

Pursuant to 5 U.S.C. §552 the Freedom of Information Act (FOIA) and on behalf of Open the Government, and the Government Accountability Project, we write to request access to and copies of all communications and records, including emails, documents, memoranda, call logs, text messages, meeting agendas and notes, and any other correspondence, from December 20, 2019 to present that contain the words “coronavirus” or “COVID19” or “COVID-19” or “clearance” or “taskforce” or “directive” or “public comment” or “White House” or “communication” or “plan” or “strategy” or any combination of those terms in part or in whole to, from, or in the custody of the following staff:

- Michael R. Pence, Vice President of the United States
- Alex M. Azar II, Secretary of Health and Human Services
- Dr. Deborah L. Birx, White House Coronavirus Response Coordinator
- Dr. Robert R. Redfield, Director of the Centers for Disease Control and Prevention, and Administrator of the Agency for Toxic Substances and Disease Registry
- Dr. Anthony S. Fauci, Director of the National Institute of Allergy and Infectious Disease
- Michael “Mick” Mulvaney, Acting White House Chief of Staff (former)
- Mark Meadows, White House Chief of Staff
- VADM Jerome M. Adams, M.D. MPH, Surgeon General of the United States
- Dr. John P. Anderton, Associate Director for Communications Science, Center for Disease Control and Prevention Office of Public Health Preparedness and Response

Expedited Processing

Pursuant to 5 U.S.C. §552 (a)(6) (E) we request expedited processing as we have a compelling need for information. These records relate to a the government’s response a global pandemic. Therefore we have reasonable belief that “failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life of an individual.”

Additional Instructions

The requests that all fees incurred in connection with the attached request to your agency be waived, because “disclosure of the information is in the public interest and is not primarily in the commercial interest of the requester.” 5 U.S.C. §552 (a)(4)(A)(iii). See below for further justification for our fee waiver request.

If any of the material covered by this request has been destroyed or removed, please provide all surrounding documentation including, but not limited to, a description of the action taken regarding the materials and justification for those actions taken. For any documents or portions you deny due to a specific FOIA exemption, please provide a *Vaughn* Index (*Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974)), including a detailed justification of your grounds for claiming such exemption and explanation of why the exemption is relevant to the document or portion of the document withheld.

To the extent that some documents may be exempt under 5 U.S.C. §552 (b), we request that you release you segregate non-responsive documents and release the rest.

We consents to the deletion of any material that would violate an individual's rights under the Privacy Act or other laws such as HIPPA. We will work with your office to further refine the request if you find any terms too imprecise, conduct searches for unclassified responsive records, or engage in any other reasonable activities that would lessen the agency's burden and costs.

We would prefer to receive the responsive documents in batches as they are collected. Electronic delivery is preferred but hard copies are also acceptable.

Request and Justification for Waiver of Fees

We requests that all fees incurred in connection with the above request to your agency be waived, because "disclosure of the information is in the public interest and is not primarily in the commercial interest of the requester." 5 U.S.C. §552 (a)(4)(A)(iii). Disclosure of the requested records will contribute significantly to public understanding of the operations or activities of the government.

This request is being by two non for profits for non-commercial purposes.

Please be reminded that under the Freedom of Information Act, we are entitled to a response to this request within ten business days under (a)(6) (E). Should this request be denied for any reason, we ask that a detailed explanation be provided along with the name of the person to whom administrative appeals should be addressed. If you have any questions regarding this request we would appreciate you contacting us directly by telephone or email, rather than by mail.

* * *

Thank you in advance for your assistance and cooperation.

Sincerely,
Open the Government
Government Accountability Project



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

March 17, 2020

SENT VIA EMAIL

Freddy Martinez
Open the Government,
FMartinez@openthegovernment.org

Dear Mr. Martinez:

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 11, 2020, for:

access to and copies of all communications and records, including emails, documents, memoranda, call logs, text messages, meeting agendas and notes, and any other correspondence, from December 20, 2019 to present that contain the words 'coronavirus' or 'COVID19' or 'COVID-19' or 'clearance' or 'taskforce' or 'directive' or 'public comment' or 'White House' or 'communication' or 'plan' or 'strategy' or any combination of those terms in part or in whole to, from, or in the custody of the following staff:

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- VADM Jerome M. Adams, M.D. MPH, Surgeon General of the United States
- Dr. John P. Anderton, Associate Director for Communications Science, Center for Disease Control and Prevention Office of Public Health Preparedness and Response.

Your request has been assigned #20-00886-FOIA.

Exhibit B

Page 2 – Freddy Martinez

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 expedited 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 have determined that your request meets the criteria for granting expedited service as set forth under the provisions of the Act.

