

Exhibit 5



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

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

Case No. 2024-00083-A-PHS

January 8, 2024

Aaron Siri
Siri & Glimstad LLP
o/b/o Informed Consent Action Network
745 Fifth Avenue, Suite 500
New York, New York 10151
Via email: foia@sirillp.com

Dear Mr. Siri:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) appeal, which was submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division. We received your appeal on January 8, 2024. It challenges the Centers for Disease Control and Prevention (CDC) response to your initial request, 23-00863-FOIA (IR#1004). We assigned your appeal the tracking number above based on when it was received in this office. Please refer to this number on any future correspondence.

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 C.F.R. § 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. Currently, there are approximately 500 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@psc.hhs.gov.

Sincerely yours,

Alesia Y. Williams

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