



James Henderson
[REDACTED]

Our Reference: 202500448083
Your Reference: Freedom of Information

27 January 2025

Dear James,

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

Thank you for your request dated 3 December 2025 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You asked for:

All studies and/or reports that the Chief Veterinary Officer (Scotland) has, and also anywhere in the world, describing the isolation and purification of the alleged "H5N1 virus" and all other "bird flu viruses" (including any alleged variants) directly from a sample taken from a diseased bird, where the bird sample was not first combined with any other source of chemicals or genetic material (i.e. PBS or BHIB with antibiotics, embryonated eggs, etc.).

Clarification of Requested Records:

Please note that I am not requesting studies/reports where researchers failed to purify the suspected "virus" and instead:

- . cultured something, and/or*
- . performed an amplification test (i.e. PCR), and/or*
- . fabricated a "genome" from millions of sequences (allegedly) detected in an impure substance, and/or*

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. produced electron microscopy images of unpurified things.

I am already aware that according to virus theory a "virus" requires host cells in order to replicate, and am not requesting records that describe replication of a "virus" without host cells. Nor am I requesting records that describe a strict fulfilment of Koch's Postulates, or records that describe a suspected "virus" floating in a vacuum.

I simply request records that describe purification (separation of the alleged virus from everything else in the human or animal sample, as per standard laboratory practices for the purification of other very small things).

Also, any studies/reports where experiments were carried out to naturally transmit purified "virions" to healthy humans or animals and the results of those experiments showing the full methods used.

Please note that my request includes any study/report matching the above description, authored by anyone, anywhere.

If any records match the above description of requested records and are currently available in the public domain, please provide 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.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations.

We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Response to your request

While our aim is to provide information whenever possible, in this instance the Scottish Government does not have the information you have requested. Therefore, we are refusing your request under the exception at regulation 10(4)(a) of the EIRs.

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you have requested because the Scottish Government is not responsible for the subject. However, you may wish to contact the [Animal and Plant Health Agency](#), please contact: enquiries@apha.gov.uk who may be able to help you.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information

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outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in information about the subject you requested, clearly, we cannot provide information which we do not hold.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to George Burgess, Director of Agriculture and Rural Economy Directorate C/O FOI@gov.scot and C/O this postal address: FOI Unit 1E.10, St Andrew's House, Regent Road, EDINBURGH EH1 3DG]. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

[What can I do if I'm unhappy? | Scottish Information Commissioner \(itspublicknowledge.info\)](https://www.scot.nhs.uk/itspublicknowledge/info)

Yours sincerely

Chris Bain
AHW : Disease Control

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