Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Complaint to ICO re University of Sheffield FOI response

Christine, an unincorporated woman <cmssyc@gmail.com> Wed, Nov 22, 2023 at 7:10 PM
To: icocasework <icocasework@ico.org.uk>

2023 11 22

To:
John Edwards acting as Information Commissioner
Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
T. 0303 123 1113
ico.org.uk

Greetings John,

This is a complaint about a freedom of information response from the University of Sheffield.

On September 18, 2023 I filed a complaint about an earlier response that staff at the university had provided to me in June 2023. On September 27, 2023, you rejected that complaint (your file number IC-258652-D4B7) based on a delay in the filing of my complaint (see email further below).

Since then, on September 30, 2023, I filed a new request to the University that is distinct from my earlier request in May 2023.

On October 20, 2023, Elspeth Summerfield acting as Assistant Data Protection Officer responded to the new request. She did not provide a file number.

Elspeth called my new request "*vexatious*" with the "*potential to cause… disruption, irritation or distress*", which does not make sense because the request is very simple.

Elspeth also claimed to have already responded sufficiently to my earlier request, which is false, but also that responding to my new request would "*risk our responses misleading, or being misconstrued by, the public*".

This was an admission that Elspeth refused my new request for political and commercial reasons, as will become more clear below.

Elspeth also stated that my focus on Carl Smythe, a professor at the university, could be viewed as a personal grudge when in fact it was Carls' false and slanderous tweets about me that prompted my requests to the university.

Further, Elspeth had refused my earlier requests which were broader in scope and thereby forced me to narrow my focus, giving the appearance that I was only interested in records involving Carl - which is not the case.

Elspeth also stated that they are "unable" to engage in *any* more requests from me relating to "covid-19", which shows a clear and unreasonable bias against me and is for political and commercial reasons as was explicitly admitted in the June 2023 handling of my earlier request by Elspeth and by Luke Thompson, acting as Head of Data Protection & Legal Services.

I wrote back to Elspeth with a detailed response that same day, October 20, 2023, disputing her reasons for rejecting my request. Elspeth did not respond.

On November 13, 2023 I wrote back to Elspeth and this time explicitly requested an interval review. I immediately received an automated response acknowledging my request, and have heard nothing more since then.

All of the new communications since my new, distinct request that was filed on September 30, 2023 are attached for your review.

All of the earlier communications were provided to you as part of my earlier complaint along with a summary of that earlier situation, but I'd be happy to send them again if you threw them away.

I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share. I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary. If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf. *

Thank you and I look forward to your prompt cooperation on this matter.

Best wishes,
Christine

On Wed, Sep 27, 2023 at 4:59 AM icocasework <icocasework@ico.org.uk> wrote:

> 27 September 2023
>
> Case Reference: IC-258652-D4B7
>
> Dear Christine Massey,
>
> Please see the attached letter regarding your complaint about the University of Sheffield.
>
> Yours sincerely,
>
> Carly Smith
> Lead Case Officer
> Information Commissioner's Office
>
> Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
> T. 0330 414 6879 ico.org.uk twitter.com/iconews
> Please consider the environment before printing this email.
>
> For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

2023 09-11 U Sheffield PACKAGE.pdf
456K

Gmail

christine: massey <cmssyc@gmail.com>

FOI request: scientific evidence of "SARS-COV-2"

christine: massey <cmssyc@gmail.com>
To: Freedom Of Information <foi@sheffield.ac.uk>

Sat, Sep 30, 2023 at 1:58 PM

September 30, 2023

Freedom of Information
University Secretary's Office
The University of Sheffield,
12 Bolsover Street,
Sheffield,
S3 7AN

sent via email to: foi@sheffield.ac.uk

This is a formal requirement for records, as per your duty under the Freedom of Information Act 2000 (FOIA).

Description of Records

1. All studies/reports in the possession, custody or control of **University of Sheffield Professor Carl Smythe (Cell Biology)** that scientifically prove or provide evidence for the existence of the alleged **"SARS-COV-2"** (showing that the alleged particle exists and causes the dis-ease that it's alleged to cause).

Note:
Scientific proof/evidence is NOT

Opinions, or
Speculation, or
Review papers, or
Descriptive papers.

Scientific proof/evidence requires use of the scientific method to test falsifiable hypotheses through valid, repeatable controlled experiments where only 1 variable differs between the experimental and control groups.

2. If Carl has no studies responsive to #1 above, then please indicate such explicitly, and provide all studies and/or reports in Carl's possession, custody or control merely describing the alleged "SARS-COV-2" being found in the bodily fluid/tissue/excrement of any sick person and separated from everything else in the patient sample, without the addition of any genetic material. Successful separation must be confirmed via EM imaging and the image(s) must be included as well.

I am aware that according to virus dogma a "virus" requires host cells in order to replicate. I am not seeking records describing the replication of an alleged "virus" without host cells, or that describe a suspected "virus" floating in a vacuum or a strict fulfillment of Koch's Postulates, or private patient records.

General Note:

This FOI request is not limited to records that were authored by anyone at the University of Sheffield, it includes any record(s) matching the above descriptions authored by anyone, anywhere, ever.

Publicly Available Records
If any records match the above descriptions of requested records and are currently available to the public elsewhere, please assist me by providing enough information about each record so that I may identify and access each one with certainty (i.e. title, author(s), date, journal, where the public may access it). Please provide URLs where possible.

Format:
Pdf documents sent to me via email; please don't ship anything to me;

Contact Information:
email: cmssyc@gmail.com

Thank you in advance and best wishes,
Christine

Gmail

christine: massey <cmssyc@gmail.com>

FOI request: scientific evidence of "SARS-COV-2"

Freedom Of Information <foi@sheffield.ac.uk> Fri, Oct 20, 2023 at 11:34 AM
To: "christine: massey" <cmssyc@gmail.com>

Dear Christine

I am writing in response to your recent Freedom of Information (FOI) request, received 30 September 2023.

Your request was for:

"1. All studies/reports in the possession, custody or control of University of Sheffield Professor Carl Smythe (Cell Biology) that scientifically prove or provide evidence for the existence of the alleged "SARS-COV-2" (showing that the alleged particle exists and causes the dis-ease that it's alleged to cause).

Note:
Scientific proof/evidence is NOT
Opinions, or
Speculation, or
Review papers, or
Descriptive papers.
Scientific proof/evidence requires use of the scientific method to test falsifiable hypotheses through valid, repeatable controlled experiments where only 1 variable differs between the experimental and control groups.

2. If Carl has no studies responsive to #1 above, then please indicate such explicitly, and provide all studies and/or reports in Carl's possession, custody or control merely describing the alleged "SARS-COV-2" being found in the bodily fluid/tissue/excrement of any sick person and separated from everything else in the patient sample, without the addition of any genetic material. Successful separation must be confirmed via EM imaging and the image(s) must be included as well.

I am aware that according to virus dogma a "virus" requires host cells in order to replicate. I am not seeking records describing the replication of an alleged "virus" without host cells, or that describe a suspected "virus" floating in a vacuum or a strict fulfillment of Koch's Postulates, or private patient records."

Whilst we recognise the right of the public to request information held by the University, upon careful consideration, we feel it is appropriate to refuse your request under section 14(1) of the Freedom of Information Act 2000 (FOIA).

Section 14(1) provides that:

"Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious."

Section 14(1) is designed to protect public authorities by allowing them to refuse requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation, or distress. I hope it will be helpful to you if I explain our reasons for reaching this view below. I would like to emphasise that in the application of s14(1), it is the nature of the request that is considered 'vexatious' and not the requester.

We responded to a previous request from you on 1 June relating to "studies or reports […] describing the purification of SARs-COV-2". I note that your current request and previous request share a focus on reports and studies held by Professor Smythe in relation to SARS-COV-2.