I have determined that your justification is adequate and fees will be waived for those records which are responsive to your request.

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 and as such, you will be charged search fees after two hours and duplication fees. You may also be charged for page duplication if you elect to receive any responsive records in hard copy (10 cents/page). However, you have been granted a fee waiver, so you will not be charged fees.

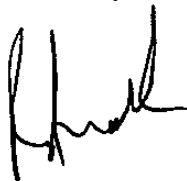
The cut-off date for your request will be the date the search for responsive records is initiated by program staff.

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.

Page 3 – Freddy Martinez

We reasonably anticipate that you should receive documents by Monday, June 15, 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Andoh', with a stylized, cursive script.

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

20-00886-FOIA



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

April 10, 2020

SENT VIA EMAIL

Freddy Martinez
Open the Government,
FMartinez@openthegovernment.org

Dear Mr. Martinez:

This letter is an amendment to our letter dated March 17, 2020, 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 11, 2020, assigned #20-00886-FOIA, for:

access to and copies of all communications and records, including emails, documents, memoranda, call logs, text messages, meeting agendas and notes, and any other correspondence, from December 20, 2019 to present that contain the words 'coronavirus' or 'COVID19' or 'COVID-19' or 'clearance' or 'taskforce' or 'directive' or 'public comment' or 'White House' or 'communication' or 'plan' or 'strategy' or any combination of those terms in part or in whole to, from, or in the custody of the following staff:

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- Dr. John P. Anderton, Associate Director for Communications Science, Center for Disease Control and Prevention Office of Public Health Preparedness and Response.

Exhibit C

Page 2 – Freddy Martinez

Specifically, after further review of your request, I granted you the fee waiver in error.

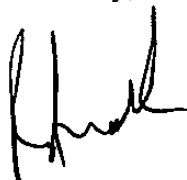
Therefore, I have determined that your request for a waiver of fees does not meet the following criteria:

- It will not reveal meaningful information about government operations or activities that are not already public knowledge.
- The disclosure of the records will not contribute significantly to public understanding of the operations or activities of the government.
- You have failed to demonstrate that you disseminate information to the public.
- You have failed to provide sufficient information to warrant a waiver of fees.

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 and as such, you will be charged search fees after two hours and duplication fees. You may also be charged for page duplication if you elect to receive any responsive records in hard copy (10 cents/page).

If you are not satisfied with the 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 Thursday, July 9, 2020.

Sincerely,



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

20-00886-FOIA



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

April 13, 2020

SENT VIA EMAIL

Freddy Martinez
Open the Government
1612 K Street NW, Suite 400
Washington, District of Columbia 20006
FMartinez@openthegovernment.org

Dear Mr. Martinez:

This letter is regarding 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 11, 2020, assigned #20-00886-FOIA, for:

access to and copies of all communications and records, including emails, documents, memoranda, call logs, text messages, meeting agendas and notes, and any other correspondence, from December 20, 2019 to present that contain the words 'coronavirus' or 'COVID19' or 'COVID-19' or 'clearance' or 'taskforce' or 'directive' or 'public comment' or 'White House' or 'communication' or 'plan' or 'strategy' or any combination of those terms in part or in whole to, from, or in the custody of the following staff:

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- VADM Jerome M. Adams, M.D. MPH, Surgeon General of the United States
- Dr. John P. Anderton, Associate Director for Communications Science, Center for Disease Control and Prevention Office of Public Health Preparedness and Response.

This letter is to notify you that your request is overly broad and to seek your clarification regarding the subject matter of the records you seek. The FOIA allows the public to request access to "reasonably described" existing agency records (subject to any applicable FOIA exemptions to disclosure). This means you must describe the category of records you are seeking or the actual document(s), and provide sufficient details to permit a search with reasonable effort, utilizing existing indices and search tools.

Page 2 – Freddy Martinez

Due to the extent of CDC's response to the COVID-19 pandemic, which involves a large number of agency personnel and has generated a large volume of records, we ask that you revise the scope of your request and be as specific as possible about the records or information you seek.

To conduct a search for "all communications and records" using the following terms: 'coronavirus' or 'COVID19' or 'COVID-19' or 'clearance' or 'taskforce' or 'directive' or 'public comment' or 'White House' or 'communication' or 'plan' or 'strategy' for the current pandemic have become universal. Searches using only these terms cannot be performed with reasonable effort.

To assist the agency to conduct a reasonable search, please provide our office with additional information, such as: a narrower date range, non-universal coronavirus pandemic search terms; a specific subject matter; the types of records which could be excluded from any search (media monitoring reports, travel requests, travel arrangements, attachments, etc.)and/or, the precise document you seek.)

