



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

September 12, 2018

SENT VIA EMAIL

Aaron Siri
Sire and Glimstad, LLP
200 Park Avenue
Seventeenth Floor
New York, New York 10166
aaron@sirillp.com

Dear Mr. Siri:

This letter is regarding to your June 8, 2018, Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request seeking:

- “1. Any communications sent or received by Frank DeStefano to or from representatives, directors, officers, or employees of GlaxoSmithKline while the Acting Director or the Director of the Immunization Safety Office.
2. Any communications sent or received by Frank DeStefano to or from representatives, directors, officers, or employees of Sanofi while the Acting Director or the Director of the Immunization Safety Office.
3. Any communications sent or received by Frank DeStefano to or from representatives, directors, officers, or employees of Merck & Co. while the Acting Director or the Director of the Immunization Safety Office.”

We located 281 pages of responsive records, of which 81 pages are withheld in full. After a careful review of these pages, some information was withheld from release pursuant to 5 U.S.C. §552 Exemptions 5 and 6.

Exemption 5 protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, and attorney-client privileges. Information withheld under this exemption was protected under the deliberative process privilege. The deliberative process privilege protects the decision-making process of government agencies. The deliberative process privilege protects materials that are both predecisional and deliberative. The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative, and do not contain or represent formal or informal agency policies or decisions. Examples of information withheld include drafts and business plan.

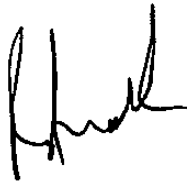
Exemption 6 protects information in personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy. The information that has been withheld under Exemption 6 consists of personal information, such as participant passcode, personal cell phone and email address, and we have determined that the individual to whom this information pertains have a substantial privacy interest in withholding it.

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You may contact our FOIA Public Liaison at 770-488-6277 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration 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.

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." Your appeal must be postmarked or electronically transmitted by December 11, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Andoh". The signature is stylized with a large initial "R" and a long horizontal stroke.

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

Enclosures

#18-00802-FOIA