



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

Case No. 2020-01174-FOIA-OS

August 03, 2020

Mr. Austin R. Evers
American Oversight
Via email: foia@americanoversight.org

Dear Mr. Evers:

This letter is the final response to your May 08, 2020, Freedom of Information Act (FOIA) request. Specifically, you requested the following records:

- “1. All directives, orders, decisions, protocols, or guidance regarding the application and enforcement of the Risk Evaluation and Mitigation Strategy for mifepristone.
2. All assessments or analyses—including, but not limited to, legal opinions, memoranda, file memoranda, emails, or other informal communications—relied upon to determine the application and enforcement of the Risk Evaluation and Mitigation Strategy for mifepristone.

American Oversight believes a search for responsive records should include, at a minimum, the following offices:

Department of Health and Human Services

1. Immediate Office of the Secretary
2. Immediate Office of the Assistant Secretary for Administration for Children and Families
3. Office of Population Affairs
4. Center for Faith and Opportunity Initiatives
5. Office for Civil Rights

Food and Drug Administration

1. Immediate Office of the Commissioner
2. Office of Regulatory Affairs
3. Center for Drug Evaluation and Research
4. Office of Chief Counsel

Please provide all responsive records from January 15, 2020, through the date of the search. (Date Range for Record Search: From 1/15/2020 To 5/11/2020).”

On May 26, 2020, a letter seeking clarification was transmitted to you via email, and on May 28, 2020, you provided names of specific individuals within program offices identified in the original request. Upon receiving clarification, a representative from the Assistant Secretary for Administration (ASA), Office of the Chief Information Officer (OCIO), conducted a search and reports there were no indexed results and no responsive records were produced.

While we believe an adequate search of the appropriate files was conducted for the records requested, you have the right to appeal this finding that no responsive records exist within ASA/OCIO. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency’s decision.

Your appeal must be mailed within 90 days from the date of receipt of this letter, to:

Ms. Kim Hutchinson
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Please clearly mark both the envelope and your letter "Freedom of Information Act Appeal." You may also e-mail your appeal to: HHS.ACFO@hhs.gov.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the HHS FOIA Public Liaison for assistance at:

HHS FOIA/PA Public Liaison
FOI/Privacy Acts Division
Assistant Secretary for Public Affairs (ASPA)
Office of the Secretary (OS)
U.S. Department of Health and Human Services (HHS)
200 Independence Avenue, SW, Suite 729H
Washington, DC 20201

Telephone: (202) 690-7453
Fax: (202) 690-8320
E-mail: HHS_FOIA_Public_Liaison@hhs.gov

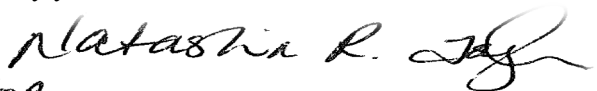
If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001

Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov
Fax: 202-741-5769

There are no charges in this instance because the billable costs are less than our threshold of \$25.

Sincerely yours,


FOR

Brandon J. Gaylord
Director
FOI/Privacy Acts Division