

# Exhibit A



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## **CDC FREEDOM OF INFORMATION ACT REQUEST**

**VIA ONLINE PORTAL**

May 5, 2022

Roger Andoh  
Freedom of Information Officer  
Centers for Disease Control and Prevention  
1600 Clifton Road, N.E., Building 57, Room MS D-54  
Atlanta, Georgia 30333

*Re: The Immunization Safety Office's use of Instant Messaging Services (IR#0760)*

Dear Sir or Madam:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to [foia@sirillp.com](mailto:foia@sirillp.com) in electronic form:

**All emails sent by any personnel in the Immunization Safety Office, from January 1, 2020 through the date of the search that contain one or more of the following terms:**

- **Instant messag! (! = bullion search)**
- **pin-to-pin**
- **WhatsApp**
- **Signal**
- **P2P**
- **iMessage**
- **Messenger**
- **Hangouts**
- **Jabber**
- **IM (capitalized only)**
- **WeChat**
- **Microsoft Team(s)**
- **Skype**

**Information helpful to fulfilling the request: all listed search terms refer to digital messaging platforms and those are the contexts in which we are interested (e.g., “Signal” refers to the private messenger application available on electronic devices).**

We ask that you waive any and all fees or charges pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). ICAN is a not-for-profit news media organization whose mission is to raise public awareness about vaccine safety and to provide the public with information to give informed consent. As part of its mission, ICAN actively investigates and disseminates information regarding vaccine safety issues for free, including through its website,<sup>1</sup> a weekly health news and talk show,<sup>2</sup> and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government's vaccine safety programs, and specifically, the role the Immunization Safety Office in these endeavors and how it communicates internally about issues of vaccine safety. The information ICAN is requesting will not contribute to any commercial activities. Therefore, ICAN should be properly categorized as a media requester, and it is entitled to the search and processing privileges associated with such a category designation. Accordingly, ICAN will be forced to challenge any agency decision that categorizes it as any other category of requester.

Please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We therefore request that we be provided with all non-exempt portions which are reasonably segregable. We further request that you describe any deleted or withheld material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies. Please also separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements may help to avoid unnecessary appeal and litigation. ICAN of course reserves all rights to appeal the withholding or deletion of any information.

Access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter. Failure to respond in a timely manner shall be viewed as a denial of this request and ICAN may immediately take further action.

Furthermore, we specifically request that the agency provide us with an estimated date of completion for this request.

If you would like to discuss our request or any issues raised in this letter, please feel free to contact us at (212) 532-1091 or [foia@sirillp.com](mailto:foia@sirillp.com) during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

*/s/ Aaron Siri*

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Aaron Siri, Esq.

Elizabeth A. Brehm, Esq.

Colin M. Farnsworth Esq.

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<sup>1</sup> <https://www.icandecide.org/>.

<sup>2</sup> <https://thehighwire.com/>.