We judge that the issue you raise in your new request, regarding the separation of the Covid-19 virus from the rest of the sample, has already been sufficiently addressed by our response to your previous request, by an internal review of that response, and also in subsequent correspondence you have had with University staff. As I judge that your new request seeks to re-open a matter that has been addressed, it would represent an inefficient use of University resources to continue to engage with this issue, and would divert resources from the University's core functions of learning, teaching and research. We do not feel it is in the public interest to provide responses to your requests without an acknowledgement of the scientific standpoint from which the University engages with the issues you raise, recognising that this appears to be different from your own view. To do so otherwise would be to risk our responses misleading, or being misconstrued by, the public. This is why we explained the scientific meaning of purification in our previous response, and confirmed that the University does hold relevant studies and reports within this scope.

In addition to this, the requests we have received from you demonstrate a particular focus on Professor Smythe, that could be reasonably construed as a personal grudge. This is partly because your requests focus on the studies held by Professor Smythe rather than other researchers at the University also working on initiatives related to Covid-19, and also on the basis of material published on your website.

We are therefore unable to justify engagement with your new request, or to engage in further requests from you relating to Covid-19.

If you are not satisfied with the University's response to your FOI request, please see details of our internal review process here, including details of how to contact the Information Commissioner's Office for an independent review.

Best wishes
Elspeth
--
Elspeth Summerfield
Assistant Data Protection Officer

University Secretary's Office
The University of Sheffield
First Floor
Arts Tower
12 Bolsover Street
Sheffield
S3 7NA

Web: https://www.sheffield.ac.uk/uso
[Quoted text hidden]

Gmail

christine: massey <cmssyc@gmail.com>

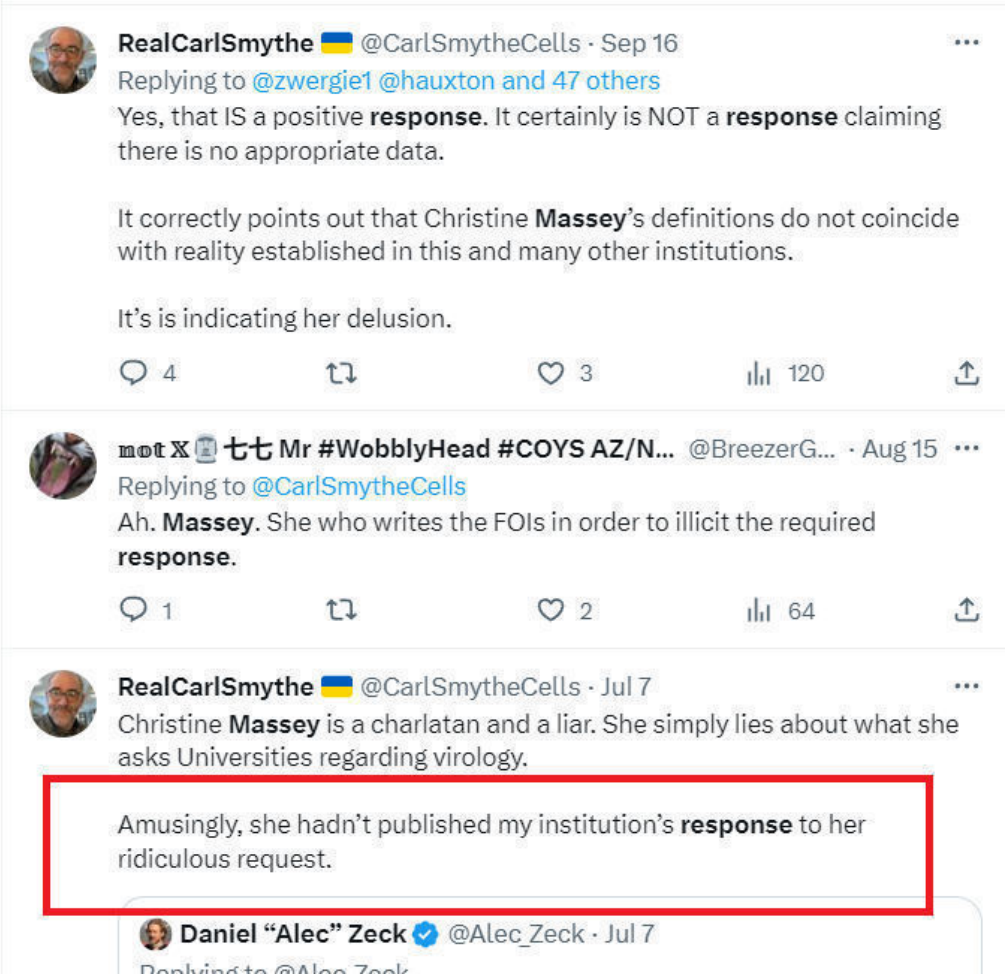
FOI request: scientific evidence of "SARS-COV-2"

christine: massey <cmssyc@gmail.com> Fri, Oct 20, 2023 at 6:35 PM
To: Freedom Of Information <foi@sheffield.ac.uk>

Elspeth,

It's ironic for you to reference my focus on Carl, when in fact I had previously requested much broader searches and you refused to carry them out. You forced me to narrow my focus.

As explained in my articles about Carl and the FOIs (Sept 2023: https://christinemasseyfois.substack.com/p/fake-covid-test-developers-carl-smythe and May 2023: https://christinemasseyfois.substack.com/p/germ-fois-joshua-quick-king-of-primers), Carl has made repeated false statements about me, and in fact slandered me, on social media. He repeatedly insisted that I've concealed an important FOI response from U of Sheffield, even after I published the responses; an example is shown below.



RealCarlSmythe @CarlSmytheCells · Sep 16
Replying to @zwergie1 @hauxton and 47 others
Yes, that IS a positive **response**. It certainly is NOT a **response** claiming there is no appropriate data.

It correctly points out that Christine **Massey**'s definitions do not coincide with reality established in this and many other institutions.

It's is indicating her delusion.

4 3 120

Mr #WobblyHead #COYS AZ/N... @BreezerG... · Aug 15
Replying to @CarlSmytheCells
Ah. **Massey**. She who writes the FOIs in order to illicit the required **response**.

1 2 64

RealCarlSmythe @CarlSmytheCells · Jul 7
Christine **Massey** is a charlatan and a liar. She simply lies about what she asks Universities regarding virology.

Amusingly, she hadn't published my institution's **response** to her ridiculous request.

Daniel "Alec" Zeck @Alec_Zeck · Jul 7

Carl's false claims that I had concealed an important response (when in fact the university had refused to even carry out a search) is the reason why I filed a FOI for our initial communications. I had lost all of the records and needed to publish them in order to defend my reputation and show that Carl was lying about me.

Carl's false claims about me are also the reason why on May 2, 2023 I asked you to carry out a narrowed version of my initial request.

If it weren't for Carl continuously calling me "*the infamous liar and charlatan*", etc. on social media (see examples below), I wouldn't be bothering with any further FOIs to Sheffield.

RealCarlSmythe @CarlSmytheCells · Sep 17

She's still at it. This is the infamous liar and charlatan Christine **Massey**.

> **Christine_Massey_FOIs** @Virus_FOI_Lady · Sep 17
> Replying to @ImAtSeaAgain @HamHead5813 and 48 others
> A quackcine development study, not demonstration that a "virus" exists.
>
> They do not describe particles being purified from unadulterated clinical samples and shown to cause a contagious illness....
> Show more
>
> **Vaccine candidate preparation**
>
> SARS-CoV-2 coronavirus, isolated from a COVID-19 infected patient, was provided by Zhejiang Provincial Center for Disease Control and Prevention. Viruses were cultured in large-scale Vero cells factories, and inactivated with β-propiolactone for 24 hours, followed by purification with Ion-exchange Chromatography (IEC) and Size Exclusion Chromatography (SEC) method. The purified viruses were mixed with $Al(OH)_3$ adjuvant and served as SARS-CoV-2 vaccine candidate.

