

EXHIBIT 5

Michael O'Neill

From: Daley, Garfield (HHS/ASPA) <Garfield.Daley@hhs.gov>
Sent: Tuesday, March 04, 2014 1:11 PM
To: 'mike@landmarklegal.org'
Subject: HHS 2013-1136GD - Follow-up
Attachments: 2013-0489.pdf

Hello, Mr. O'Neill. This email is in response to your inquiry letter dated, February 27, 2014 pertaining to FOIA request 2013-1136GD. Under the FOIA an agency is not required to respond to questions, however, below are my response to your questions.

1. The response to your request 2013-1136GD was based on an earlier FOIA request 2013-0489 (attached), which was submitted by the Associated Press, which requested the same information you had requested. For request 2013-0489 was forwarded to the ASA, OCIO to perform a search. In response to FOIA request 2013-0489, the OCIO informed our office that there is no formal mechanism for requesting or approving alternate email addresses and it simply cannot know what requests might have been made. The OCIO also informed our office, that the request might have been made through some other mechanism than email.
2. See response to question #1
3. See response to question #1
4. See response to question #1
5. Perhaps a search by the approximately 242 all political employees can be performed, but this may be very long and tedious. All 242 may have to perform the search themselves, unless the OCIO has some form of ticket number for specific requests. However, keep in mind that it's not at all clear what the search terms might be for such a request. I can tell you that usually it is not uncommon for HHS employees have different govt email addresses with different naming formats. Also, as much as the use of personal email addresses to conduct govt business, is discouraged and not recommended by the OCIO, the OCIO has no real way of knowing if an employee is using his/her own personal email address while performing their duties.

I hope this provides a better understanding of our initial response to your request. If please let me know.

Thanks

Garfield Daley
Government Information Specialist (FOIA)
Assistant Secretary for Public Affairs (ASPA)
Office of Secretary (OS)
Department of Health and Human Services (HHS)
Switzer Bldg, Room 2208
Phone: (202) 690-8055
Fax: (202) 690-8320
garfield.daley@hhs.gov