

Exhibit 3



5600 Fishers Lane
Rockville, MD 20857

December 27, 2023

Sent via Email

Aaron Siri
Siri & Glimstad LLP
745 Fifth Avenue, Suite 500
New York, NY 10151
foia@sirillp.com

Re: Health Resources and Services Administration (HRSA) Freedom of Information Act (FOIA)
Request Case Number 24F109

Dear Aaron Siri:

This is the final response to your FOIA request received by this office on December 12, 2023. In summary, you requested all records sufficient to identify all agency personnel involved with the Countermeasures Injury Compensation Program (“CICP”).

A records search was conducted in HRSA’s Division of Injury Compensation Programs (DICP), and we located one page. We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA’s general rule of disclosure. We withheld portions of the one page under FOIA exemption, 5 U.S.C. § 552(b)(6)(Exemption 6).

Exemption 6 protects information about individuals in “personnel and medical files and similar files” when the disclosure of such information would constitute a clearly unwarranted invasion of privacy. Due to credible threats and harassment against the DICP staff and to protect the safety and well-being of the DICP staff, we withheld the identities and contact information of DICP staff members below the Deputy Director-level.

The U.S. Department of Health and Human Services’ (HHS) policy calls for the fullest responsible disclosure consistent with the requirements of administrative necessity and confidentiality as recognized by the FOIA, 5 U.S.C. § 552 and HHS’s FOIA regulations at 45 C.F.R. Part 5.

If you believe that the information withheld should not be exempt from disclosure or that this response constitutes an adverse determination, you may appeal. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency’s decision.

Your appeal can be submitted by email or in the HHS FOIA and Appeal Portal within 90 days from the date of this letter to:

William Holzerland
Deputy Agency Chief FOIA Officer

U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Email: FOIARequest@hhs.gov
Portal: <https://requests.publiclink.hhs.gov/App/Index.aspx>

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process or if you are not satisfied with any aspect of the processing and handling of this request, please contact HRSA's FOIA Public Liaison:

Brian A. May
Freedom of Information Act Officer
Telephone: 301-443-1467
Email: FOIA@hrsa.gov

If we are unable to resolve your FOIA dispute the Office of Government Information Services (OGIS), the federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
Fax: 202-741-5769
Email: ogis@nara.gov

On December 15, 2023, we classified you as a "Media" category requester and approved your request for a fee waiver.

If you have any questions, please do not hesitate to contact our office at 301-443-1467 or FOIA@hrsa.gov.

Sincerely,

Brian A. May -S

Digitally signed by Brian A.
May -S
Date: 2023.12.27 09:07:26
-05'00'

Brian A. May
Freedom of Information Act Officer

Enclosure
24F109Records-redacted.pdf (one page)