



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

November 10, 2020

SENT VIA EMAIL

Austin Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, District of Columbia 20005
foia@americanoversight.org

Dear Mr. Evers:

This letter is our final response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request assigned #20-01213-FOIA.

We located 46 pages of responsive records. After a careful review of these pages, all information was withheld from release pursuant to 5 U.S.C. §552 Exemption 5.

Exemption 5 protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, and attorney-client privileges. Information withheld under this exemption was protected under the deliberative process privilege. The deliberative process privilege protects the decision-making process of government agencies. The deliberative process privilege protects materials that are both predecisional and deliberative. The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative, and do not contain or represent formal or informal agency policies or decisions. Examples of information withheld include COVID-19 safety and shelter guidance.

In addition, the search of CDC files produced records (39 pages) that originated with the Department of Homeland Security (DHS) and (18 pages) that originated with the Department of Justice (DOJ). Those documents were referred to DHS and DOJ for review and direct response to you. Please refer to CDC request #20-01213-FOIA when contacting those agencies regarding your FOIA request. The agencies contact information is provided below:

Ms. Dena Kozanas
Chief Privacy Officer/Chief FOIA Officer
Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528-065
Phone: 202-282-8010
Fax: 202-690-8320
Email: FOIA@dhs.gov

Mr. Bobak Talebian, Director
Office of Information Policy
Department of Justice
6th Floor
441 G Street, NW
Washington, DC 20530
Phone: 202-514-3642
Email: DOJ.OIP.FOIA@usdoj.gov

However, as a courtesy, the CDC/ATSDR National Center for Emerging and Zoonotic Infectious Diseases, Division of Global Migration and Quarantine, subject matter expert, provided the following publicly accessible links containing related information to your FOIA request:

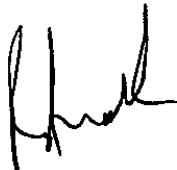
- Information on CDC's Legal Authorities as it relates to Quarantine are available at:
<https://www.cdc.gov/quarantine/aboutlawsregulationsquarantineisolation.html>
- Regulations regarding federal orders is available at:
<https://ecfr.io/Title-42/pt42.1.70>
https://ecfr.io/Title-42/pt42.1.70#se42.1.70_114 starting at 70.14
https://ecfr.io/Title-42/cfr71_main starting at 71.37

In accordance with the Department's implementing regulations, 45 CFR Part 5, no FOIA processing fees are due for your request.

You may contact our FOIA Public Liaison at 770-488-6277 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is 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.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, Suite 729H, Washington, D.C. 20201. You may also transmit your appeal via email to FOIARequest@psc.hhs.gov. Please mark both your appeal letter and envelope "FOIA Appeal." Your appeal must be postmarked or electronically transmitted by Monday, February 8, 2021.

Sincerely,



Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
Phone: (770) 488-6399
Fax: (404) 235-1852

Enclosure