



**Homeland
Security**

Privacy Office, Mail Stop 0655

July 15, 2022

SENT BY ELECTRONIC MAIL TO: foia@americanoversight.org

Mehreen Rasheed
American Oversight

Re: **2022-HQFO-00925**
Centers for Disease Control and Prevention FOIA Case # 20-00801

Dear Mr. Rasheed:

This is the electronic final response to your Freedom of Information Act (FOIA) request to Centers for Disease Control and Prevention (CDC), dated March 4, 2020, and seeking “all daily briefings or situation reports (or other similar updates designed to keep leadership apprised of breaking events) prepared for, or otherwise provided to, the leadership of your agency that contain information regarding the ongoing coronavirus outbreak.”

While processing your request, the Centers for Disease Control and Prevention (CDC) located records that fall under the purview of the Department of Homeland Security (DHS). Accordingly, your request and 5 pages of responsive records were referred to this office for processing and direct response to you. Your request was received in this office on April 22, 2022.

I have determined that portions of these pages are partially releasable pursuant to FOIA Title 5 U.S.C. § 552 (b)(5) and (b)(6), FOIA Exemptions 5 and 6.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

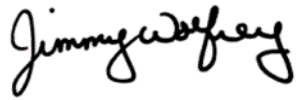
FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Pursuant to DHS Instruction 262-11-004, FOIA Officers at DHS have been instructed to withhold personally identifiable information (PII) and sensitive personally identifiable information (SPII) of DHS personnel unless a determination is made that the disclosure does not raise security or privacy concerns, or if those concerns are outweighed by any public interest in that information. This policy is available online. Under this policy, the names of senior leaders, spokespersons, and political appointees are generally releasable. With respect to this FOIA request, DHS may have applied FOIA Exemption 6 to protect PII of DHS employees, including names and contact information. To the extent that has DHS withheld employee PII within these records, it has been determined that the employee(s) has/have substantial and legitimate privacy interests and that these interests are not outweighed by any public interest in the operations of the Department.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

If you need any further assistance or would like to discuss any aspect of your request, you may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner and refer to **2022-HQFO-00925**. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy Wolfrey". The signature is fluid and cursive, with the first name "Jimmy" and last name "Wolfrey" clearly distinguishable.

Jimmy Wolfrey
Senior Director, FOIA Operations and Management
(Acting)

Enclosure(s): Responsive Documents, 5 pages

From: Johnston, Darcie (HHS/IEA)
Sent: Thu, 6 Feb 2020 20:00:34 +0000
To: Hall, Bill (HHS/ASPA); Harrison, Brian (HHS/IOS); Stecker, Judy (OS/IOS); Murphy, Ryan (OS/ASPA); Grigsby, Garrett (HHS/OS/OGA); Kerr, Lawrence (HHS/OS/OGA); Shuy, Bryan (OS/ASPR/IO); Redfield, Robert R. (CDC/OD); Kadlec, Robert (OS/ASPR/IO); Trueman, Laura (HHS/IEA); Pence, Laura (HHS/ASL); Arbes, Sarah (HHS/ASL); Moughalian, Jen (HHS/ASFR); Baker, Michael (OS/IEA); (b)(6)
Subject: RE: INFO: FW: Update to C/S ANTHEM OF THE SEAS

Ok. Thanks!

Darcie L. Johnston
 Director, Intergovernmental Affairs
 U.S. Department of Health and Human Services
 Office of the Secretary
 202-690-1058 (office)
 (b)(6) (cell)

