



23rd December 2020

C839/20

I refer to your request which was received by this office on 22nd December 2020 which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought the provision of the following information with regards to

"A full, accurate and complete list of records held by the Health Service Executive (HSE) or under the authority of the HSE which describe the isolation of the SARS-COV-2 virus (Coronavirus COVID-19), taken directly from a symptomatic patient with COVID-19, where the sample was not combined or mixed with any other source of genetic material (such as, for example, monkey kidney cells or cancer cells), thereby eliminating contamination as a possible alternative source of sampling.

Please note that the word "isolation" is used here in the normally understood meaning of that word, namely, the act of separating one thing from another. I am not referring to (and hence not requesting) documents where "isolation" means the preparation of a culture of something else, the performance of an amplification test (e.g. a PCR test which detects only mRNA or DNA), or to the sequencing of anything other than the viral isolate in question.

If any records of the HSE match the above description, please provide enough information so that I may identify and access each record with certainty. Please provide also the title, author, date, journal, weblink etc. of any document, online or otherwise, recorded on a document held by the HSE or under its authority, which describes the isolation procedure in question.

I would remind you that a full, accurate and complete disclosure is required".

Following consultation with my colleagues, both from the scientific and medical areas of HPSC can confirm that we would hold no records in relation to your request. These are the reasonable steps I have taken to ascertain the whereabouts or existence of such records and unfortunately I must inform you that having undertaken these searches we were unable to locate the records in question. I am satisfied that all reasonable steps have taken to locate the records you have requested and must refuse therefore your request under Section 15.1(a) of the FOI Act 2014.

Rights of appeal

In the event that you are unhappy with this decision you may appeal this it. In the event that you need to make such an appeal, you can do so by writing to the HSE National Lead Office, FOI, DP and Record Management, Scott Building, Midland Regional Hospital Campus, Arden Road, Tullamore, Co. Offaly. Your correspondence should include a fee of €30 for processing the appeal. An internal review fee of €10 applies to medical card holders. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to the Health Service Executive. If you wish to make payment by electronic means please contact emma.kelly@hse.ie. You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Should you have any questions or concerns regarding the above, please contact me by email on sinead.roche@hse.ie.

Yours sincerely,

Sinead Roche
FOI Decision Maker

APPENDIX [Note: highlighting in original from HSE]

Refusal on administrative grounds to grant FOI requests

15. (1) A head to whom an FOI request is made may refuse to grant the request where—
- (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,
 - (b) the FOI request does not comply with *section 12(1)(b)*,
 - (c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned,
 - (d) the information is already in the public domain,
 - (e) publication of the record is required by law and is intended to be effected not later than 12 weeks after the receipt of the request by the head,
 - (f) the FOI body intends to publish the record and such publication is intended to be effected not later than 6 weeks after the receipt of the request by the head,
 - (g) the request is, in the opinion of the head, frivolous or vexatious or forms part of a pattern of manifestly unreasonable requests from the same requester or from