

EXHIBIT 4



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

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

Case No. 2023-00132-A-OS

May 2, 2023

Mr. Mike Howell
The Heritage Foundation
Washington, District of Columbia 20016
Sent via email: oversightproject@heritage.org

Dear Mr. Howell:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) appeal, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division. We received your appeal on **April 27, 2023**. Your appeal challenges the Office of the Secretary FOIA office's (OS/FOIA) response to your original request # 2023-00616-FOIA-OS. Your appeal has been assigned the above-stated case number based on when it was received in this office. Please reference this number on your correspondence.

Your appeal challenges OS/FOIA's constructive denial through non-response to your original FOIA request.

Pursuant to 5 U.S.C. § 552(a)(6)(B)(i) and 5 U.S.C. § 552(a)(6)(B)(iii) of the FOIA and 45 CFR 5.24(f) of the HHS FOIA regulations, your appeal falls under "unusual circumstances" in that our office will need to consult with another office or agency that has substantial interest in the determination of the appeal. The actual processing time will depend on the complexity of the issues presented in the appeal and consultation with other U.S. Department of Health and Human Services (HHS) components involved. Each appeal is handled on a first-in, first-out basis in relation to the other open appeals in the processing queue. First, I would like to apologize for the delay in acknowledging your appeal. Please be assured that we have been actively processing your appeal. At the time of your appeal, there were approximately **484** open appeals in the processing queue. For more information about how your appeal will be processed please refer to the HHS FOIA regulations (<https://www.federalregister.gov/documents/2016/10/28/2016-25684/freedom-of-information-regulations>).

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

If you have any questions, please email us at FOIArequest@hhs.gov.

Sincerely yours,

Alesia Y. Williams

Alesia Y. Williams
Director, FOIA Appeals and Litigations
FOI/Privacy Acts Division 11