the 4 nations public health HCID group... that supported the decision that as of 19 March 2020, COVID-19 is no longer considered to be a high consequence infectious disease (HCID) in the UK.

There is plenty of assumptions and presumptions, however there is no definitive evidence requested in my FOI request. In order to make legislation presumptions and assumptions is a breach of duty of care and can even be gross negligence. Legislature relies upon expert opinion, and must be able to show proportionality and for the common good, failing which the legislation is null and void being against logic and reason. Accordingly you are required to provide the records upon which PHE relies upon to show it has followed its lawful obligations, and that means you are required to show evidence not based upon the opinions of others assumptions and presumptions resulting from your response to my original FOI.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/full_accurate_and_complete_discl_5

Yours faithfully,

Marc Horn