Additionally, 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 and as such, you will be charged search fees after two hours and duplication fees. You may also be charged for page duplication if you elect to receive any responsive records in hard copy (10 cents/page).

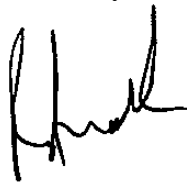
Your request is extensive and contains an "all communications and records" records request. As written, your request will extend into the thousands of dollars to process. Therefore, this letter is to notify you that your request will far exceed your absent fee limit.

Therefore, in an effort to process your request promptly, you may wish to increase your willingness to pay amount and narrow the scope of your request.

Please contact us to further discuss the scope and fees regarding your request.

If we have not received a response from you by Tuesday, May 12, 2020, we will consider that you are no longer interested in receiving a response to your request and we will consider your request withdrawn.

Sincerely,



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

20-00886-FOIA

Freddy Martinez

From: Freddy Martinez
Sent: Tuesday, April 14, 2020 12:15 PM
To: LDavidi@cdc.gov
Subject: Re: CDC FOIA Request #20-00886-FOIA

Hello FOIA officials,

We would like to narrow the scope of our request during the same time period as we requested From December 20, 2019 to March 11, 2020, we are interested in record in possession of the CDC for its communication plans related to COVID-19. We know from public reporting that there is a White House Taskforce for coordinating Covid-19 response. We are looking for any guidance given to CDC staffers about the task forces' communication strategy. We see the communication plans in possession of the CDC in response to COVID-19 that any of those names in the original FOIA may have sent to CDC staff.\

Please let me know if that is insufficiently clear or we can discuss on the phone. My cell phone number is 773 672 0892.

All the best,

Freddy Martinez
Policy Analyst, Open The Government



On Apr 13, 2020, at 4:09 PM, LDavidi@cdc.gov wrote:

April 13, 2020

Request Number: 20-00886-FOIA

Dear Mr. Martinez:

This is regarding your Freedom of Information Act (FOIA) request of March 11, 2020, assigned #20-00886-FOIA.

Please see the attached letter.

Sincerely,

Leigh Davidi
CDC/ATSDR FOIA Office
770-488-6298

Exhibit E



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

June 8 2020

SENT VIA EMAIL

Freddy Martinez Open
the Government
1612 K Street NW, Suite 400 Washington,
District of Columbia 20006
FMartinez@openthegovernment.org

Dear Mr. Martinez:

This letter is regarding 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 11, 2020, assigned #20-00886-FOIA, for:

access to and copies of all communications and records, including emails, documents, memoranda, call logs, text messages, meeting agendas and notes, and any other correspondence, from December 20, 2019 to present that contain the words ‘coronavirus’ or ‘COVID19’ or ‘COVID-19’ or ‘clearance’ or ‘taskforce’ or ‘directive’ or ‘public comment’ or ‘White House’ or ‘communication’ or ‘plan’ or ‘strategy’ or any combination of those terms in part or in whole to, from, or in the custody of the following staff:

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- Dr. Deborah L. Birx, White House Coronavirus Response Coordinator
- Dr. Robert R. Redfield, Director of the Centers for Disease Control and Prevention, and Administrator of the Agency for Toxic Substances and Disease Registry
- Dr. Anthony S. Fauci, Director of the National Institute of Allergy and Infectious Disease
- Michael “Mick” Mulvaney, Acting White House Chief of Staff (former)
- Mark Meadows, White House Chief of Staff
- VADM Jerome M. Adams, M.D. MPH, Surgeon General of the United States
- Dr. John P. Anderton, Associate Director for Communications Science, Center for Disease Control and Prevention Office of Public Health Preparedness and Response.

We received your narrowed scope dated April 14, 2020, in which you narrowed the scope of your request to following information:

We would like to narrow the scope of our request during the same time period as we requested From December 20, 2019 to March 11, 2020, we are interested in record in possession of the CDC for its communication plans related to COVID-19.

We know from public reporting that there is a White House Taskforce for coordinating Covid-19 response. We are looking for any guidance given to CDC staffers about the task forces’ communication strategy. We see the communication plans in possession of the response to COVID-19 that any of those names in the original FOIA may have sent to C staff.

Exhibit F

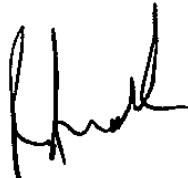
Page 2 – Freddy Martinez

We have identified responsive records for guidance about the task forces' communication strategy that the CDC FOIA office is already processing for another FOIA request.