3 14 489

RealCarlSmythe @CarlSmytheCells · Oct 2

Replying to @Virus_FOI_Lady @MissytheMuse and @BohemianAtmosp1

More lies and misrepresentation from the charlatan Christine **Massey**.

Arguably libellous.

My last request was not responded to accurately. When I filed an appeal, I was told that I had waited too long - as if improper responses are fine once a certain timeframe has passed. So now I've filed a new related (but different) request. If it isn't responded to properly I will be able to file a new appeal.

It is ludicrous for you to suggest that asking Carl to either provide/cite the requested studies or admit that he doesn't have or know of any (because none exist anywhere on the planet) could cause a disproportionate or unjustified level of disruption, irritation, or distress.

And if Carl is distressed, disrupted or irritated, it's because he's complicit in scientific fraud/delusion and doesn't like having this fact exposed.

Christine

[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

FOI request: scientific evidence of "SARS-COV-2"

Christine, an unincorporated woman <cmssyc@gmail.com> Mon, Nov 13, 2023 at 3:59 PM
To: Freedom Of Information <foi@sheffield.ac.uk>

Hi Elspeth,

I'm writing to request an internal review.

Christine
[Quoted text hidden]

Gmail

Christine, an unincorporated woman <cmssyc@gmail.com>

Automatic response Re: FOI request: scientific evidence of "SARS-COV-2"

Freedom Of Information <foi@sheffield.ac.uk> Mon, Nov 13, 2023 at 3:59 PM
To: cmssyc@gmail.com

Thank you for your email.

If you have emailed to submit an FOI request, please take this response as an acknowledgement of receipt. We will endeavour to provide a full response to your request within 20 working days of today's date, or otherwise be in contact should we require any clarification on your request.

In order to ensure your request is processed as promptly as possible, please ensure you have provided all the information required in order to determine the information you seek, which includes the full name of the requester.

Best wishes,

The FOI team

Email: foi@sheffield.ac.uk
Website: https://www.sheffield.ac.uk/foi

Gmail

Christine, an unincorporated woman <cmssyc@gmail.com>

ICO Case Reference: IC-272423-L3Q3

icocasework <icocasework@ico.org.uk> Wed, Nov 29, 2023 at 8:53 AM
To: Christine Massey <cmssyc@gmail.com>

29 November 2023

Case Reference: IC-272423-L3Q3

Dear Christine Massey,

Freedom of Information Act 2000 (FOIA)
Your complaint about: University of Sheffield

Thank you for your complaint about the time the above public authority has taken to carry out an internal review you requested on 13 November 2023.

Before we accept a complaint, we expect you to give the public authority the chance to review its initial response to your request for information. We refer to this reconsideration as an internal review.

FOIA does not set out a statutory time for completing an internal review, but we consider that up to 40 working days is the maximum timeframe permissible.

As the public authority has not had 40 working days to complete its review, we will not be taking further action at this point. This case will therefore be closed.

Once you have exhausted the internal review procedure and if you don't agree with the outcome, you may submit a new complaint to us; https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/

Please make sure you provide us with a copy of your internal review request and the public authority's response should you make a new complaint.

Yours sincerely,

Anjum Iqbal
Case Officer
Information Commissioner's Office

Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6239 ico.org.uk twitter.com/iconews
Please consider the environment before printing this email.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

ICO Case Reference: IC-272423-L3Q3

Christine, an unincorporated woman <cmssyc@gmail.com> Wed, Nov 29, 2023 at 11:25 AM
To: icocasework <icocasework@ico.org.uk>

Greetings Anjum,

Actually, it is exactly 40 days today since I pointed out to Elspeth Summerfield the problems with the latest FOI response from the University of Sheffield, and she has still not responded to me.

With my earlier request, as soon as I pointed out problems with the response she initiated an internal review without me asking for one.

This time, she has ignored both my immediate response and my later explicit request for an internal review. I already provided you with all of the relevant communications.

I have been reporting publicly on this situation, including the fact that the Information Commissioner's Office rejected my previous complaint based on the premise that I had waited too long to file it. It will reflect quite poorly on the Information Commissioner's Office if you now reject my new complaint based on the premise that I have filed it too soon.

These responses from the Information Commissioner's Office suggest that there is only a very tiny window of opportunity for people to file complaints, and this makes the Information Commissioner's Office appear quite ridiculous and unhelpful by design.

Therefore, I will allow you until 5pm EST time tomorrow (November 30, 2023) to reverse your decision on closing this "case".

Respectfully,
Christine
[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

ICO Case Reference: IC-272423-L3Q3

Christine, an unincorporated woman <cmssyc@gmail.com> Wed, Nov 29, 2023 at 12:04 PM
To: icocasework <icocasework@ico.org.uk>

p.s.
On 27 September 2023 Carly Smith acting as Lead Case Officer for ICO stated in response to my earlier complaint that:

"We expect complaints to be made to us within six weeks of a public authority either refusing or failing to respond to an information request. We consider more than six weeks to be an undue delay."
https://www.fluoridefreepeel.ca/wp-content/uploads/2023/10/2023-09-27-letter-from-ICO-too-late.pdf

Six weeks is 42 days.

At the same time both you and the ICO website indicate that a "public authority" should be given 40 days to review its initial response, and that ICO will not assist if a complaint is made to ICO before 40 days have passed.
https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/y/A/a/C/A/B/A

This appears to leave a 2-day window in which people can complaint to ICO. Please let me know if I have not comprehended this properly.

Christine

[Quoted text hidden]

Gmail

Christine, an unincorporated woman <cmssyc@gmail.com>

Your email to the ICO - Case Reference IC-272423-L3Q3

icocasework <icocasework@ico.org.uk> Thu, Nov 30, 2023 at 10:44 AM
To: Christine Massey <cmssyc@gmail.com>

30 November 2023

Case Reference: IC-272423-L3Q3

Dear Christine Massey

Thank you for your email of 29 November 2023.

I've had another look at the evidence you submitted with your complaint letter of 23 November 2023.

The University of Sheffield initially responded to you on 20 October 2023. I can see that you replied to them expressing your dissatisfaction with the response. We would expect the universtiy to treat that email from you as a request for review.

Therefore, the 40 working day deadline should commence from 20 October 2023, and if you have not received an internal review response by 18 December 2023, please let us know. However, as yet the university has not had 40 working days in which to respond to your request for review/expression of dissatisfaction.

I hope that explains the situation and my apologies for the confusion caused.

Yours sincerely,

Anjum Iqbal
Case Officer
Information Commissioner's Office

Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6239 ico.org.uk twitter.com/iconews
Please consider the environment before printing this email

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

---------- Original Message ----------

External: This email originated outside the ICO.
p.s.
On 27 September 2023 Carly Smith acting as Lead Case Officer for ICO stated in response to my earlier complaint that:

"We expect complaints to be made to us within six weeks of a public authority either refusing or failing to respond to an information request. We consider more than

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Your email to the ICO - Case Reference IC-272423-L3Q3

Christine, an unincorporated woman <cmssyc@gmail.com> Thu, Nov 30, 2023 at 1:11 PM
To: icocasework <icocasework@ico.org.uk>

Hi Anjum,

Updating my previous message based on 40 *working days* indicates that there is actually no window of opportunity in which people can complain to the Information Commissioner's Office and receive assistance:

On 27 September 2023 Carly Smith acting as Lead Case Officer for the Information Commissioner's Office stated the following as her reason for rejecting my earlier complaint:
"We expect complaints to be made to us within six weeks of a public authority either refusing or failing to respond to an information request. We consider more than six weeks to be an undue delay."
https://www.fluoridefreepeel.ca/wp-content/uploads/2023/10/2023-09-27-letter-from-ICO-too-late.pdf

Six weeks is 42 days, therefore Carly indicated that complaints must be made **within 42 days**.

