



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Assistant Secretary for Public Affairs
Washington, D.C. 20201

Case No. 2020-00717-FOIA-OS
American Oversight v. HHS, Civil No. 20-1169

January 7, 2025

Austin Evers
Executive Director
American Oversight
Sent via email: foia@americanoversight.org

Dear Mr. Evers:

This letter is the forty third interim response to your Freedom of Information Act (FOIA) requests submitted to the U.S. Department of Health and Human Services (HHS). Specifically, you requested the following records for FOIA request number 2020-00717-FOIA-OS:

All email communications (including email messages, complete email chains, email attachments, calendar invitations) sent by the government officials specified below containing any of the following key terms:

1. Coronavirus
2. Corona
3. Virus
4. Disease
5. Pandemic
6. Epidemic
7. Outbreak
8. containment
9. "public health emergency"
10. "COVID-19"
11. "COVID 19"
12. COVID19
13. SARS
14. "2019-nCOV"
15. POTUS
16. Test
17. Tests
18. Testing
19. EUA
20. Emergency
21. Wuhan

22. Hoax
23. Hubei
24. Princess
25. Cruise
26. Kirkland
27. Seattle
28. "New Rochelle"
29. "BioGen Conference"
30. CPAC
31. AIPAC
32. RNA
33. "Extraction kits"
34. Roche
35. Vaccine
36. Antiviral
37. Antiretroviral
38. Quarantine
39. Distancing
40. Isolation
41. N95
42. Mask
43. Respirator

Government Officials

1. Alex Azar, Secretary
2. Brian Harrison, Chief of Staff
3. Eric Hargan, Deputy Secretary
4. Jerome Adams, Surgeon General
5. Robert Kadlec, Assistant Secretary for Preparedness and Response
6. John Brooks, Senior Advisor to the Secretary for Drug Pricing Reform

On February 10, 2021, you narrowed your request per the following:

Eliminate attachments, documents regarding "Red Dawn" and obvious marketing and news bulletins

- a. Limit the date range of the following key terms as stand-alone search terms from January 15, 2020 through February 29, 2020. [[[Limit responsive records to those that also include: (Test OR Tests OR Vaccine OR EUA OR "Emergency Use" OR Shortage OR Shortages OR Supplies OR "the WHO" OR States OR Governor OR Governors OR PPE OR Ventilators OR Respirators OR Swabs OR DPA OR "Defense Production Act" OR Trump OR Pence OR Jared OR Kushner OR "White House" OR "the WH")]]]

- i. Coronavirus
- ii. Corona
- iii. "COVID-19"
- iv. "COVID 19"
- v. COVID19
- vi. "2019-nCOV"

~~vii. SARS~~

~~viii. Epidemic~~

~~ix. Pandemic~~

~~x. Outbreak~~

~~xi. "Public Health Emergency"~~

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- b. After March 1, 2020, for the key terms listed in Column A below (the same search terms as identified above), limit responsive records to those that also include one or more of the terms from Column B:

Column A	Column B
• Coronavirus • Corona • "COVID-19" • "COVID 19" • COVID19 • "2019-nCOV" • SARS • Epidemic • Pandemic • Outbreak • "Public Health Emergency"	• Test • Tests • Vaccine • Antiviral • Antiretroviral • EUA • "Emergency Use" • Shortage • Shortages • Supplies • "Emergency Use" • EUA • "the WHO" • "W.H.O." • "World Health Organization"

	• States • Governor • Governors • PPE • Ventilators • Respirators • Swabs • DPA • “Defense Production Act”
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- c. For the key terms that are in Column A below, limit responsive records to those that also include one or more of the terms from Column B, for the full time period of the search.

Column A	Column B
• Test • Tests • “Extraction Kits”	• CV19 • “CV-19” • C19 • “C-19” • Roche • RNA • Shortage • Shortages • Supplies • “Emergency Use” • “EUA” • “the WHO” • “W.H.O.” • “World Health Organization” • States • Governor • Governors • Kit • Kits • DPA • “Defense Production Act”

- d. ~~[~500 records] For the key terms that are in Column A below, limit responsive records to those that also include one or more of the terms from Column B, for the full time period of the search.~~

Column A	Column B
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• Vaccine • Antiviral • Antiretroviral	• CV19 • “CV-19” • C19 • “C-19” • “EUA” • “Emergency Use” • “DPA” • “Defense Production Act” • “the WHO” • “W.H.O.” • “World Health Organization”
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e. ~~[~50 records] For the key term “Emergency” limit responsive records to those that also include “DPA” or “Defense Production Act,” for the full time period of the search.~~

f. For the following key terms, please limit the time period as indicated:

