



Refer To: **2024-00115-FOIA-OS**

November 27, 2023

Sent via email:

Gene Hamilton
America First Legal Foundation
600 14th Street NW, 5th Floor
Washington, DC 20005
info@aflegal.org

Dear Gene Hamilton:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request dated, November 27, 2023. Your request 23-01470-FOIA was referred to the Department of Health and Human Services (HHS) by the CDC, and received in this office on November 27, 2023. You requested the following: “All records of communications between the custodians listed below with Imran Ahmed or with any e-mail account ending in the domain name “@counterhate.com.” The time frame for this request is January 20, 2021 to the date this request is processed.

Office of the Secretary

1. Xavier Becerra, Secretary of HHS
2. Vivek H. Murthy, Surgeon General
3. Katharine Dealy, Chief Engagement Officer for the Surgeon General
4. Yolanda Byrd, HHS Digital Engagement Team
5. Christy Choi, HHS Office of Communications
6. Ashley Morse, HHS Director of Digital Engagement
7. Joshua Peck, HHS Deputy Assistant Secretary
8. Janell Muhammed, HHS Deputy Digital Director”.

This office is in the process of reviewing your request and/or responsive records, which originated or exist within the HHS, Office of the Secretary (OS). If there is reason to believe that a search for responsive records should be performed regarding your referred request, your request will be forwarded to the appropriate OS program office to perform a search for responsive records.

Please note the following:

If you believe that we should expedite the processing of your request because the requested records are needed in light of a compelling need; i.e., an imminent threat to the life and safety of an individual; an urgency to inform the public concerning government activity (provided you are a member of the media); a deadline in litigation; a deadline for commenting on proposed regulations; or other urgent matters, you must ask for expedited processing in writing and



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

provide to this office as much relevant information as possible. In line with 5 U.S.C. § 552(a)(6)(E)(vi), you must demonstrate the compelling need in a statement certified to be true and correct to the best of your knowledge and belief. Attach any supporting documentation to your statement, including a court scheduling order if your request is based upon a litigation deadline. (Fax supporting documentation to the FOIA/PA Division at (202) 690-8320).

If your request seeks a waiver or reduction of the fees that we would customarily charge for furnishing agency records and your request does not contain sufficient information to enable us to determine whether a waiver or reduction of fees is warranted, you should provide such information to this office within 10 working days of receipt of this letter. In line with 45 C.F.R. § 5.45, such information must include a detailed explanation of how disclosure to you: (1) is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) is not primarily in the commercial interest of the requester. I especially need to know how you intend to disseminate the information to the public.

Because you seek records which require a search in another office, “unusual circumstances” apply to your request, automatically extending the time limit to respond to your request for ten additional days. See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V. 2017). Further, we estimate needing more than 10 additional days to respond to your request and so, in the next paragraph of this letter we are offering you an opportunity to narrow your request, in case narrowing the request would enable us to respond to the request sooner. The actual time needed to process your request will depend on the complexity of our records search and on the volume and complexity of any material located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Our current workload is approximately 3000 cases.

Your request is assigned to the complex track. In an effort to speed up our records search, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located. You may also wish to await the completion of our records search to discuss either of these options.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the HHS FOIA office via email at foiarequest@hhs.gov.

If you are not satisfied with any aspect of the processing and handling of this request, you have the right to seek dispute resolution services from:

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)



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

Telephone: (202) 690-7453

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

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Arianne Perkins".

Arianne Perkins
Director, Initial FOIA Requests
FOI/Privacy Acts Division