At the same time you now indicate that a "public authority" should be given 40 *working days* to review its initial response and that ICO will not assist if a complaint is made to ICO before 40 *working days* have passed. You therefore suggest that I must wait from October 20th until at least December 18th, a period of **at least 59 days**.

It is impossible to file a complaint on a date that is both:
1) within 6 weeks aka 42 days of the University's improper response, and
2) at least 40 *working days* (in this case 59 days) after the University's improper response.

Please let me know if I have not comprehended this properly.

Christine

[Quoted text hidden]

Gmail

Christine, an unincorporated woman <cmssyc@gmail.com>

Your email to the ICO - Case Reference IC-272423-L3Q3

icocasework <icocasework@ico.org.uk> Tue, Dec 5, 2023 at 6:39 AM
To: Christine Massey <cmssyc@gmail.com>

5 December 2023

Case Reference: IC-272423-L3Q3

Dear Christine Massey

Thank you for your email of 30 November 2023.

Just to clarify we expect complainants to have exhausted a public authority's internal review procedure before complaining unless it is about a non-response to a request for information. This is explained in our service standards (https://ico.org.uk/about-the-ico/our-information/our-service-standards/), which states "If you want to raise a complaint with us about a public authority's handling of your request for information, then we ask that you do so within **six weeks of receiving the internal review outcome**".

I have explained previously that the 40 working day deadline, for the internal review to be completed, commences from 20 October 2023, and if you have not received an internal review response by 18 December 2023. The six week deadline will commence once you receive an internal review response or from 18 December 2023, whichever is sooner.

I am happy to discuss this with you over a telephone call, my contact number is below my signature.

Please note further correspondence regarding this will be read but I may not respond.

Yours sincerely,

Anjum Iqbal
Case Officer
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6239 ico.org.uk twitter.com/iconews
Please consider the environment before printing this email

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

---------- Original Message ----------

External: This email originated outside the ICO.
Hi Anjum,

Updating my previous message based on 40 *working days* indicates that there is actually no window of opportunity in which people can complain to the Information Commissioner's Office and receive assistance:

Our service standards

I ddarllen y tudalen yma yn Cymraeg, dewiswch 'Cymraeg' ar y dewisydd iaith isod.

We are committed to providing high standards of customer service in line with our Service Charter. We aim to keep our promises, keep our customers informed and communicate clearly.

Calls to our helpline – 0303 123 1113

If you call us with a general enquiry about the matters we regulate, in most cases the first person you speak to will be able to deal with it. If we need to call you back, we will aim to do this within one business day or at a time more convenient to you.

If we are already dealing with a matter you have raised and you want to discuss it, please call the number given to you by your case officer.

We also welcome calls in Welsh.

Data Protection Complaints

We want to know how organisations are doing when they are handling information rights issues. We also want to improve the way they deal with the personal information they are responsible for. Reporting your complaints to us will help us to do that.

Before reporting a complaint to us, we expect you to give the organisation the opportunity to consider it first. In order for us to look at their information rights practices we need you to provide us with their reply.

Where appropriate, we will give you advice about how we think the law applies to your issue or complaint. We aim to reach an outcome in 90% of complaints cases within six months.

If you do want to raise complaints about an organisation then we suggest that you do so within three months of receiving their final response to the issues raised. Waiting longer than that can affect the decisions that we reach.

Our role is not to investigate or adjudicate on every individual complaint. We are not an ombudsman. But we will consider whether there is an opportunity to improve the practice of the organisations we regulate and we will share our decisions with you. Please note that in some cases, where there has been an undue delay in raising a complaint, we will not consider the matter at all.

It is up to us to decide whether we should take further action. Even where we decide that further action is not required at the moment, perhaps because the organisation has made a mistake but is working to put things right, we will keep complaints on file. This will help us over time to build a picture of an organisation’s information rights practices.

We may ask organisations to explain to us what they have done in response to issues or complaints raised. We will publish details of improvements and give you the opportunity to sign up to our newsletter, giving regular updates of the action we are taking.

If you are seeking personal redress or compensation for the way an organisation has dealt with your personal information, you will need to pursue this independently through the courts or with an industry's own ombudsman or regulatory body.

Freedom of Information and Environmental Information Complaints

We want to improve public authorities’ information rights practices and investigating your FOIA and EIR complaints will help us to do this.

We are the independent regulator of FOIA and the EIR. We handle complaints impartially and don’t act on behalf of individuals or public authorities. The Commissioner does not investigate cases personally and has delegated this responsibility to case officers.

If you want to raise a complaint with us about a public authority’s handling of your request for information, then we ask that you do so within six weeks of receiving your final response or last substantive contact with the public authority. Waiting longer than this can affect the decisions we reach. In most cases an undue delay will mean that we will not

consider the matter at all. If the public authority has not provided you with an initial response to your request, then you are asked to provide us with evidence that you have attempted to resolve this issue directly with the public authority in the first instance.

We will adopt early resolution principles where possible, ensuring that investigations are proportionate to the issues raised in the complaint. We will also explore resolving cases informally without a decision notice if it could resolve the complaint more quickly, use our resources more proportionally and result in a better outcome for all parties.

If the complaint is not resolved informally we will issue a decision notice. This is a formal document that records the Commissioner's decision in a particular case. It may require the public authority to take remedial steps. We aim to resolve 90% of FOIA and EIR complaint cases within six months of receiving an eligible complaint, and 99% of all complaints within twelve months of receipt.

During the investigation you can expect to be provided with updates and we will respond to your correspondence in line with the customer charter. We are committed to promoting equality and diversity in all we do. We will treat everyone with politeness and consideration, and expect the same in return.

We will use our formal powers in a impactful and proportionate way, in line with our Regulatory Action Policy. In particular we will issue information notices and decision notices, and will enforce these where required.

Registration

If you contact us to apply for, change or renew a registration under the Data Protection Act you can expect us to process your request within seven calendar days of receiving it. Your request is valid from the date it arrives in our office.

Service adjustments

We can provide information about our service in different formats and languages, and we can adapt the way we communicate with you depending on your needs - for example, by phone, live chat or large format print. Please let us know what your particular needs are and we will do our best to help. See our Reasonable Adjustment Policy for more information.

Service for individuals who are deaf or have a hearing or speech impairment

If you need to contact us via the phone and you are deaf or have a hearing or speech impairment, you can use the free BT service Relay UK.

Install the free app on your smartphone, tablet, or computer, which you can access on your app store. Then our advice line on 0303 123 1113, Mon - Fri, 9am-5pm.

The Relay UK service itself is free. You'll only pay your normal charges for the calls.

If you want to use your textphone to contact us, dial 18001 followed by 0303 123 1113.

Alternatively, you can also contact us using our livechat.

Treating our staff with dignity and respect

We are committed to providing excellent customer service to everyone who contacts us in a respectful, courteous and polite manner.

As an employer, we have a duty to safeguard the health and wellbeing of our staff. The ICO does not expect its staff to tolerate abusive, threatening, demeaning or offensive behaviour either verbally or in writing.
Similarly, we do not expect our staff to deal with someone who, because of the frequency of their contact, places a strain on time and resources and causes undue stress for staff.

Where we identify this behaviour we may restrict your contact with us in line with our Unreasonably Persistent and Unacceptable Behaviour Policy.

Feedback about our service

All feedback about our service is valuable to us. Just as we want to hear about organisations that we regulate, your feedback about how you have been treated by the ICO helps us understand what we are doing well, need to put right or improve.

Complaints about the ICO

If you think we should have done something differently in how we have handled your complaints, or how we have treated you, you can complain.

If you make your complaint by telephone we will do our best to deal with it. However, it may be necessary to ask you to put your complaint in writing so we can consider it clearly.