- i. Princess - February 1, 2020, through March 1, 2020 ~~[[Limit responsive records to those that also include: Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]~~
- ~~ii. [~150 records] Kirkland - February 24, 2020, through March 24, 2020~~
- ~~iii. [~750 records] Seattle - February 24, 2020, through March 24, 2020~~
- ~~iv. [~200 records] “New Rochelle” - March 1, 2020, through March 31, 2020~~
- ~~v. [<50 records] “BioGen Conference” - March 1, 2020, through March 31, 2020~~
- ~~vi. [~50 records] CPAC - February 21, 2020, through March 21, 2020~~
- ~~vii. [<50 records] AIPAC - February 21, 2020, through March 21, 2020~~

g. For the following key terms, please run the search without any modifiers and using the full date range (i.e., no changes from original search)

- i. Wuhan ~~[[Limit responsive records to those that also include: Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]~~
- ii. Hoax ~~[[no changes]]~~
- iii. Hubei ~~[[Limit responsive records to those that also include: Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]~~
- iv. POTUS ~~[[no changes]]~~
- v. Cruise ~~[[Limit responsive records to those that also~~

include: Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]

vi. Quarantine [[Limit responsive records to those that also include: Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]

vii. Distancing [[Limit responsive records to those that also include: Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]

~~viii. Isolation~~

ix. N95 [[Limit responsive records to those that also include: (CV19 OR "CV-19" OR C19 OR "C-19" OR Shortage OR Shortages OR Supplies OR "Emergency Use" OR "EUA" OR "the WHO" OR States OR Governor OR Governors OR DPA OR "Defense Production Act OR Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]

x. Mask [[Limit responsive records to those that also include: (CV19 OR "CV-19" OR C19 OR "C-19" OR Shortage OR Shortages OR Supplies OR "Emergency Use" OR "EUA" OR "the WHO" OR States OR Governor OR Governors OR DPA OR "Defense Production Act OR Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]

xi. Respirator [[Limit responsive records to those that also include: (CV19 OR "CV-19" OR C19 OR "C-19" OR Shortage OR Shortages OR Supplies OR "Emergency Use" OR "EUA" OR "the WHO" OR States OR Governor OR Governors OR DPA OR "Defense Production Act OR Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]

xii. Testing [[Limit responsive records to those that also include: (CV19 OR "CV-19" OR C19 OR "C-19" OR Shortage OR Shortages OR Supplies OR "Emergency Use" OR "EUA" OR "the WHO" OR States OR Governor OR Governors OR DPA OR "Defense Production Act OR Trump OR Pence OR Jared OR Kushner OR “White House” OR “the WH”]]

~~xiii. Containment~~

h. Cut the following key terms completely: [[no changes]]

- i. Disease
- ii. Virus

For this forty third response, the Department has reviewed **493 pages** of records, potentially responsive to FOIA request 2020-00717-FOIA-OS. Of these **493 pages**, we are releasing **200 pages** in their entirety, while releasing **293 pages** in part, with portions redacted, pursuant to Exemption 6 of the FOIA (5 U.S.C. §552 (b)(6)).

FOIA exemption (b)(6) permits a federal agency to withhold information and records about individuals in “personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The definition of “similar files” has historically been broadly interpreted to include a wide variety of files, and the United States Supreme Court has held that Congress intended the term “similar files” to be interpreted broadly, rather than narrowly. I have analyzed these records and find they meet the threshold requirement of this exemption. Additionally, we have reviewed and weighed the public interest in disclosure of this information against the privacy interest in nondisclosure and found that the privacy interest outweighs the public’s interest in disclosure. Under this exemption, the records being withheld consist of email addresses, phone numbers, and meeting codes.

For all exemptions applied, we have found that it is reasonably foreseeable that disclosure would harm an interest protected by one or more of the exemptions to the FOIA’s general rule of disclosure and/or that disclosure is prohibited by law.

We will continue to review the remaining records as efficiently and expeditiously as possible, consistent with the terms of the joint status report and our available resources. Should you have questions or concerns regarding the Department’s response and/or the processing of your request, any such issues should be communicated to your legal counsel and Department of Justice Attorney representing the Department in this matter.

Sincerely,

**Alesia Y.
Williams -S**

Alesia Y. Williams
Director, FOIA Appeals and Litigation
FOI/Privacy Acts Division

Digitally signed by Alesia
Y. Williams -S
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Enclosures: 493 pages