



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Assistant Secretary for Public Affairs
Washington, D.C. 20201

America's First Legal Foundation v. HHS

Case No.: 24-439

Request No.: 2023-00613-FOIA-PHS

November 29, 2024

Ian D. Prior
611 Pennsylvania Ave SE #231
Washington, DC 20003

Sent via email: ian.prior@aflegal.org

Dear Mr. Prior:

This letter is the eighth interim response to your Freedom of Information Act (FOIA) requests submitted to the U.S. Department of Health and Human Services (HHS). Specifically, you requested the following records for FOIA request number 2023-00613-FOIA-PHS:

- A. All records of communications, including e-mail and Microsoft Teams messages, to or from Rachel Levine, containing the following terms: Vanderbilt University, Boston Children's Hospital, Seattle Children's Hospital, Children's Hospital of Philadelphia, Tavistock, University of Virginia, Connecticut Children's and/or Washington University Transgender Center. The timeframe for this item is October 19, 2021, to the date this item is fully processed.
- B. All records of communications, including e-mail and Microsoft Teams messages, to or from Rachel Levine, containing the following terms: "genderaffirming care," "puberty blockers," "testosterone," "hormone replacement therapy," "HRT," "transgender clinics," "gender dysphoria," "transition surgery," "gender identity," "detransitioning," "detranistioned," "destransitioner," "medically transitioned," "suicide prevention care," "supportive adult(s)," "gag rule," "medically necessary," "parental rights," "anti-LGBTQIA legislation," "anti-trans legislation," "anti-trans bills," "transgender clinic(s)," "mastectomies," "vaginoplasty," "phalloplasty," "access to bathrooms," "parental consent," "Title IX," "access to sports," "metoidioplasty," "transgender youth," "WPATH," and/or "Protect Children's Innocence Act." The timeframe for this item is October 19, 2021, to the date this item is fully processed.

For this eighth response, the Department has reviewed **691 pages** of records, potentially responsive to FOIA request number 2023-00613-FOIA-PHS. Of these **691 pages**, we are releasing **691 pages**, in part, with portions redacted, pursuant to Exemption 5 of the FOIA (5 U.S.C. §552 (b)(5)).

FOIA exemption (b)(5) protects inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. This exemption protects documents that would be covered by any privilege an agency could assert in a civil proceeding. These privileges include, among others, the deliberative process privilege, the attorney-client privilege, and the attorney work-product privilege. Under this exemption, the records being withheld consist of email communications and internal documents and drafts.

For all exemptions applied, we have found that it is reasonably foreseeable that disclosure would harm an interest protected by one or more of the exemptions to the FOIA's general rule of disclosure and/or that disclosure is prohibited by law.

We will continue to review the remaining records as efficiently and expeditiously as possible, consistent with the terms of the joint status report and our available resources. Should you have questions or concerns regarding the Department's response and/or the processing of your request, any such issues should be communicated to your legal counsel and Department of Justice Attorney representing the Department in this matter.

Sincerely,

For Alesia Y. Williams
Director, FOIA Appeals and Litigations
FOI/Privacy Act Division

Enclosures: 691 pages