

Exhibit 5



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
Building 31, Room 5B-35
31 Center Drive, MSC 2107
Bethesda, Maryland 20892-2107
phone: (301) 496-5633
fax: (301) 402-4541

Via Email: foia@sirillp.com

July 1, 2021

Aaron Siri
200 Park Avenue, 17th Floor
New York, NY 10166

RE: FOIA Request 56548

Dear Mr. Siri,

This is in reference to your June 16, 2021, Freedom of Information Act (FOIA) request addressed to the FOIA Office, National Institutes of Health (NIH), and received in this office on the same day. You requested copies of all emails sent or received by Anthony Fauci on or after January 1, 2011 that include the words “Daszak” or “EcoHealth” or “Eco Health.”

You also requested expedited processing.

The FOIA, 5 U.S.C. §552(a)(6)(E), requires agencies to consider requests for expedited processing and grant them whenever a “compelling need” is shown and in other cases as determined by the agency. The term “compelling need” is defined as (1) involving “an imminent threat to the life or physical safety of an individual,” or (2) in the case of a request made by “a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.” The compelling need standard is “intended to be narrowly applied.” *Al-Fayed v. CIA*, 254 F.3d 300, 310 (D.C. Cir. 2001).

Your request does not meet the standards of “compelling need,” therefore, I am denying your request for expedited processing.

We are searching the files of the NIH for records responsive to your request. If any documents responsive to your request are located, they will be reviewed for releasability, and all releasable information will be sent to you. We will do everything possible to comply with your request in a timely manner. Please contact the NIH FOIA Office at [nihfoia@od.nih.gov](mailto:.nihfoia@od.nih.gov) or 301-496-5633 for additional information or to inquire about the status of your request.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the Department of Health and Human Services

(HHS) FOIA Regulations as they apply to educational institution requesters; i.e., you will be charged for duplication at 10 cents per page although the first 100 pages are free; there is no charge for search or review time. If there are any fees associated with processing this request, you will be sent an invoice with our final response. Because we are uncertain that any applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

If you are not satisfied with the processing and handling of this request you may contact the NIH FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Denean Standing-Ojo
Public Affairs Specialist
Office of Communications and Public Liaison
Building 31, Room 5B52S
31 Center Drive
Bethesda, MD 20814
301-496-5077 (phone)
301-496-0818 (fax)
nihfoia@od.nih.gov (email)

OGIS

National Archives and Records Admin
8601 Adelphi Rd - OGIS
College Park, MD 20740-6001
202-741-5770 (phone)
1-877-684-6448 (toll-free)
202-741-5769 (fax)
ogis@nara.gov (email)

In addition, you have the right to appeal this determination to deny you expedited processing of your request. Should you wish to do so, your appeal must be sent within ninety (90) days of the date of this letter, following the procedures outlined in Subpart C of the HHS FOIA Regulations (<http://www.nih.gov/icd/od/foia/cfr45.htm>) to:

Assistant Secretary for Public Affairs
Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Clearly mark both the envelope and your letter “Freedom of Information Act Appeal.”

Sincerely,

Hawyee Yan -S
Digitally signed by Hawyee Yan -S
Date: 2021.07.01 16:17:59
-0400'

Hawyee Yan, for
Gorka Garcia-Malene
Freedom of Information Officer, NIH