

# EXHIBIT F



May 18, 2020

GOLDWATER INSTITUTE  
JON RICHES  
500 E CORONADO RD  
PHOENIX AZ 85004 USA

In Reply refer to:

2016-1341

Requester Control #:

Dear Requester:

This is in reference to your request(s) for record(s) from the Food and Drug Administration (FDA) pursuant to the Freedom of Information Act (FOIA).

MEMORIAL SLOAN KETTERING CANCER CTR, NEW YORK, NY; MAYO CLINIC, ROCHESTER, NY; JOHNS HOPKINS HOSPITAL, BALTIMORE, MD, ETC - ACCESS SUBMISSIONS AND PROTOCOLS FY12 TO FY15  
The Electronic Freedom of Information Act (EFOIA) Amendments of 1996 amended the FOIA by adding section (a)(6)(E), 5 U.S.C. 552(a)(6)(E), to require agencies to consider requests for expedited processing and grant them whenever a "compelling need" is shown and in other cases as determined by the agency. The term "compelling need" is defined as (1) involving "an imminent threat to the life or physical safety of an individual," or (2) in the case of a request made by "a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity."

I have determined that your request for expedited processing does not meet the criteria under the FOIA. You have not demonstrated a compelling need that involves an imminent threat to the life or physical safety of an individual. Neither have you demonstrated that there exists an urgency to inform the public concerning actual or alleged Federal Government activity. Therefore, I am denying your request for expedited processing. The responding agency office will process your request in the order in which it was received.

You have the right to appeal this determination. Your appeal must be mailed within 90 days from the date of this response, to: 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; e-mail FOIARequest@PSC.hhs.gov. Please clearly mark both the envelope and your letter or email "FDA Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, please contact this office at: DFOI, 5630 Fishers Lane, Room 1035, Rockville, MD 20857, 301-796-3900, FDAFOIA@fda.hhs.gov.

You may also contact the FDA FOIA Public Liaison, Office of the Executive Secretariat, 5630 Fishers Lane, Room 1050, Rockville, MD 20857; email: FDAFOIA@fda.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.

Sincerely Yours,  
**Sarah B. Kotler**  
-S  
SARAH KOTLER  
Director

Digitally signed by Sarah B. Kotler -S  
Date: 2020.05.18 08:40:58 -04'00'