If you do want to make a complaint then you should do so within three months of receiving our service. Waiting longer than that can affect our ability to look into the complaint that you raise. In some cases an undue delay will mean that we will not consider the matter at all. We will acknowledge your complaint within 14 calendar days. See our Service Complaints Policy for more information.

The Information Commissioner will not respond to your service complaint personally, even if you write directly to them. They have delegated responsibility for reviewing our service in specific cases to managers.

In most cases, the person who dealt with you will first check to see if they can resolve your complaint by providing you with some further information or clarification about any decisions they have reached. If they can't do that, they will share your complaint with an appropriate reviewing officer, who will look at what we have done and why.

Once a reviewing officer has considered your complaint they will tell you what they have decided. The officer should reply within 30 calendar days of the complaint being raised with them.

We will also share general information about the complaints we receive on our website. We will include what most complaints are about and where appropriate, how we have used those complaints to improve our service.

Complaining to the Ombudsman

If, after we have considered your complaint, you remain dissatisfied with our service, or you think we have not acted properly or fairly, you can take the matter to the Parliamentary and Health Service Ombudsman.

Complaints to the Ombudsman must be made through an MP. For further information about the Ombudsman please visit its website (www.ombudsman.org.uk) or call its Helpline on 0845 015 4033.

If your complaint is about the way we have interpreted the law then the Ombudsman cannot help you. If you want to challenge our interpretation of the law, you should consider seeking legal advice.

Disagreeing with freedom of information decisions

If you disagree with a decision notice we have issued about your Freedom of Information Act complaint, the law does not allow us to review our decision. Instead, you can appeal to the First–tier Tribunal (Information Rights).

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

Tel: 0203 936 8963

Email: grc@justice.gov.uk

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

Unless special circumstances apply a notice of appeal must be served on the Tribunal within 28 days of the date on which decision notice was served on or given to you.

Please note that the Tribunal does not consider complaints about decisions we have made under the Data Protection Act or the Privacy and Electronic Communications Regulations.

Freedom of Information Act requests to the ICO

If you made a request to the ICO under the Freedom of Information Act for information we may hold, and you would like us to review our response, please see our internal review policy.

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Your email to the ICO - Case Reference IC-272423-L3Q3

Christine, an unincorporated woman <cmssyc@gmail.com> Sat, Dec 9, 2023 at 12:55 PM
To: icocasework <icocasework@ico.org.uk>

Greetings Anjun,

You, Carly Smith and the ICO website are providing contradictory information about the procedure for freedom of information complaints.

1) You have told me to **give the university up to 40 working days to review their initial response, and then file a complaint to ICO within 42 days after that.** In this case that would mean filing within 42 days after waiting up to 59 days aka 40 working days (up to 101 days in total).

2) In the section about FOIs on the web page that you referred me to, it does not state "If you want to raise a complaint with us about a public authority's handling of your request for information, then we ask that you do so within **six weeks of receiving the internal review outcome**", as you have claimed.

What it actually states is: "If you want to raise a complaint with us about a public authority's handling of your request for information, then we ask that you do so **within six weeks of receiving your final response or last substantive contact with the public authority**" (see attached). As I already made clear in my complaint to ICO, my last substantive contact with the university was on October 20th when I immediately complained to Elspeth Summerfield about her improper response. I followed up on November 13th, and there has been no response whatsoever from anyone at the university. Seven weeks and 1 day (50 days) have already passed since I let the university know that I am not satisfied with their response and they have completely ignored me.

Also, the webpage that you referred me to does not state that "complainants" are expected to have exhausted a public authority's internal review procedure before complaining to ICO about a freedom of information response, as you have claimed. It does state "before reporting a complaint to us, we expect you to give the organisation the opportunity to consider it first", but that is stated in the section about data protection complaints, not freedom of information complaints.

Further, the webpage does not say anything at all about a 40 working day time frame for anything.

3) On 27 September 2023 Carly Smith acting as Lead Case Officer for ICO stated in response to my earlier complaint that: "**We expect complaints to be made to us within six weeks of a public authority either refusing or failing to respond to an information request**."
https://www.fluoridefreepeel.ca/wp-content/uploads/2023/10/2023-09-27-letter-from-ICO-too-late.pdf

The university staff clearly have no intention of assisting me any further and so I don't see any valid reason to delay the ICO's involvement any further.

Respectfully,
Christine

[Quoted text hidden]

2023 12 09 ICO webpage that Anjum referred me to.pdf
136K

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Your email to the ICO - Case Reference IC-272423-L3Q3

Christine, an unincorporated woman <cmssyc@gmail.com> Sat, Dec 9, 2023 at 1:05 PM
To: icocasework <icocasework@ico.org.uk>

p.s. apologies for the typo in your name, Anjum.
[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Your email to the ICO - Case Reference IC-272423-L3Q3

Christine, an unincorporated woman <cmssyc@gmail.com> Mon, Jan 22, 2024 at 8:04 PM
To: icocasework <icocasework@ico.org.uk>

Greetings Anjum,

I require a response from ICO to my complaint.

I will be publishing an article about this situation soon, with or without a response from ICO.

It has now been 13 weeks and 3 days (94 days) since I advised Elspeth Summerfield at University of Sheffield that the response is not satisfactory, and no one from the University has ever bothered responding to me.

Best wishes,
Christine

[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

ICO Case Reference: IC-283697-J8J5

icocasework <icocasework@ico.org.uk> Wed, Jan 24, 2024 at 4:19 AM
To: Christine Massey <cmssyc@gmail.com>

24 January 2024

Case Reference: IC-283697-J8J5

Dear Christine Massey,

Please see attached letter. Please also note your new case reference number above.

Yours sincerely,

Anjum Iqbal
Case Officer
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6239 ico.org.uk twitter.com/iconews
Please consider the environment before printing this email.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

ICO Letter CM .pdf
68K

The ICO exists to empower you through information.

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
T. 0303 123 1113
ico.org.uk

Christine Massey
By email to: mssyc@gmail.com

24 January 2024

Dear Christine Massey,

Freedom of Information Act 2000 (FOIA)
Your complaint about: The University of Sheffield
Our reference: IC-283697-J8J5

We are accepting the case for investigation without an internal review as it has already been more than 40 working days since you requested it. If the review is provided before this case is assigned to a case officer and you don't let us know that you are unhappy with it, we will close the case. If you don't accept the review outcome, please send us a copy of the outcome and outline your specific grounds of complaint. We will then proceed with your case accordingly.

If you wish to send us any further information or comments in the meantime, please quote the reference number at the top of this correspondence.

Once a case officer is assigned and has concluded their investigation, they will inform you of their decision.

Incoming emails are monitored, but detailed enquiries relating to the case can only be addressed once your case is allocated for investigation.

For more general enquiries, please call our helpline on **0303 123 1113** or visit our **live chat**.

Sent on behalf of
Pam Clements
Group Manager
Information Commissioner's Office

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

Information Commissioner's Office

The ICO exists to empower you through information.

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
T. 0303 123 1113
ico.org.uk

To read about our commitment to high standards of customer service see our service standards at www.ico.org.uk/about-the-ico/our-information/our-service-standards/.

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

ICO Case Reference: IC-283697-J8J5

Christine, an unincorporated woman <cmssyc@gmail.com> Wed, Apr 3, 2024 at 12:43 PM
To: icocasework <icocasework@ico.org.uk>

Hi Anjum,

I hope this finds you well.

How much longer is this investigation going to take?

I've still never heard anything from the university.

