

# Exhibit D

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October 30, 2019

[via email to LDavid@cdc.gov](mailto:LDavid@cdc.gov)

Leigh Davidi  
Roger Andoh  
CDC/ATSDR FOIA Office  
1600 Clifton Road, N.E.  
Atlanta, GA 30333

Re: Follow Up Regarding FREEDOM OF INFORMATION ACT (FOIA)  
REQUEST  
of Public Advocate of the United States (#20-00027-FOIA)

Dear Sirs:

We represent Public Advocate of the United States (“PA”) and, on its behalf, submitted a Freedom of Information Act (“FOIA”) request to the CDC on October 3, 2019. On October 8, 2019, we received an acknowledgment letter from CDC, assigning our request a tracking number, assigning our request to the “complex track,” denying our request for expedited servicing, and denying our request for a fee waiver. Then, on October 25, 2019, we received another letter from CDC, alleging that our request was “overly broad,” and stating that our request would be closed on November 14, 2019, unless we narrow it. This letter responds to your October 25, 2019 letter.

Our client’s FOIA request pertained to a series of videos created “[i]n 2014, during the Obama administration [as part of a] campaign entitled ‘Acting Against AIDS,’ [entitled] the ‘Start Talking. Stop HIV.’ series, which ‘focuses on gay and bisexual men and encourages open communication between sex partners and friends about HIV prevention strategies.’”

Specifically, the first half of our FOIA request sought:

*“copies of all records relating to the production and distribution of the above-referenced video series, particularly CDC’s continued use of or payment for placement of the above-referenced videos as advertisements on YouTube, Facebook, Google, or other social media or conventional platforms, from January 1, 2013 until CDC begins to process this request.”*

We do not believe this request to be overly broad. Simply because a request uses the word “all” does not mean that it is overly broad. Indeed, our request seeks records related to a specific CDC video series, a subset of a specific CDC campaign, over a limited period of time.

However, in the interest of resolving this matter and moving our request forward, we offer the following supplemental descriptions of the specific records we seek:

- records showing planning of the video series, including RFPs, proposals, discussing the how the topics covered in the video series would be addressed, including how homosexuals and the homosexual lifestyle would be portrayed, including “*holding hands, hugging, kissing, playing footsie, “flirting,” engaged in “foreplay,” getting married, lying in bed together, adopting children, in various states of undress, etc.*”;
- records reflecting any objections to or disapproval of the video series;
- records revealing the budget and costs for the video series, including its production and promotion;
- analyses of legal authority for the video series; and
- records reflecting CDC approval of the video series.

As to the second half of our request, we sought:

*“records identifying who within CDC, HHS, or the federal government generally, made the decision to continue to use or promote these videos on these platforms during the Trump presidency, including information on the amount of federal funds that has been used to promote these videos, since January 20, 2017.”*

We do not believe that anyone could seriously characterize this part of our request as overly broad. Indeed, this request seeks the answer to two simple questions.

**First**, who was responsible for approving the video series during the Trump Presidency.

**Second**, how much did it cost since President Trump took office. The request also contains a clear (and narrow) date range.

We trust that the foregoing explanation will help CDC to understand the scope of our FOIA request, and to better search for the records we seek. Please let us know if you have any further questions. **If we do not receive a response from you by Monday, November 19, 2019, we will consider our request to be properly submitted, and that it will be processed.**

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Rob Olson".

Robert J. Olson

RJO:ls

cc: Public Advocate of the United States