



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
Building 1, Room 344
1 Center Drive, MSC 0188
Bethesda, Maryland 20892-0188
phone: (301) 496-5633
fax: (301) 402-4541

Via Email: Jacob.meckler@aflegal.org

November 18, 2024

Jacob Meckler
America First Legal Foundation
611 Pennsylvania Avenue, SE #231
Washington, DC 20003

Re: NIH FOIA Case No.: 60467; America First Legal Foundation (AFL) v. HHS, Case No. 24-cv-1270

Dear Mr. Meckler:

This is a partial response to the Freedom of Information Act (FOIA) request that is the subject of the complaint filed in *AFL v. HHS*, Case No. 24-cv-1270, now pending in the U.S. District Court for the District of Columbia. Your FOIA request, dated July 27, 2023, was received by the National Institutes of Health Office of the Director on the same day.

For FOIA Request 60467 you requested, “All emails sent or received by Dr. David Morens in connection with the transaction of government business using any non-governmental email account, including the Gmail account referenced by the letter from Rep. Brad Wenstrup, Chairman, H. Select Subcommittee on the Coronavirus Pandemic, to Dr. David Morens, Senior Sci. Advisor, National Institute of Allergy and Infectious Diseases at 2 (Jun. 29, 2023) (available at <https://bit.ly/44tRsWS>) (“I always try to communicate over Gmail because my NIH email is FOIA’d constantly.”)”.

NIH has processed 310 pages of responsive records this month. The information being withheld is protected from release pursuant to Exemptions 4 and 6 of the FOIA, 5 U.S.C. § 552 (b)(4) and (b)(6); and sections 5.31(e) and (f) of the HHS FOIA Regulations, 45 CFR Part 5. Exemption 4 protects from disclosure trade secrets and commercial or financial information that is privileged and confidential. Exemption 6 exempts from disclosure records the release of which would cause a clearly unwarranted invasion of personal privacy.

Please direct any questions regarding this response John Bardo of the Department of Justice, who can be reached at John.Bardo@usdoj.gov.

Sincerely,

for Gorka Garcia-Malene
Freedom of Information Act Officer, NIH