Regards,
Christine
[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

ICO Case Reference: IC-283697-J8J5

icocasework <icocasework@ico.org.uk> Thu, Apr 11, 2024 at 8:16 AM
To: Christine Massey <cmssyc@gmail.com>

11 April 2024

Dear Christine Massey,

Freedom of Information Act 2000 (FOIA)
Your complaint about: University of Sheffield
Their reference: request of 30 September 2023 re: "scientific evidence of SARS-COV-2"
ICO reference: IC-283697-J8J5

Thank you for your email of 4 April 2024. Further to our letter of 24 January 2024, I have been allocated your complaint case for investigation. Please see the attached letter for more detail.

Yours sincerely,

Keeley Christine
Senior Case Officer
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1735 ico.org.uk twitter.com/iconews
Please consider the environment before printing this email.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

ICO to C investigation letter.pdf
169K

The ICO exists to empower you through information.

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
T. 0303 123 1113
ico.org.uk

Christine Massey
Sent by email to: cmssyc@gmail.com

11 April 2024

Dear Christine Massey,

Freedom of Information Act 2000 (FOIA)
Your complaint about: University of Sheffield ('the University')
Their reference: request of 30 September 2023 re: "scientific evidence of SARS-COV-2"
ICO reference: IC-283697-J8J5

Further to our letter of 24 January 2024, I write to inform you that your case has been allocated to me to investigate. This letter will explain how I intend to do this.

What happens now

Where possible the Information Commissioner prefers complaints to be resolved informally and we ask both parties to be open to compromise. With this in mind, I will write to the public authority and ask it to revisit your request. It may wish to reverse or amend its position. If it does, it will contact you again directly about this.

In any event, it must provide us with its full and final arguments in support of its position. Once I receive its arguments, I will consider its reply before either contacting you to discuss the matter further or preparing a decision notice. Further information is available on our website:
https://ico.org.uk/media/report-a-concern/documents/1043094/how_we_deal_with_complaints_guidance_for_complainants.pdf

The request

On 30 September 2023, you requested the following information:

"Description of Records

1. All studies/reports in the possession, custody or control of University of Sheffield Professor Carl Smythe (Cell Biology) that scientifically prove or provide evidence for the existence of the alleged "SARS-COV-2" (showing that the alleged particle exists and causes the dis-ease that it's alleged to cause).

Note:

Scientific proof/evidence is NOT

Opinions, or

Speculation, or

Review papers, or

Descriptive papers.

Scientific proof/evidence requires use of the scientific method to test falsifiable hypotheses through valid, repeatable controlled experiments where only 1 variable differs between the experimental and control groups.

2. If Carl has no studies responsive to #1 above, then please indicate such explicitly, and provide all studies and/or reports in Carl's possession, custody or control merely describing the alleged "SARS-COV-2" being found in the bodily fluid/tissue/excrement of any sick person and separated from everything else in the patient sample, without the addition of any genetic material. Successful separation must be confirmed via EM imaging and the image(s) must be included as well.

I am aware that according to virus dogma a "virus" requires host cells in order to replicate. I am not seeking records describing the replication of an alleged "virus" without host cells, or that describe a suspected "virus" floating in a vacuum or a strict fulfillment of Koch's Postulates, or private patient records.

General Note:
This FOI request is not limited to records that were authored by anyone at the University of Sheffield, it includes any record(s) matching the above descriptions authored by anyone, anywhere, ever.

Publicly Available Records

If any records match the above descriptions of requested records and are currently available to the public elsewhere, please assist me by providing enough information about each record so that I may identify and access each one with certainty (i.e. title, author(s), date, journal, where the public may access it). Please provide URLs where possible."

On 20 October 2023, the University replied and advised that it was refusing the request under section 14(1) of FOIA (vexatious request). You requested an internal review on 13 November 2023. From the supporting information provided, it does not appear that the University has provided an internal review response.

The scope of the case

The focus of my investigation will be to determine whether the University handled your request in accordance with FOIA. Specifically, I will look at whether the University is entitled to rely on the section 14 exemption as a basis for refusing to provide the requested information.

Please contact me via email (icocasework@ico.org.uk) within the next 10 working days if there are matters other than these that you believe should be addressed. This will help avoid any unnecessary delay in investigating your complaint. If I do not hear from you by this date, my investigation will focus only upon the matters identified above.

Yours sincerely,

Keeley Christine
Senior Case Officer
Information Commissioner's Office

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Service of Decision Notice: IC-283697-J8J5

icocasework <icocasework@ico.org.uk> Wed, Jun 12, 2024 at 5:12 AM
To: Christine Massey <cmssyc@gmail.com>

12 June 2024

Dear Christine Massey,

Freedom of Information Act 2000 (FOIA)
Your complaint about: University of Sheffield
Their reference: request of 30 September 2023
ICO reference: IC-283697-J8J5
Please find attached a decision notice relating to your complaint about a request for information that you submitted to the above public authority.

Your complaint has been considered by the Commissioner and the decision notice sets out the reasons for the decision.

If you disagree with the decision notice, you have the right to appeal to the First-tier Tribunal (Information Rights). Details of the appeals process can be found on the final page of the decision notice.

Yours sincerely,

Keeley Christine
Senior Case Officer
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1735 ico.org.uk twitter.com/iconews
Please consider the environment before printing this email.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

DNIC-283697-J8J5.pdf
94K

Freedom of Information Act 2000 (FOIA)

Decision notice

Date:	**12 June 2024**
Public Authority:	**The Governing Body of the University of Sheffield**
Address:	**Western Bank Sheffield S10 2TN**

Decision (including any steps ordered)

1. The complainant has requested copies of studies and reports held by a named professor that provide evidence of the existence of SARS-COV-2. The University of Sheffield ('the University') refused the request under section 14(1) of FOIA (vexatious requests).

2. The Commissioner's decision is that the University has incorrectly applied section 14(1) to categorise the request as vexatious.

3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation:

    - Disclose the requested information or issue a fresh response to the complainant's request that complies with FOIA and which does not rely on section 14(1).

4. The University must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 30 September 2023, the complainant wrote to the University and requested information in the following terms:

> "This is a formal requirement for records, as per your duty under the Freedom of Information Act 2000 (FOIA).
>
> Description of Records
>
> 1. All studies/reports in the possession, custody or control of University of Sheffield Professor [NAME REDACTED] ([REDACTED]) that scientifically prove or provide evidence for the existence of the alleged "SARS-COV-2" (showing that the alleged particle exists and causes the dis-ease that it's alleged to cause).
>
> Note:
>
> Scientific proof/evidence is NOT
>
> Opinions, or
>
> Speculation, or
>
> Review papers, or
>
> Descriptive papers.
>
> Scientific proof/evidence requires use of the scientific method to test falsifiable hypotheses through valid, repeatable controlled experiments where only 1 variable differs between the experimental and control groups.
>
> 2. If [NAME REDACTED] has no studies responsive to #1 above, then please indicate such explicitly, and provide all studies and/or reports in [NAME REDACTED]'s possession, custody or control merely describing the alleged "SARS-COV-2" being found in the bodily fluid/tissue/excrement of any sick person and separated from everything else in the patient sample, without the addition of any genetic material. Successful separation must be confirmed via EM imaging and the image(s) must be included as well.
>
> I am aware that according to virus dogma a "virus" requires host cells in order to replicate. I am not seeking records describing the replication of an alleged "virus" without host cells, or that describe a suspected "virus" floating in a vacuum or a strict fulfilment of Koch's Postulates, or private patient records."

6. The University responded on 20 October 2023. It stated that the requested information had already been addressed in previous requests and correspondence. The University advised that it was therefore refusing the request under section 14(1) of FOIA. The University added that it would no longer respond to requests or correspondence from the complainant related to Covid-19.

7. The complainant requested an internal review on 20 October 2023 and 13 November 2023. The University did not provide an internal review response.

Scope of the case

8. The complainant contacted the Commissioner on 23 January 2024 to complain about the way their request for information had been handled.

9. The Commissioner considers that the scope of his investigation is to determine if the University has correctly refused to respond to the request by virtue of section 14(1) FOIA.

