

# **Exhibit 3**



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

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

Refer to: Request Number **2023-00630-FOIA-OS**

**April 3, 2023**

*Sent via email:*

Chris Stanley  
chris@functionalgovernment.org

Dear Mr. Stanley:

This acknowledges receipt of your March 31, 2023, Freedom of Information Act (FOIA) request, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division concerning “FGI requests all records from December 19, 2022, until the date the search begins pertaining to the report from the Reagan-Udall Foundation for the Food and Drug Administration about the FDA’s tobacco programs, Operational Evaluation of Certain Components of FDA's Tobacco Program . This would include but not be limited to communications to anyone outside the government about the report, any analysis of the report, responses to the report, and plans to address the report.

Custodian:  
Andrea Palm, Deputy Secretary

Please see the request letter for more details. (Date Range for Record Search: From 12/19/2022 To 04/07/2023)”. We received your request on April 3, 2023.

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 analyst handling your request, OS FOIA Division Queue at [foiarequest@hhs.gov](mailto: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)

Telephone: (202) 690-7453  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

and/or:

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](mailto:ogis@nara.gov)

If you are not already submitting your requests through our Public Access Link (PAL), we recommend all future requests and appeals be submitted through PAL - <https://requests.publiclink.hhs.gov/>. Submitting requests through PAL automatically logs your requests into our tracking system and provides you with a tracking number. Your PAL account will allow you to track the progress of your request, receive your documents directly through the portal, and securely submit privacy-sensitive or business-sensitive documents.

Sincerely yours,



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



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