

# BuzzFeedNEWS

111 E. 18th Street 13th Floor New York, NY 10003

Dan Vergano  
Science Reporter  
BuzzFeed News  
111 E. 18th St.  
13th Floor  
New York, NY 10003  
703-725-7908

FOIA Officer  
Department of Health and Human Services  
Centers for Disease Control and Prevention  
1600 Clifton Road, N.E.  
Attn: FOIA Office, MS-D54  
Atlanta, GA 30333  
(770) 488-6277  
FOIARequests@cdc.gov

September 14, 2020

## **FOIA REQUEST**

### **Fee waiver requested**

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of all communications to and from CDC director Robert Redfield (olx1@cdc.gov) and Health and Human Services public affairs chief Michael Caputo (Michael.Caputo@hhs.gov) and his scientific adviser Paul Alexander (Paul.Alexander@hhs.gov) from May 1, 2020 to today, September 14, 2020. These communications are now the subject of a Congressional hearing.

I would like to receive the information in electronic format, preferably a machine readable PDF or XML file.

Exhibit A

# BuzzFeedNEWS

111 E. 18th Street 13th Floor New York, NY 10003

I agree to pay reasonable fees for the processing of this request up to \$25. Please notify me before incurring any expenses in excess of that amount.

## Fee Categorization

For fee categorization purposes, I am a representative of the news media. Through this request, I am gathering information for my journalistic work with BuzzFeed News. BuzzFeed News is a global news outlet with more than 100 million monthly readers. Accordingly, I am only required to pay for the direct cost of duplication after the first 100 pages. 5 U.S.C. § 552(a)(4)(A)(ii)(II); id. § 552(a)(4)(A)(iv)(II).

## Request for Fee Waiver

Please waive any applicable fees. Release of the information is not primarily in my commercial interest and will contribute significantly to public understanding of government operations and activities. 5 U.S.C. § 552(a)(4)(A)(iii). I am making this request as a news reporter in order to inform the public about government operations, in this case, science communication during a deadly pandemic.

## Request for Expedited Processing

Please provide expedited processing of this request which concerns a matter of urgency. As a science reporter, I am primarily engaged in disseminating information. The public has an urgent need for information about pandemic communications because of the ongoing and continuing pandemic that has killed more than 190,000 US citizens, and counting, where communication of accurate scientific information -- or interference with that communication -- can affect the number of lives lost. This is exactly the kind of life and death situation described in the FOIA statute creating the expedited processing category, and has been approved as such repeatedly throughout this crisis. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

## Conclusion

If my request is denied in whole or part, please justify all withholdings by reference to specific exemptions and statutes, as applicable. For each withholding please also explain why your agency “reasonably foresees that disclosure would harm an interest protected by an exemption” or why “disclosure is prohibited by law[.]” 5 U.S.C. § 552(a)(8)(A)(i).

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111 E. 18th Street 13th Floor New York, NY 10003

I would appreciate your communicating with me by email or telephone, rather than by mail.

I look forward to your determination regarding my request for expedited processing within 10 calendar days, as the statute requires.

Thank you in advance for your assistance.

Sincerely,

Dan Vergano



Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333

September 15, 2020

Dan Vergano  
BuzzFeed News  
1630 Connecticut Avenue, 7th Floor  
Washington, District of Columbia 20009  
Via email: Dan.Vergano@buzzfeed.com

Dear Mr. Vergano:

The Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) received your Freedom of Information Act (FOIA) request dated September 14, 2020. Your request assigned number is 20-02344-FOIA, and it has been placed in our complex processing queue.

**Extension of Time**

In unusual circumstances, an agency can extend the twenty-working-day limit to respond to a FOIA request.

We will require more than thirty working days to respond to your request because:

- We reasonably expect that two or more CDC centers, institutes, and offices (C/I/Os) may have responsive records.
- We reasonably expect to receive and review voluminous records in response to your request.
- We reasonably expect to consult with two or more C/I/O/s, or another HHS operating division or another federal agency about your request.
- We reasonably expect that records located would contain confidential commercial information. We are required to notify submitters of confidential information if their information is requested through a FOIA request. Submitters have 10 working days to object to the release of their information.

To process your request promptly, please consider narrowing the scope of your request to limit the number of responsive records. 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 analyst handling your request LaShonda Schofield at 770-488-6241 or our FOIA Public Liaison, Roger Andoh at 770-488-6277. Additionally, you may contact the Office of Government Services (OGIS) 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.

**Expedited Processing**

You requested that we expedite processing your request. Your request is granted and your FOIA request would be processed as quickly as possible.

Exhibit B

Page 2- Mr. Vergano

**Fee Category**

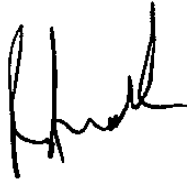
Because you are considered a “News Media requester,” you will not be charged fees unless you choose to receive responsive records in hard copy. (10 cents/page)

**Cut-off-date**

If you don’t provide us with a date range for your request, the cut-off date for your request will be the date the search for responsive records starts.