Reasons for decision

Section 14(1) – vexatious requests

10. Under section 14(1) of FOIA a public authority is not obliged to comply with a request for information if the request is vexatious.

11. Broadly, vexatiousness involves consideration of whether a request is likely to cause a disproportionate or unjustified level of disruption, irritation, or distress.

12. To analyse vexatiousness, the Commissioner considers four broad themes that the Upper Tribunal (UT) developed in Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (ACC):

    - Value or serious purpose
    - Motive
    - Burden; and
    - Harassment to staff

13. The Commissioner will first look at the value of the request as this is the main point in favour of the request not being vexatious. He will then look at the negative impacts of the requests, that is, the three remaining themes of burden, motive, and harassment, before balancing the value of the requests against those negative impacts.

The University's position

14. The University has explained that it has received a number of requests from the complainant about reports and studies concerning SARS-COV-2. On 20 April 2021 and 17 May 2021, the University refused requests from the complainant under section 12 of FOIA (cost limit). On 5 April 2023 and 27 April 2023, the University refused requests from the complainant under section 40(5) (requester's own personal information) and 40(2) (third party personal information) respectively. On 1 June 2023, the University refused a refined request from the complainant relying on section 22 (intended for future publication) and 22A of FOIA (research exemptions).

15. The University has explained that it considered the complainant was using their request of 30 September 2023 to re-open matters previously addressed in its response of 1 June 2023 and internal review of 13 June 2023. In its response of 20 October 2023, the University stated:

> "We responded to a previous request from you on 1 June relating to "studies or reports [...] describing the purification of SARs-COV-2".
>
> I note that your current request and previous request share a focus on reports and studies held by [NAME REDACTED] in relation to SARS-COV-2.
>
> We judge that the issue you raise in your new request, regarding the separation of the Covid-19 virus from the rest of the sample, has already been sufficiently addressed by our response to your previous request, by an internal review of that response, and also in subsequent correspondence you have had with University staff. As I judge that your new request seeks to re-open a matter that has been addressed, it would represent an inefficient use of University resources to continue to engage with this issue, and would divert resources from the University's core functions of learning, teaching and research. We do not feel it is in the public interest to provide responses to your requests without an acknowledgement of the scientific standpoint from which the University engages with the issues you raise, recognising that this appears to be different from your own view. To do so otherwise would be to risk our responses misleading, or being misconstrued by, the public. This is why we explained the scientific meaning of purification in

our previous response, and confirmed that the University does hold relevant studies and reports within this scope."

16. Concerning motive, the University considers that the focus and wording of the request, and previous requests, was intended to obtain a specific response that would perpetuate the complainant's arguments questioning the existence of the SARS-COV-2 virus and, in turn, portray the University in a negative light.

17. The University has highlighted that the complainant has focused their requests on the work of a particular professor at the University. The University considers that this could indicate a grudge against the professor in question. It explained that the complainant's requests and correspondence focus on the studies and reports held by that particular professor rather than other researchers at the University who are also working on initiatives related to Covid-19. The University added that the complainant has also published material about the professor on their own website.

The complainant's position

18. The complainant has stated that the request they submitted on 30 September 2023 is distinct from their earlier requests, and they dispute that the request is vexatious in nature.

19. The complainant explained that, as the University has previously advised that it could not provide a response to the earlier requests within the cost limit, the complainant had to refine their requests, and this is why the later requests focused on the work of a particular professor. The complainant added that the professor had referred to them in social media posts, and this prompted them to submit their requests to the University.

20. The complainant added that they had tried to complain to the Commissioner about the University's previous refusal under sections 22 and 22A of FOIA as they did not agree with the University's interpretation of their request. The complainant explained that they had waited too long to bring the complaint to the Commissioner on that occasion, so this is why they submitted a related but different request on 30 September 2023.

The Commissioner's position

21. As set out above, section 14(1) is designed to protect public authorities by allowing them to refuse to comply with any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

22. This will usually involve weighing the evidence about the impact on the authority and balancing this against the purpose and value of the request. This should be judged as objectively as possible; in other words, would a reasonable person think that the purpose and value are enough to justify the impact on the public authority.

23. Applying section 14(1) essentially removes the right of access by the requester to the requested information. The Commissioner therefore considers that the threshold to meet this is a necessarily high one. He expects public authorities to provide detailed explanations and justification regarding why it considers the request is vexatious.

24. The Commissioner acknowledges that the University has concerns about the motive, value and purpose of the complainant's requests, and that it has tried to offer explanation to verify the complainant's understanding of the information being requested. While the complainant's requests do appear to seek evidence that questions the existence of SAR-COV-2, this in itself is not vexatious, and could be seen to have value and purpose to the complainant.

25. In terms of the focus of the complainant's requests and correspondence being on the work of a particular professor, the Commissioner notes that the majority of the requests do name the particular professor. However he finds that it is not unreasonable for someone to direct their requests to a particular professor if it is known that they are working on a particular project or research subject.

26. The Commissioner has reviewed the timeline of requests and responses provided by the complainant, and the University, as part of this complaint case. He notes that although the complainant has submitted a number of requests, this has twice been prompted by the University advising the request could not be handled within the cost limit. One of the requests was made so that the complainant could obtain copies of previous correspondence with the University that had been lost. The latest request, addressed in this decision notice, was made after the complainant realised they were too late to bring a complaint to the Commissioner about the University's reliance on sections 22 and 22A of FOIA.

27. In terms of the number of requests and accompanying correspondence, the Commissioner does not find that there is a burden to the University in terms of volume. However, the Commissioner does acknowledge that the University had already explained that it held information within scope of the request and that it was intended for future publication as part of a research project.

28. The Commissioner is aware that the complainant has published information concerning the professor's work, and the responses received from the University on their website, and that the complainant and the professor have had exchanges on social media. However, he notes that the wording of the requests and accompanying correspondence with the University has been polite and would not necessarily cause distress or harassment to staff dealing with them.

29. Therefore, the Commissioner considers that the University has failed to demonstrate that the request is vexatious. His decision is that the University is not entitled to rely on section 14(1) to refuse to comply with the request.

30. The Commissioner requires the University to provide the complainant with a fresh response to the request which does not rely on section 14(1) of FOIA. He notes that the University has already advised the complainant that information within scope of their previous request is intended for future publication. If, upon reviewing this request, it is the case that the University still intends to publish the specific information that has been requested at a future date, it should confirm that in its response.

Right of appeal

31. 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

32. 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.

33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Keeley Christine
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Service of Decision Notice: IC-283697-J8J5

Christine, an unincorporated woman <cmssyc@gmail.com> Mon, Jul 22, 2024 at 1:32 PM
To: icocasework <icocasework@ico.org.uk>
Cc: Freedom Of Information <foi@sheffield.ac.uk>, Luke Thompson <luke.thompson@sheffield.ac.uk>

Dear Keeley,

Thank you very much for your decision notice dated 12 June, 2024 (Reference: IC-283697-J8J5).

In your Decision, you wrote:

> "3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation:
>
> • Disclose the requested information or issue a fresh response to the complainant's request that complies with FOIA and which does not rely on section 14(1).
>
> 4. The University must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.
>
> ...30. The Commissioner requires the University to provide the complainant with a fresh response to the request which does not rely on section 14(1) of FOIA. He notes that the University has already advised the complainant that information within scope of their previous request is intended for future publication. If, upon reviewing this request, it is the case that the University still intends to publish the specific information that has been requested at a future date, it should confirm that in its response."

More than 35 calendar days have passed and no one from the university has contacted me at all. Therefore I ask that you make written certification of this fact to the High Court so that it may be dealt with as a contempt of court.