You can assist the agency in providing you responsive records to your request if you agree to accept the records we are currently processing for another FOIA request.

Please email your response to me at hur6@cdc.gov, no later than **Monday, June 15, 2020**.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. 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

20-00886-FOIA

Freddy Martinez

From: Freddy Martinez
Sent: Tuesday, June 9, 2020 12:17 PM
To: LDavidi@cdc.gov
Subject: Re: CDC FOIA Request #20-00886-FOIA Agreement Letter

Hello FOIA officer,

I believe that should fulfill our FOIA request. Please send us the documents and we will re-evaluate if they do not. Based on your description of it, we believe they should.

Thanks for your work on this request,

Freddy

Freddy Martinez
Policy Analyst, Open The Government
202-332-6736



On Jun 8, 2020, at 11:08 AM, LDavidi@cdc.gov wrote:

June 8, 2020

Request Number: 20-00886-FOIA

Dear Mr. Martinez:

This is regarding your Freedom of Information Act (FOIA) request of March 11, 2020, assigned #20-00886-FOIA.

Please see the attached letter.

Sincerely,

Leigh Davidi
CDC/ATSDR FOIA Office
770-488-6298

<20-00886 Agreement Letter1.pdf>

Exhibit G



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

June 25, 2020

SENT VIA EMAIL

Freddy Martinez
Policy Analyst
1612 K Street NW
Suite 600
Washington, DC 20006

Dear Mr. Martinez:

This is in response to your June 16, 2020 and June 22, 2020, emails and your June 23, 2020, phone call with me, Leigh Davidi, concerning your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request #20-00886-FOIA.

In our agreement letter dated June 8, 2020, you agreed to receive records that we have identified as responsive records for guidance about the task forces' communication strategy that the CDC FOIA office is already processing for another FOIA request.

This request is still being processed, and we expect to release the response to that requester in the month of July. Therefore, post the release of this records set, we will release the same set of records to you thereafter.

You may check on the status of your case by going to our FOIA webpage at <https://foia.cdc.gov> and entering your request number. The fiscal year is the first two numbers and the request ID is the second set of numbers. If you have any questions regarding your request, please contact Leigh Davidi at 770-488-6298.

Sincerely,

Leigh Davidi

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

#20-00886-FOIA

Exhibit H

Freddy Martinez

From: Freddy Martinez
Sent: Thursday, July 16, 2020 10:54 AM
To: Davidi, Leigh (CDC/OCOO/OD)
Subject: Re: CDC FOIA Request #20-00886-FOIA Agreement Letter

Hi Leigh,

I wanted to send the below statement again because my previous email got an auto-reply email with no message body.

Can you provide an EDC?

Freddy Martinez
Policy Analyst, Open The Government
202-332-6736



On Jul 15, 2020, at 1:54 PM, Freddy Martinez <FMartinez@openthegovernment.org> wrote:

Hi Leigh,

When we last spoke, we agreed to an EDC for mid-June for these documents. I believe in a follow up conversation, we received an EDC of July. We are half-way through the month and I am not sure if the EDC we received is accurate not if we should expect records sometime soon. I know you are working to get documents to a few groups, so if your office could just provide an accurate EDC, that would be very helpful to us.

Best,
Freddy

Freddy Martinez
Policy Analyst, Open The Government
202-332-6736
<image001.png>

Freddy Martinez

From: Davidi, Leigh (CDC/OCOO/OD) <hur6@cdc.gov>
Sent: Friday, July 17, 2020 12:21 PM
To: Freddy Martinez
Subject: RE: CDC FOIA Request #20-00886-FOIA Agreement Letter

Dear Mr. Martinez:

I'm acknowledging your two emails. Please know I am working to capture this information to provide to you. My hope is to provide you a response next week.

Kind regards,
Leigh

From: Freddy Martinez <FMartinez@openthegovernment.org>
Sent: Thursday, July 16, 2020 10:54 AM
To: Davidi, Leigh (CDC/OCOO/OD) <hur6@cdc.gov>
Subject: Re: CDC FOIA Request #20-00886-FOIA Agreement Letter

Hi Leigh,

I wanted to send the below statement again because my previous email got an auto-reply email with no message body.

Can you provide an EDC?

Freddy Martinez
Policy Analyst, Open The Government
202-332-6736



On Jul 15, 2020, at 1:54 PM, Freddy Martinez <FMartinez@openthegovernment.org> wrote:

Hi Leigh,

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Best,
Freddy

Freddy Martinez
Policy Analyst, Open The Government
202-332-6736
<image001.png>

Exhibit J