

Exhibit C



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

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

Case No. 2018-00935-FOIA-OS

September 14, 2018

Omar Gonzalez-Pagan
Senior Attorney
Lambda Legal
120 Wall Street, 19th Floor
New York, NY 10005-3919

Dear Mr. Gonzalez-Pagan:

This letter is the final response to your April 27, 2018, Freedom of Information Act (FOIA) request. Specifically, you requested the following records:

“... any records that mention, discuss, reference or relate to HHS's decision about whether to post, publish or enforce a rule or regulation, whether proposed or final, prohibiting discrimination on the basis of sex, sexual orientation, gender, identity, gender expression, sex stereotypes, or transgender status in any part or aspect of any Medicare or Medicaid program, plan, policy, contract, accreditation process, provider, facility or service.”

A representative from the Office for Civil Rights (OCR) conducted a search and reports that there are no records responsive to your request.

While we believe that an adequate search of the appropriate files was conducted for the records requested, you have the right to appeal this finding that no responsive records exist within OCR. 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 must be mailed within 90 days from the date of receipt of this letter, to:

Ms. Kim Hutchinson
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Please clearly mark both the envelope and your letter “Freedom of Information Act Appeal.” You may also e-mail your appeal to: HHS.ACFO@hhs.gov.

If you would like to discuss our response before filing an appeal to attempt to resolve your

dispute without going through the appeals process, you may contact the HHS FOIA Public Liaison for assistance at:

Michael Bell
HHS FOIA Public Liaison
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Telephone: (202) 260-0793
E-mail: HHS_FOIA_Public_Liaison@hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, 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
E-mail: ogis@nara.gov
Fax: 202-741-5769

There are no charges in this instance because the billable costs are less than our threshold of \$25.

Sincerely yours,



Michael S. Marquis
Director
FOI/Privacy Acts Division