Best regards,
Christine
[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Service of Decision Notice: IC-283697-J8J5

Luke Thompson <luke.thompson@sheffield.ac.uk> Mon, Jul 22, 2024 at 1:42 PM
To: "Christine, an unincorporated woman" <cmssyc@gmail.com>

Apologies Christine,

I hope to be able to provide you with a response by the end of the week.
Sorry for the inconvenience and the wait.

Luke

Luke Thompson
Head of Data Protection & Legal Services
The University of Sheffield
First Floor
Arts Tower
12 Bolsover Street
Sheffield
S3 7NA

Tel: +44 0114 22 21117
Mobile: 07596550031
Web: https://www.sheffield.ac.uk/govern/data-protection
[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Service of Decision Notice: IC-283697-J8J5

Christine, an unincorporated woman <cmssyc@gmail.com> Mon, Jul 22, 2024 at 1:49 PM
To: Luke Thompson <luke.thompson@sheffield.ac.uk>

Luke,

You and your colleagues have had **10 months** to respond properly to my request.

Don't expect any mercy from me at this point. It's now up to the Commissioner.

Christine
[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Service of Decision Notice: IC-283697-J8J5

Luke Thompson <luke.thompson@sheffield.ac.uk> Mon, Jul 22, 2024 at 2:43 PM
To: "Christine, an unincorporated woman" <cmssyc@gmail.com>

We responded to your request so not sure where that 10 months has come from. Was merely explaining to you we are working on it, if you don't wish to be updated that's fine.

Luke Thompson
Head of Data Protection & Legal Services
The University of Sheffield
First Floor
Arts Tower
12 Bolsover Street
Sheffield
S3 7NA

Tel: +44 0114 22 21117
Mobile: 07596550031
Web: https://www.sheffield.ac.uk/govern/data-protection
[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Service of Decision Notice: IC-283697-J8J5

Christine, an unincorporated woman <cmssyc@gmail.com> Mon, Jul 22, 2024 at 3:14 PM
To: Luke Thompson <luke.thompson@sheffield.ac.uk>
Cc: icocasework <icocasework@ico.org.uk>, Freedom Of Information <foi@sheffield.ac.uk>

Luke,

I'm not interested in your games.

You and your colleagues have had 10 months to respond **properly** to my request and failed to do so.

And you have missed the deadline given you by the ICO, attached.

Kindly do not contact me again without copying icocasework@ico.org.uk.

Christine
[Quoted text hidden]

2 attachments

2024 06 12 email from ICO.pdf
91K

2024 06 12 letter from ICO.pdf
94K

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Service of Decision Notice: IC-283697-J8J5

Luke Thompson <luke.thompson@sheffield.ac.uk> Tue, Jul 23, 2024 at 9:16 AM
To: "Christine, an unincorporated woman" <cmssyc@gmail.com>
Cc: icocasework <icocasework@ico.org.uk>, Freedom Of Information <foi@sheffield.ac.uk>

Good afternoon Christine,

Please see below a response to your FOI request.

Having considered your request and taken into account the decision of the ICO we judge that the information is exempt from disclosure under section 22 and 22A of the Freedom of Information Act.

Request:
1. *All studies/reports in the possession, custody or control of University of Sheffield Professor Carl Smythe that scientifically prove or provide evidence for the existence of the alleged "SARS-COV-2" (showing that the alleged particle exists and causes the dis-ease that it's alleged to cause).*
Note:
Scientific proof/evidence is NOT
Opinions, or
Speculation, or
Review papers, or
Descriptive papers.
Scientific proof/evidence requires use of the scientific method to test falsifiable hypotheses through valid, repeatable controlled experiments where only 1 variable differs between the experimental and control groups.

2. If Carl Smythe] has no studies responsive to #1 above, then please indicate such explicitly, and provide all studies and/or reports in Carl's possession, custody or control merely describing the alleged "SARS-COV-2" being found in the bodily fluid/tissue/excrement of any sick person and separated from everything else in the patient sample, without the addition of any genetic material. Successful separation must be confirmed via EM imaging and the image(s) must be included as well.

I am aware that according to virus dogma a "virus" requires host cells in order to replicate. I am not seeking records describing the replication of an alleged "virus" without host cells, or that describe a suspected "virus" floating in a vacuum or a strict fulfilment of Koch's Postulates, or private patient records."

Response

Section 22 and 22A

Section 22 exempts information which is intended for future publication, where it is reasonable in all of the circumstances that information should be withheld from disclosure until its planned publication.

Section 22A exempts information obtained in the course of, or derived from, a programme of research, subject to certain conditions. These conditions include where the programme is continuing with a view to publication, and where disclosure ahead of publication would prejudice the programme and the interests of the authority holding the information.

In relation to your request, what you have requested form part of an ongoing research programme between the University of Sheffield and Paraytec Ltd, led by Professor Smythe of the University of Sheffield's School of Biosciences, which will lead to future publication.

We judge that disclosure of studies or reports at this point, ahead of planned publication, would be likely to result in information and findings entering the public domain without the rigorous scientific commentary and context that would be part of the final publication, which could allow for misinterpretation and manipulation of the research, with the potential for this to be used in support of pseudo-scientific claims.

We also judge that disclosure of the information would be likely to allow other researchers to carry out analysis and draw

conclusions from the data ahead of the publication of the findings of the research. Individuals could then publish their own findings ahead of the planned publication, without having collected the data themselves. This would be likely to offer other researchers an advantage over the current study, and jeopardise the University's relationship with its commercial partners.

Additionally, we judge that disclosure of the data at the current time would be likely to prejudice the peer review process. It is important that there is sufficient time for the peer review process to be completed to allow findings to be examined, and the high standards of research and scientific application to be upheld.

Public Interest Test

In line with the terms of the exemptions, we have considered whether it is in the public interest for the information to be disclosed or withheld.

We recognise a public interest in the openness and transparency of research carried out by the University and in ensuring that value for money is achieved from public investment, and that commercial partnerships can be scrutinised.

However, there is also a public interest in allowing researchers to carry out their research and reach conclusions before their reports and studies are scrutinised externally. The proper completion of this process allows for higher quality research, and guards against a misleading or incomplete view of the ongoing research programme being published without sufficient context, which in this instance could impact the understanding of the virus, SARS-COV-2.

On balance, while the University acknowledges the public interest in transparency of research, we feel the greater public interest lies in allowing the research programme to continue with its planned publication.

Kindest regards

Luke

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[Quoted text hidden]

Gmail **Christine, an unincorporated woman <cmssyc@gmail.com>**

Service of Decision Notice: IC-283697-J8J5

Christine, an unincorporated woman <cmssyc@gmail.com> Tue, Jul 23, 2024 at 12:21 PM
To: Luke Thompson <luke.thompson@sheffield.ac.uk>
Cc: icocasework <icocasework@ico.org.uk>, Freedom Of Information <foi@sheffield.ac.uk>

Dear Keeley,

Despite Luke's sudden offering of a new, late response on behalf of the University, I ask that pursuant to section 54 of the FOIA the Commissioner go ahead with a written certification of the University's failure to comply with the Commissioner's decision notice. I ask this with the hope that Luke and his colleagues might then take their duties under the FOIA more seriously going forward and others will not face the difficulties and delays that I have.

Also, the University has been claiming for over a year now that they have records that will lead to future publication. Having a background in cancer research, I realize that publications take time. However I do not believe for a second that the University actually has any records that match any of my "SARS-COV-2" requests.

Solid grounds exist (in the virology literature and in the form of hundreds of FOI **responses** from >220 institutions in 40 countries on the topics of "virus" isolation/purification and the lack of adequate controls in virology) to suspect that the University is bluffing and stalling in order to avoid public scrutiny of their pseudoscience. I believe it would be in the public's best interests to have a full inquiry into this matter and I urge the Commissioner to work with the court to exercise any available powers to enter and inspect the University's records (i.e. under section 55 and Schedule 3).

Best regards,
Christine

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