

EXHIBIT C



November 5, 2019

PHS FOIA Appeal No. **2020-00010-A-PHS**

Received Date: November 5, 2019

Nicole DeWitt
FRIER & LEVITT Attorneys at Law
ndewitt@frierlevitt.com

Dear Nicole DeWitt,

This letter acknowledges receipt of your Freedom of Information Act (FOIA) appeal received by this office on the date above. Your request has been assigned a case number based on its receipt in this office. Your appeal, which is summarized below:

“...appeals the Food and Drug Administration’s (“FDA”) failure to make a determination on the Goldwater Institute’s FOIA request 2016-1341, as is required by law ... Based on the foregoing, the Goldwater Institute requests that this appeal be granted and that all responsive records pertaining to the Goldwater Institute’s FOIA request dated February 8, 2016 be released without delay...”

Pursuant to 45 CFR 5.35 (c) your request falls under “unusual circumstances” in that the records you seek are maintained outside of this office and our staff has not yet searched for and collected the responsive records from the office most likely to maintain the records. The actual processing time will depend on the complexity of your request and whether sensitive records, voluminous records, extensive search, and/or consultation with other U.S. Department of Health and Human Services (HHS) components involved.

You can learn more about the FOIA and the HHS FOI regulations at the following web address:
<http://www.justice.gov/oip/foia-resources> and <http://www.hhs.gov/foia/45cfr5.html/>.

The FOIA and HHS FOI regulations allow agencies to recover part of the costs of processing FOIA requests. There may be a charge for these records. If you have been classified as a: Category I Requester (commercial use requesters), you will be charged for duplication, search time, and review time; Category II Requestor (news media, educational, or scientific requesters) you will be charged for duplication only after the first 100 pages; and Category III Requester (all other), you will be charged for duplication (after the first 100 pages), and search (after the first two hours). For more information see <http://www.hhs.gov/foia/fees/index.html>.

If you have any questions please email FOIARquest@psc.hhs.gov, call (202) 260-6933, or write to the mailing address listed above.

Sincerely,

Ray Noussekpoe
Government Information Specialist
Freedom of Information/ PA Division