You may check on the status of your case on our FOIA webpage <https://foia.cdc.gov/app/Home.aspx> and entering your assigned request number. If you have any questions regarding your request, please contact me at 770-488-6241 or via email at hur7@cdc.gov

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Andoh', written in a cursive style.

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

20-02344-FOIA



Dan Vergano <dan.vergano@buzzfeed.com>

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## Your CDC FOIA Request #20-02344-FOIA

5 messages

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**LSchofield@cdc.gov** <LSchofield@cdc.gov>  
To: Dan.Vergano@buzzfeed.com

Fri, Oct 2, 2020 at 1:52 PM

October 2, 2020

Request Number: 20-02344-FOIA

Dear Mr. Vergano:

This is regarding your Freedom of Information Act (FOIA) request of September 14, 2020, for request for access to and copies of all communications to and from CDC director Robert Redfield ([olx1@cdc.gov](mailto:olx1@cdc.gov)) and Health and Human Services public affairs chief Michael Caputo ([Michael.Caputo@hhs.gov](mailto:Michael.Caputo@hhs.gov)) and his scientific adviser Paul Alexander ([Paul.Alexander@hhs.gov](mailto:Paul.Alexander@hhs.gov)) (Date Range for Record Search: From 5/1/2020 To 9/14/2020).

Please see the attached letter.

Sincerely,  
CDC/ATSDR FOIA Office  
770-488-6399

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 **Referral to other agency\_Ltr for Requester (2)\_20-023341.docx**  
90K



Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333  
October 2, 2020

Dan Vergano  
BuzzFeed News  
111 E. 18<sup>th</sup> Street  
13<sup>th</sup> Floor  
New York, NY 10003

Dear Mr. Vergano:

This letter is to acknowledge receipt of your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of September 14, 2020, “regarding request for access to and copies of all communications to and from CDC director Robert Redfield([olx1@cdc.gov](mailto:olx1@cdc.gov)) and Health and Human Services public affairs chief Michael Caputo ([Michael.Caputo@hhs.gov](mailto:Michael.Caputo@hhs.gov)) and his scientific adviser Paul Alexander ([Paul.Alexander@hhs.gov](mailto:Paul.Alexander@hhs.gov)) (Date Range for Record Search: From 5/1/2020 To 9/14/2020)”

Your request has been referred to the Division of Freedom of Information for the Department of Health and Human Services and the Centers for Medicare & Medicaid Services. The information you requested falls under their jurisdiction. Should you have questions about the status of your request, you may contact:

Freedom of Information Officer  
Hubert H. Humphrey Building, Room 729H  
200 Independence Avenue, SW  
Washington, D.C. 20201  
Email: [FOIARequest@hhs.gov](mailto:FOIARequest@hhs.gov)  
Phone: 202-690-7453  
Fax: 202-690-8320  
FOIA Officer: Brandon Gaylord

Centers for Medicare & Medicaid Services  
Philadelphia Regional Office  
801 Market Street  
Suite 9400  
Philadelphia, PA 19107-3134  
Phone: (215) 861-4347  
Fax: (443)-380-8939  
Email: [RO3FOIA@cms.hhs.gov](mailto:RO3FOIA@cms.hhs.gov)

Sincerely,

*LaShonda Schofield*

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

cc:

Brandon Gaylord, HHS FOIA Office  
CMS FOIA Office

20-02334-FOIA





Dan Vergano <dan.vergano@buzzfeed.com>

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**Your CDC FOIA Request #20-02344-FOIA**

5 messages

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**Dan Vergano** <dan.vergano@buzzfeed.com> Fri, Dec 4, 2020 at 10:36 AM  
To: "Trent, Jacqueline" <foiarequest@hhs.gov>, RO3FOIA@cms.hhs.gov, Brandon.Gaylord@hhs.gov

I'd like to request a completion date for this FOIA request, and a status update.

FYI the Freedom of Information Officer Hubert H. Humphrey Building Phone -- 202-690-7453 -- does not work.

**Dan Vergano**  
Science Desk (DC)  
(202) 629-4563  
**BuzzFeed News**  
111 E. 18th St., 13th Floor  
c/o Washington DC Bureau  
NY, NY 10003  
Send secure tips --contact.buzzfeed.com  
[Quoted text hidden]

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 **Referral to other agency\_Ltr for Requester (2)\_20-023341.docx**  
90K

To: CMS 04 FOIA RF <04FOIARF@cms.hhs.gov>  
Cc: "dan.vergano@buzzfeed.com" <dan.vergano@buzzfeed.com>

This is from an Atlanta office. Not sure what I can do for them. If you need something from me, let me know.

Have a noncontagious day but keep an infectious smile!

Amy E. Holloway

Phone: 215-861-4182

Cell: 573-586-8532

Email: [amy.holloway@cms.hhs.gov](mailto:amy.holloway@cms.hhs.gov)

Be blessed to be a blessing!

I read and I forgot,

I saw and I remembered,

I did and I understood!

