



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

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

Case No. 2023-01017-FOIA-OS

September 19, 2023

Sent via email:

Mr. Mike Howell
The Heritage Foundation, Daily Signal
mike.howell@heritage.org

Dear Mr. Mike Howell:

This clarification letter is in response to your July 13, 2023 Freedom of Information Act (FOIA) request. Specifically, you requested the following: *“records (or records containing the following information) from all individuals within: the immediate Office of the Secretary; Office [for] Civil Rights; the Office of the General Counsel; and the President’s Coronavirus Task Force:*

Search terms: 1) First priority search, all records regarding the below terms:

• Moms for Liberty • Tiffany Justice • Tina Descovich 2) Second priority search, all records regarding the below e-mail domain. • @splcenter.org Please limit your search from January 1, 2020 to the present. (Date Range for Record Search: From 1/1/2020 To 7/21/2023).”

The FOIA allows the public to request access to “reasonably described” existing agency records (subject to any applicable FOIA exemptions to disclosure). This means you must describe the category of records you are seeking or the actual document(s), and provide sufficient details to permit a search with reasonable effort, utilizing existing indices and search tools.

In accordance with [Title 45 Code of Federal Regulations Subtitle A, Subpart B – How to Request Records under FOIA](#), HHS outlined what must be contained in FOIA requests to allow staff to locate requested records with a reasonable amount of effort. As set out in [HHS FOIA Regulations](#),

“..... a written description of the records you seek in sufficient detail to enable our staff to locate them with a reasonable amount of effort. The more information you provide, the better possibility we have of finding the records you are seeking. Information that will help us find the records would include:

- (1) The agencies, offices, or individuals involved;
- (2) The approximate date(s) when the records were created;
- (3) The subject, title, or description of the records sought; and
- (4) Author, recipient, case number, file designation, or other reference number, if available.”

Howell - Page 2 of 2
HHS Clarification Letter
2023-01017-FOIA-OS

This letter is to obtain clarification regarding the subject matter of your FOIA request. Unfortunately, you have not described the records with enough specificity to allow us to continue with the processing of your request. **Specifically, you need to provide additional information on:**

- (1) The agencies, offices, or individuals involved, and**
- (2) Author, recipient, case number, file designation, or other reference number, if available.**

The Office of the Chief Information Officer reports due to technology constraints, HHS cannot run a blind search against all users in HHS or an operating/staff division. Electronic searches run against our live email system and a search against all HHS employees would crash our system.

Regarding the search terms, we would need the domain names for each entity in the list so that we could identify emails to or from a custodian to those entities. For example, “emails to or from Jane Doe (Jane.Doe@hhs.gov) and @organization.org or @commercial_entity.com” with specific key words and date ranges.

If we get **the missing information described above in paragraph 4**, we can run the search. If all the parameters (timeframes, key words, etc.) are the same, we can run the search against multiple custodians simultaneously.

At this time, we have placed your request in “tolled” status. Therefore, please clarify and describe the records you are seeking, by sending an email to Kathy Hill, of my staff, at FOIARquest@hhs.gov.

After you further advise us what records you are seeking, we can begin to process your FOIA request.

HHS “may deny your request for other reasons, including that a request does not reasonably describe the records sought” in accordance with the HHS FOIA [Regulations](#) cited in paragraph three. If you have not contacted our office within 30 business days from the date of this letter, your request will be administratively closed. Therefore, no action on your part is needed, if you no longer have a need for the records.

Sincerely yours,



Arianne Perkins
Director
FOI/Privacy Acts Division