

EXHIBIT D



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

RE: 2020-00135-A-OS

April 16, 2020

Sarah Posner
Type Investigations
116 East 16th Street, 8th Floor
New York, NY 10003

Dear Ms. Posner:

This is in response to your Freedom of Information Act (FOIA) appeal dated **April 16, 2020** concerning:

“...I submit this appeal based on a constructive denial pursuant to 5 U.S.C. § 552(a)(6) due to the U.S. Department of Health and Human Services (HHS) failure to make a timely determination regarding my Freedom of Information Act (“FOIA”) request...(Date Range for Record Search: From 01/20/2017 to 01/28/2019)”.

We received your appeal on **April 16, 2020**. The FOIA requires that we respond to your request within 20 working days of its receipt in this office. Please note the following unusual and exceptional circumstances that will impact our response time: (1) we will need to search for and collect records from components and/or field offices external to this office; and (2) because we receive a heavy volume of FOIA requests, we will process your request in line with our established policy of "first in, first out" case processing.

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HHS FOIA/PA Public Liaison
FOI/Privacy Acts Division
Assistant Secretary for Public Affairs (ASPA)
Office of the Secretary (OS)
U.S. Department of Health and Human Services (HHS)
200 Independence Avenue, SW, Suite 729H
Washington, DC 20201

Telephone: (202) 690-7453
Fax: (202) 690-8320
E-mail: HHS_FOIA_Public_Liaison@hhs.gov



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and/or:

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,

A handwritten signature in black ink, appearing to read "Brandon J. Gaylord".

Brandon J. Gaylord
Supervisory Government Information Specialist
and HHS FOIA/PA Public Liaison



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