[Quoted text hidden]

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 **Referral to other agency\_Ltr for Requester (2)\_20-023341.docx**  
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**Gaylord, Brandon (OS/ASPA)** <Brandon.Gaylord@hhs.gov> Fri, Dec 4, 2020 at 11:08 AM  
To: Dan Vergano <dan.vergano@buzzfeed.com>, "OS FOIA Request (HHS/ASPA)" <FOIARquest@hhs.gov>, CMS RO3  
FOIA <RO3FOIA@cms.hhs.gov>

Hi Dan,

I asked the processor to provide you with an estimated date of completion. Our tracking number is 2021-00033-FOIA-OS.

Thanks,

Brandon

**From:** Dan Vergano <[dan.vergano@buzzfeed.com](mailto:dan.vergano@buzzfeed.com)>  
**Sent:** Friday, December 4, 2020 10:36 AM  
**To:** OS FOIA Request (HHS/ASPA) <[FOIARquest@hhs.gov](mailto:FOIARquest@hhs.gov)>; CMS RO3 FOIA  
<[RO3FOIA@cms.hhs.gov](mailto:RO3FOIA@cms.hhs.gov)>; Gaylord, Brandon (OS/ASPA) <[Brandon.Gaylord@hhs.gov](mailto:Brandon.Gaylord@hhs.gov)>

[Quoted text hidden]

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**CMS RO3 FOIA** <RO3FOIA@cms.hhs.gov>

Fri, Dec 4, 2020 at 11:09 AM

To: "Gaylord, Brandon (OS/ASPA)" <Brandon.Gaylord@hhs.gov>, Dan Vergano <dan.vergano@buzzfeed.com>, "OS FOIA Request (HHS/ASPA)" <FOIARrequest@hhs.gov>, CMS RO3 FOIA <RO3FOIA@cms.hhs.gov>  
Cc: CMS 04 FOIA RF <04FOIARF@cms.hhs.gov>

Thank you for the reply. Who is the processor of this request?

Have a noncontagious day but keep an infectious smile!

Amy E. Holloway

Phone: 215-861-4182

Cell: 573-586-8532

Email: [amy.holloway@cms.hhs.gov](mailto:amy.holloway@cms.hhs.gov)

Be blessed to be a blessing!

I read and I forgot,

I saw and I remembered,

I did and I understood!

[Quoted text hidden]



Dan Vergano <dan.vergano@buzzfeed.com>

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## Your CDC FOIA Request #20-02344-FOIA

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**LSchofield@cdc.gov** <LSchofield@cdc.gov>  
To: dan.vergano@buzzfeed.com

Wed, Dec 30, 2020 at 11:08 AM

December 30, 2020

Request Number: 20-02344-FOIA

Dear Mr. Vergano:

This is regarding your Freedom of Information Act (FOIA) request of September 14, 2020, for request for access to and copies of all communications to and from CDC director Robert Redfield ([olx1@cdc.gov](mailto:olx1@cdc.gov)) and Health and Human Services public affairs chief Michael Caputo ([Michael.Caputo@hhs.gov](mailto:Michael.Caputo@hhs.gov)) and his scientific adviser Paul Alexander ([Paul.Alexander@hhs.gov](mailto:Paul.Alexander@hhs.gov)) (Date Range for Record Search: From 5/1/2020 To 9/14/2020).

Please see the attached letter.

Sincerely,  
CDC/ATSDR FOIA Office  
770-488-6399

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 **Referral to other agency\_Ltr for Requester (2)\_20-02334\_\_1.docx**  
90K

Exhibit E



Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333  
December 30, 2020

Dan Vergano  
BuzzFeed News  
111 E. 18<sup>th</sup> Street  
13<sup>th</sup> Floor  
New York, NY 10003

Dear Mr. Vergano:

This letter is in follow up to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of September 14, 2020, “regarding request for access to and copies of all communications to and from CDC director Robert Redfield(olx1@cdc.gov) and Health and Human Services public affairs chief Michael Caputo (Michael.Caputo@hhs.gov) and his scientific adviser Paul Alexander (Paul.Alexander@hhs.gov) (Date Range for Record Search: From 5/1/2020 To 9/14/2020)” This letter is intended to identify the number of pages sent to each agency, since it was not included in the September 29, 2020 letter.

We located 381 pages of responsive records, of which, 379 pages were referred to the Division of Freedom of Information for the Department of Health and Human Services and 2 pages were referred to the Centers for Medicare & Medicaid Services for processing and direct response to you. Should you have questions about the status of your request, you may contact:

Freedom of Information Officer  
Hubert H. Humphrey Building, Room 729H  
200 Independence Avenue, SW  
Washington, D.C. 20201  
Email: [FOIARequest@hhs.gov](mailto:FOIARequest@hhs.gov)  
Phone: 202-690-7453  
Fax: 202-690-8320  
FOIA Officer: Brandon Gaylord

Centers for Medicare & Medicaid Services  
Philadelphia Regional Office  
801 Market Street  
Suite 9400  
Philadelphia, PA 19107-3134  
Phone: (215) 861-4347  
Fax: (443)-380-8939  
Email: [RO3FOIA@cms.hhs.gov](mailto:RO3FOIA@cms.hhs.gov)

Page 2- Mr. Vergano

Sincerely,

*LaShonda Schofield*

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

cc:

Brandon Gaylord, HHS FOIA Office  
CMS FOIA Office

20-02334-FOIA