From: Hall, Bill (HHS/ASPA) <bill.hall@hhs.gov>
Sent: Thursday, February 6, 2020 2:58 PM
To: Johnston, Darcie (HHS/IEA) <Darcie.Johnston@hhs.gov>; Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov>; Stecker, Judy (OS/IOS) <Judy.Stecker@hhs.gov>; Murphy, Ryan (OS/ASPA) <Ryan.Murphy1@hhs.gov>; Grigsby, Garrett (HHS/OS/OGA) <Garrett.Grigsby@hhs.gov>; Kerr, Lawrence (HHS/OS/OGA) <Lawrence.Kerr@hhs.gov>; Shuy, Bryan (OS/ASPR/IO) <Bryan.Shuy@hhs.gov>; Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>; Kadlec, Robert (OS/ASPR/IO) <Robert.Kadlec@hhs.gov>; Trueman, Laura (HHS/IEA) <Laura.Trueman@hhs.gov>; Pence, Laura (HHS/ASL) <Laura.Pence@hhs.gov>; Arbes, Sarah (HHS/ASL) <Sarah.Arbes@hhs.gov>; Moughalian, Jen (HHS/ASFR) <Jen.Moughalian@hhs.gov>; Baker, Michael (OS/IEA) <Michael.Baker@hhs.gov>; (b)(6)
 (b)(6)
Subject: RE: INFO: FW: Update to C/S ANTHEM OF THE SEAS

This has been updated in an email I sent about 10 min ago..

From: Johnston, Darcie (HHS/IEA) <Darcie.Johnston@hhs.gov>
Sent: Thursday, February 6, 2020 2:57 PM
To: Hall, Bill (HHS/ASPA) <bill.hall@hhs.gov>; Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov>; Stecker, Judy (OS/IOS) <Judy.Stecker@hhs.gov>; Murphy, Ryan (OS/ASPA) <Ryan.Murphy1@hhs.gov>; Grigsby, Garrett (HHS/OS/OGA) <Garrett.Grigsby@hhs.gov>; Kerr, Lawrence (HHS/OS/OGA) <Lawrence.Kerr@hhs.gov>; Shuy, Bryan (OS/ASPR/IO) <Bryan.Shuy@hhs.gov>; Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>; Kadlec, Robert (OS/ASPR/IO) <Robert.Kadlec@hhs.gov>; Trueman, Laura (HHS/IEA) <Laura.Trueman@hhs.gov>; Pence, Laura (HHS/ASL) <Laura.Pence@hhs.gov>; Arbes, Sarah (HHS/ASL) <Sarah.Arbes@hhs.gov>; Moughalian, Jen (HHS/ASFR) <Jen.Moughalian@hhs.gov>; Baker, Michael (OS/IEA) <Michael.Baker@hhs.gov>; (b)(6)

(b)(6)

Subject: RE: INFO: FW: Update to C/S ANTHEM OF THE SEAS

Adding Michael from IEA and (b)(6) from DHS. IEA had an update from DHS in prep for Dep Sec call with Governor Cuomo.

Here is what we were sent from DHS:

BLUF: A Royal Caribbean Cruise Ship (Anthem Of The Seas) is en route to route to the Port of NY with a possibly infected passenger. 17 Chinese national passengers were quarantined on the ship after one of them exhibited a fever, cough, and cold. USCG and CDC are exploring options for testing the passenger for corona virus and the possibility of 5,200 persons on board potentially being delayed or denied entry. As of this morning the vessel was underway off the coast of Georgia. The Chinese nationals arrived into the US by air between January 25-26th before departing on the cruise on January 27th. Ship increased speed for earlier arrival to NY. Estimated arrival now is Thursday night, February 6th.

- Medical staff on the Cruise Ship have given treatment to the passenger for cold symptoms.
- CDC has been notified and CDC Medical staff have been in contact with the Medical staff on the Cruise Ship.
- CDC cannot determine with certainty whether or not the passenger has the coronavirus or not without a sample.
- CDC has raised the possibility of USCG support in obtaining a sample from the sick passenger for lab testing in Atlanta, GA.
- CDC is still determining if this is needed, but USCG remains in the loop to provide assistance if necessary.
- USCG Sector New York has prepared a Denial of Entry for the cruise ship in the event that it is needed.
- Sector New York has informed Royal Caribbean of the possibility that the Capitan of the Port (COTP) New York may issue a Denial of Entry depending on what CDC determines is the risk of the ill crewmember.

