



Case No. 2022-00785-FOIA-OS

May 23, 2022

Sent via email:

Reed Rubinstein
Americas First Legal
foia@aflegal.org

Dear Reed Rubinstein:

This clarification letter is in response to your May 20, 2022, Freedom of Information Act (FOIA) request. Specifically, you requested the following:

“(See attached)

- A. All records referring to Amendments to the International Health Regulations (IHR) or Provisional agenda item 16.2 at the seventy-fifth World Health Assembly (WHA)*
- B. All records referring to the Working Group on Preparedness & Response (WGPR)*
- C. All records referring to governance improvements at the World Health Organization (WHO), including a Task Team of Member States*
- D. All records referring to the intergovernmental negotiating body (INB) to draft and negotiate a WHO convention, agreement or other international instrument on pan-demic prevention, preparedness and response (Date Range for Record Search: From 01/20/2021 To 03/30/2022).”*

The FOIA allows the public to request access to "reasonably described" existing agency records (subject to any applicable FOIA exemptions to disclosure). This means you must describe the category of records you are seeking or the actual document(s), and provide sufficient details to permit a search with reasonable effort, utilizing existing indices and search tools.

In accordance with [Title 45 Code of Federal Regulations Subtitle A, Subpart B – How to Request Records under FOIA](#), HHS outlined what must be contained in FOIA requests to allow staff to locate requested records with a reasonable amount of effort. As set out in HHS FOIA [Regulations](#),

“..... a written description of the records you seek in sufficient detail to enable our staff to locate them with a reasonable amount of effort. The more information you provide, the better possibility we have of finding the records you are seeking. Information that will help us find the records would include:

- (1) The agencies, offices, or individuals involved;
- (2) The approximate date(s) when the records were created;
- (3) The subject, title, or description of the records sought; and
- (4) Author, recipient, case number, file designation, or other reference number, if available.”

This letter is to obtain clarification regarding the subject matter of your FOIA request. Unfortunately, you have not described the records with enough specificity to allow us to continue with the processing of your request. As stated in line one (1) name of individuals you are referring to in the below paragraph:

"In addition to the above specific custodians, we request relevant records from all in-dividuals classified as either Schedule A employees, Schedule C employees, or Senior Executive Service employees in the following HHS offices:

A. Office of the Secretary

B. Office of the Deputy Secretary

C. Office of the Assistant Secretary of Global Affairs"

are required. In other words, we need specific names to conduct an efficient electronic search for records.

The Office of the Chief Information Officer reports due to technology constraints, HHS cannot run a blind search against all users in HHS or an operating/staff division. Electronic searches run against our live email system and a search against all HHS employees would crash our system.

Regarding the search terms, we would need the domain names for each entity in the list so that we could identify emails to or from a custodian to those entities. For example, "emails to or from Jane Doe (Jane.Doe@hhs.gov) and @organization.org or @commercial_entity.com" with specific key words and date ranges.

Once you provide custodians names clarifying you request, we can conduct a search.

At this time, we have placed your request in "tolled" status. Therefore, please clarify and describe the records you are seeking, by sending an email to Ray Noussoukpoe, of my staff, at FOIARequest@hhs.gov.

After you further advise us what records you are seeking, we can begin to process your FOIA request.

HHS "may deny your request for other reasons, including that a request does not reasonably describe the records sought" in accordance with the HHS FOIA [Regulations](#) cited in paragraph three. If you have not contacted our office within 30 business days from the date of this letter, your request will be administratively closed. Therefore, no action on your part is needed, if you no longer have a need for the records.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'AP', is written over a horizontal line.

Arianne Perkins
Director
FOI/Privacy Acts Division