



June 8, 2023

Michael Ding
America First Legal Foundation
Via email: foia@aflegal.org

Dear Mr. Ding:

This letter is regarding your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of March 3, 2023, assigned #HQ-REF-23-00016, for

1. For Funding Opportunity Number (FON) RFA-IP-23-006:
 - a. All records of the Notice of Funding Opportunity;
 - b. All records of any Notice of Award;
 - c. All records of grants agreements, cooperative agreements, and other agreements for assistance covered in § 200.40 Federal financial assistance of the OMB Uniform Grant Guidance.
 - d. All records of Reporting received from Recipients during the post award phase, including closeout.
 - e. All records of Audits conducted during the post award phase.
2. For Federal Award Identification Numbers (FAIN) NU50CK000573, RF1MH132360, and U01TR004355:
 - a. All records of the Notice of Funding Opportunity;
 - b. All records of the Notice of Award;
 - c. All records of the Application submitted for which funding was awarded;
 - d. All records of grant agreements, cooperative agreements, other agreements for assistance covered in § 200.40 Federal financial assistance of the OMB Uniform Grant Guidance.
 - e. All records of Reporting received from the Recipient during the post award phase, including closeout.
 - f. All records of Audits conducted during the post award phase.
3. For Procurement Instrument Identifier Number (PIID) 75N93022C00050:
 - a. All records of the Acquisition Package;
 - b. All records of the Solicitation;
 - c. All records of the Proposals submitted;
 - d. All records of the Program Office's evaluation of the Proposals;
 - e. All records of the Final Award Determination;
 - f. All records of the Statement of Work
 - g. All other records maintained in the contract file, including records relating to the monitoring of work for technical compliance, changes approved by the contracting officer, and other correspondence or actions relating to the contract.
4. All records providing the statutory authority on which HHS relies to address "misinformation."
5. All records providing HHS's regulatory definition of "misinformation."

Staff members within the CDC Office of Financial Resources (OFR) completed searches for material responsive to your request. We located 122 pages of responsive records (120 pages released in full or part; 2 pages withheld in full). After a careful review of these pages, some information was withheld from release pursuant to 5 U.S.C. §552 Exemption(s) 5 and 6.

OFR Staff advised that RFA-IP-23-006 is a new notice of funding opportunity, so there are not documents related to the awarding of that funding opportunity at this time. However, the full notice can be accessed by searching www.grants.gov for "RFA-IP-23-006."

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 deliberative advice regarding a grant application.

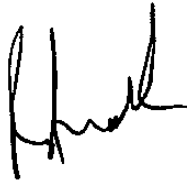
EXEMPTION 6

Exemption 6 protects information in personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy. The information that has been withheld under Exemption 6 consists of personal information, such as phone numbers. We have determined that the individual(s) to whom this information pertains has a substantial privacy interest in withholding it.

You may contact our FOIA Public Liaison at 770-488-6246 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 to the [Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services](#), via the online portal at <https://requests.publiclink.hhs.gov/App/Index.aspx>. Your appeal must be electronically transmitted by September 6, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Andoh', with a stylized, cursive script.

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

Enclosures

HQ-REF-23-00016