Darcie L. Johnston
 Director, Intergovernmental Affairs
 U.S. Department of Health and Human Services
 Office of the Secretary
 202-690-1058 (office)
 (b)(6) (cell)

From: Hall, Bill (HHS/ASPA) <bill.hall@hhs.gov>

Sent: Thursday, February 6, 2020 2:50 PM

To: Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov>; Stecker, Judy (OS/IOS) <Judy.Stecker@hhs.gov>; Murphy, Ryan (OS/ASPA) <Ryan.Murphy1@hhs.gov>; Grigsby, Garrett (HHS/OS/OGA) <Garrett.Grigsby@hhs.gov>; Kerr, Lawrence (HHS/OS/OGA) <Lawrence.Kerr@hhs.gov>; Shuy, Bryan (OS/ASPR/IO) <Bryan.Shuy@hhs.gov>; Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>; Kadlec, Robert (OS/ASPR/IO) <Robert.Kadlec@hhs.gov>; Trueman, Laura (HHS/IEA)

<Laura.Trueman@hhs.gov>; Johnston, Darcie (HHS/IEA) <Darcie.Johnston@hhs.gov>; Pence, Laura (HHS/ASL) <Laura.Pence@hhs.gov>; Arbes, Sarah (HHS/ASL) <Sarah.Arbes@hhs.gov>; Moughalian, Jen (HHS/ASFR) <Jen.Moughalian@hhs.gov>

Subject: FW: INFO: FW: Update to C/S ANTHEM OF THE SEAS

Importance: High

Update below (this is the cruise ship headed to Port of NY)

(b)(5)

(b)(5)

VR
Etienne

From: DHSCAT
Sent: Thursday, February 6, 2020 12:12 PM
To: Tomney, Christopher (b)(6)
Cc: DHSCAT (b)(6); NOC.SWO.Restricted (b)(6); NOC.NDD (b)(6); NOC-Director (b)(6); Heinz, Todd (b)(6); Phillips, Shawn (b)(6)
Subject: Update to C/S ANTHEM OF THE SEAS

Sir,

USCG just held a CIC re: C/S ANTHEM OF THE SEAS. Below is the latest update. BLUF: Individual is no longer ill and vessel will be permitted to dock in Bayonne, NJ, on 7 Feb.

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Report: C/S ANTHEM OF THE SEAS inbound to Bayonne, NJ, with 19 total Chinese national aboard (17 passengers, 2 crew). All 19 arrived in U.S. via air between 24 and 26 Jan 20. ANTHEM OF THE SEAS departed Bayonne, NJ, on 27 Jan on a cruise to the Caribbean. The vessel's last port of call was St. Kitts. The vessel, which is currently 150 miles southeast of NY, is expected to dock in Bayonne, NJ, on 7 Feb.

On 4 Feb, one of 17 Chinese passengers (a 68 y/o female) presented to the ship's medical staff with fever and upper respiratory distress. As a results, Royal Caribbean Cruise Lines (RCCL) placed all 17 passengers into quarantine in their cabins. CDC has been in direct contact with RCCL medical staff since 5 Feb and report (as of approximately 1145 ET 6 Feb) the individual's symptoms have dissipated (fever broke and no longer expediting upper respiratory distress). The ship's doctor reports that the individual is suspected to have a "common cold."

As such, CDC in coordination with NY state health officials and RCCL medical staff consider this individual as a "medium risk" and not a Person Under Investigation for 2019-nCoV infection. The individual was reportedly not in Hubei, and had no known contact with anyone infected to 2019-nCoV. CDC does not anticipate sending any samples from this individual for further testing for 2019-nCoV infection. The remaining Chinese-national passengers/crew and considered "low risk" by CDC.

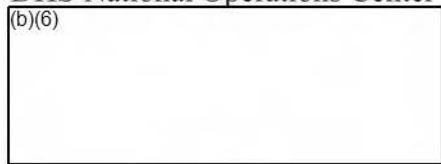
USCG reports the vessel will permitted to enter port and dock in Bayonne, NJ, and all passengers allowed to disembark with no additional medical screenings required; however, USCG has assets ready to support any requests by CDC to interdict the vessel prior to entering port and is ready to execute a denial of entry order if needed/requested by CDC or if determined necessary by the Captain of the Port.

=====

(b)(6)
DHS CAT Director

DHS National Operations Center

(b)(6)



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