

EXHIBIT B



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

March 24, 2020

SENT VIA EMAIL

Stephanie Krent
Knight First Amendment Institute
475 Riverside Drive, Suite 302
New York, New York 10115
Stephanie.Krent@KnightColumbia.org

Dear Ms. Krent:

This letter is in response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of March 19, 2020, for “copies of policies issued by the Centers for Disease Control and Prevention (“CDC”) governing the circumstances in which CDC employees may communication with members of the press and the public.”

Specifically, you request the following information:

1. Any records relating to policies or procedures governing public communications by CDC employees or contractors about the coronavirus;
2. Any records relating to policies or procedures for the coordination of communications strategy between the CDC (or its employees) and the Coronavirus Task Force led by Vice President Pence;
3. Emails sent by CDC Public Affairs Officer Jeffrey Lancashire on or around August 31, 2017, that contain instructions for employees regarding communications with members of the news media or the public;¹⁴
[14 One such email reportedly instructs employees that ‘effective immediately and until further notice, any and all correspondence with any member of the news media, regardless of the nature of the inquiry, must be cleared through CDC’s Atlanta Communications Office.’ Id.]
4. The CDC’s policies on employee communications with news media and the public in effect from January 2017 to present; and
5. Any directives or guidance related to the policies on employee communications with news media and the public in effect from January 2017 to the present.

In light of the urgent public interest in information from the CDC regarding the novel coronavirus, we ask that you prioritize and produce on a rolling basis records responsive to the first two items of the request.

Your request has been assigned #20-00979-FOIA.

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To ensure the most equitable treatment possible of all requesters, the CDC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, your request has been placed in the complex track. We will be unable to comply with the twenty-working-day time limit in this case, as well as the ten additional days provided by the statute because we expect that we will have to:

- Search for and collect records from field facilities, archives, or locations other than the office processing the request.
- Search for, collect, or examine a great many records in response to a single request.
- Consult with another office or agency that has substantial interest in the determination of the request.
- Conduct negotiations with submitters and requesters of information to determine the nature and extent of non-disclosable proprietary materials.

In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the volume of potentially responsive records. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact our FOIA Public Liaison at 770-488-6277. Additionally, you may contact the Office of Government Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services; National Archives and Records Administration; 8601 Adelphi Road-OGIS; College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

We have carefully considered your request for expedited service and determined that your request does not meet the criteria for granting expedited service as set forth under the provisions of the Act. I have determined that your request for expedited service does not meet the following criteria:

- You have failed to show that there is an imminent threat to the life or physical safety of an individual.
- Even though you are a person “primarily engaged in disseminating information,” you have not demonstrated an “urgency to inform the public about the actual or alleged Federal Government activity” that exists.
- You have not demonstrated that you are primarily engaged in disseminating information.

The FOIA and HHS FOI regulations allow agencies to recover part of the costs of processing FOIA requests. You have been classified as an All Other Requester. However, you have requested a fee waiver. I have determined that your justification is adequate and fees will be waived for those records which are responsive to your request.

The cut-off date for your request will be the date the search for responsive records is initiated by program staff.

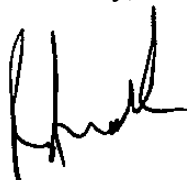
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You may check on the status of your case by going to our FOIA webpage at www2a.cdc.gov/od/foiastatus and entering this number. If you have any questions regarding your request, please contact Leigh Davidi at 770-488-6298.

We reasonably anticipate that you should receive documents by Monday, September 21, 2020. Please know that this date roughly estimates how long it will take the agency to close requests ahead of your request in the queue and complete work on your request. The actual date of completion might be before or after this estimated date.

If you are not satisfied with the expedited processing response to this request, you may administratively appeal by writing to the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, Suite 729H, Washington, D.C. 20201. Please mark both your appeal letter and envelope "FOIA Appeal." You may also send your appeal via email to FOIARequest@psc.hhs.gov. Your appeal must be postmarked or electronically transmitted by Monday, June 22, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Andoh', written in a cursive style.

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
Phone: (770) 488-6399
Fax: (404) 235-1852

20-00979-FOIA