

# Exhibit 3



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](mailto:foia@sirillp.com)

November 15, 2023

Aaron Siri  
Siri & Glimstad LLP  
745 Fifth Ave., Suite 500  
New York, New York 10151

Re: FOI Case No. 57907

Dear Mr. Siri:

This is the final response to your February 17, 2022, Freedom of Information Act (FOIA) request addressed to the National Institute of Allergy and Infectious Diseases (NIAID) FOIA office which was received on the same day. Department of Health and Human Services' (HHS) policy calls for the fullest possible disclosure provided by the FOIA, 5 U.S.C. §552, consistent with the protections contained therein. The implementing HHS Regulations establish the criteria pursuant to which the FOIA is administered, *see* 45 C.F.R. Part 5. Copies of the FOIA and the HHS FOIA Regulations are located at: <http://www.nih.gov/icd/od/foia/efoia.htm> and <http://www.nih.gov/icd/od/foia/cfr45.htm>.

You requested:

All records concerning any meeting held regarding whether natural COVID-19 infections, or natural immunity, should count, qualify, or suffice in situations where the COVID-19 vaccine is mandated and where the meeting was attended by at least the following people: Vivek Murthy (U.S. Surgeon General), Francis Collins (Former Director of the National Institutes of Health), Anthony Fauci (Chief Medical Advisor to the President, Director of the National Institute of Allergy and Infectious Diseases), Rochelle Walensky (Director of the Centers for Disease Control and Prevention), and Paul Offit (Director of the Vaccine Education Center at Children's Hospital of Philadelphia).

- Records sought include, but should not be limited to, any recordings, transcripts, minutes, and notes taken during the meeting, as well as any reports or records used or shared with meeting participants prior to or during the meeting.
- The timeframe of this request is for records created, modified, sent, received, or shared between January 1, 2021, and December 19, 2021."

NIAID searched their files and located 234 pages responsive to your request, of which 112 pages are enclosed and 122 pages contain equities belonging to other offices. Because NIH does not

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have jurisdiction over these records, **we are referring these 122 pages for their review and direct response to you.** Should you wish to contact the offices, please direct your inquiry to [FOIARequest@hhs.gov](mailto:FOIARequest@hhs.gov)

I have determined to withhold portions of the released pages pursuant to FOIA exemptions 6 of the FOIA, 5 U.S.C. 552(b)(6), and section 5.67 of the HHS FOIA Regulations, 45 C.F.R. Part 5. Exemption 6 exempts from disclosure records the release of which would cause a clearly unwarranted invasion of personal privacy.

You have the right to appeal this determination to deny you access to information in the Agency's possession. 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 F of the HHS FOIA Regulations (<https://www.federalregister.gov/documents/2016/10/28/2016-25684/freedom-of-information-regulations>) to the Assistant Secretary for Public Affairs at <https://requests.publiclink.hhs.gov/App/Index.aspx>. Clearly mark the communication, "Freedom of Information Act Appeal."

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  
Office of Communications and  
Public Liaison  
Building 31, 5B52S  
31 Center Drive  
Bethesda, MD 20892  
301-496-5077 (phone)  
[nihfoia@mail.nih.gov](mailto:nihfoia@mail.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](mailto:ogis@nara.gov) (email)

In certain circumstances, provisions of the FOIA and HHS FOIA Regulations allow us to recover part of the cost of responding to your request. Because no unusual circumstances apply to the processing of your request, there is no charge associated with our response.

If you have any questions about this response, please call 301-496-5633.

Sincerely,



Gorika Garcia-Malene  
Freedom of Information Officer, NIH

Enclosures: One pdf file (total 112 pages)