



Request No.

2020-00799-FOIA-OS

American Oversight v. U.S. Dep't. Health and Human Services et al., 20-cv-1343

June 30, 2021

Sent via e-mail

Ms. Melanie Sloan

Senior Advisor

American Oversight

1030 15th Street, N.W., Suite B255

Washington, DC 20005

foia@Americanoversight.org

Dear Ms. Sloan:

This letter is the Department of Health and Human Services' (HHS) first interim response to your March 26, 2020 Freedom of Information Act (FOIA) request. Specifically, you requested the following records from February 1, 2020, to the date the search is conducted:

All text messages and messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Twitter DMs, or Facebook messages) between (1) the agency officials specified below, and (2) Rep. Mark Meadows, including messages on any personal devices, as well as official devices attributed to Rep. Meadows, and anyone serving on his staff, including Chief of Staff Ben Williamson, Scheduler Kate Morgan, or Legislative Director Eric Heigis.

Department of Health and Human Services

- i. Secretary Alex Azar and anyone communicating on his behalf, such as a scheduler or assistant
- ii. Anyone serving in the capacity of Chief of Staff or Executive Secretary
- iii. Anyone serving in the capacity of White House Liaison or White House Advisor, and their deputies
- iv. Anyone serving in the capacity of Director of Legislative Affairs

For this production, the Department processed 171 pages. After a careful review of these pages, I have determined to release 1 page to you in its entirety, and I am further releasing 1 page in part, with portions redacted, pursuant to Exemption 6 of the FOIA (5 U.S.C. § (b)(6)). The third page is

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released in part, with one portion redacted as non-relevant to the request. The remaining 168 pages are withheld as not relevant to the request. The non-relevant pages include information related solely to scheduling matters; that refer to communications with Meadows but do not include direct communication; and, records excluded due to date range.

FOIA Exemption 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, I 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.

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, Kathleene Molen, Assistant U.S. Attorney, Washington, D.C. at Kathleene.Molen@usdoj.gov."

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Sincerely yours,

Alesia Y. Williams

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

Enclosure: 3 pages

Chat with Mark Meadows

3/7/2020 10:18:42 AM - 1/17/2021 11:58:05 AM

Export Details:

Device Phone Number + (b)(6)

Device Name The Ritz

Device ID (b)(6)

Backup Date Thursday, February 11, 2021 3:19 PM

Backup Directory (b)(6)

iOS 14.3

Current Time Zone (UTC-05:00) Eastern Time (US & Canada)

Created with iExplorer v4.4.2.0

Participants:

(b)(6) Mark Meadows

Saturday, March 7, 2020

Me

I'm free all weekend except today 1030-11 and going to WH for VP task force 4-5 and (b)(6)

10:18 AM

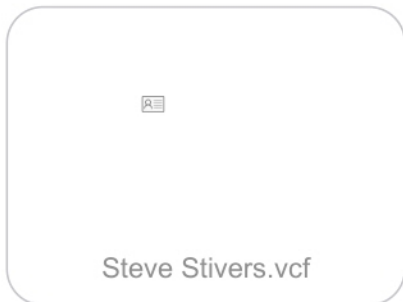
(b)(6) Very happy to come to town or arrive early stay later if you want to get together. AMA

Mark Meadows

Thanks Mr Secretary. I will be in touch

10:35 AM

Mark Meadows



7:47 PM

Sunday, March 15, 2020

Me

I apologize profusely. The entire point of having the FDA commissioner on the phone was to get their issue solved not to give them a nonworking phone number. I instructed him to speak to the lab and fix their issue directly and then to call the number and find out why it isn't working.

4:06 PM

Mark Meadows

Thanks

4:06 PM

Mark Meadows

Appreciate it

4:06 PM

Me



4:08 PM

We will get this fixed but just so you do know that is actually an FDA number! No idea what's not working with it though. When I get done with press conference will figure it out myself.

4:08 PM

Mark Meadows

Ok

4:10 PM

Me

Hahn spoke to them. Report back is issue is personally resolved by the FDA commissioner directly and they wrote the phone number down incorrectly.

4:14 PM

Mark Meadows

No worries

4:15 PM

Mark Meadows

Thanks

4:15 PM

Thursday, March 19, 2020

Me

So on N95 guy, not a Nigerian prince but just about. He's offering 2/3 of the national utilization in a year. We asked for lot numbers to confirm with 3M. He offered to DHS, DOD, and NSC and all took a pass. Will let you know but looks like a potential charlatan.

9:40 PM

Mark Meadows

Ok

9:41 PM

Mark Meadows

Thanks

9:41 PM

Me

As for DOD, we have no idea what this issue is as we haven't asked for DOD to help with testing and our leadership wasn't aware of any kind of offer from DOD. We spoke with DOD lead, Ken Rapuano who said they have capability to run 60 tests per day as they do not have high thru put labs. We certainly appreciate the offer but with commercial labs doing 20,000 yesterday not sure this is a material offer. What shall we do? Want to be helpful but no idea what this is about.

9:44 PM

Me

DOD COS has no idea what any of this is about but we found Esper's statement at press conference offering civilian use. So we will send a request tonight to them. They can sort out if they can live up to it or not.

10:26 PM

Mark Meadows

Great.

10:27 PM

Thursday, April 16, 2020

Me

Not Responsive to Request

6:01 PM

6:34 PM