



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
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Via Email: foia@sirillp.com

August 13, 2020

Mr. Aaron Siri
SIRI GLIMSTAD LLP
200 Park Avenue Seventeenth Floor
New York, NY 10166

Re: FOI No. 54464; Pending before the U.S. Dist. Ct., D. Ariz., CV-20-01277-JTT

Dear Mr. Siri:

This is the final response to your Freedom of Information Act (FOIA) request dated May 22, 2020, addressed to the FOIA Office, National Institute of Allergy and Infectious Diseases, (NIAID) National Institutes of Health (NIH), which was received in this office on the same day. You requested a copy of all safety and efficacy data and information regarding mRNA-1273, including from the Phase I clinical trial of this experimental vaccine conducted by the National Institute of Allergy and Infectious Diseases.

We consulted NIAID for records responsive to your request. The purpose of a Phase I trial is to establish safety. Thus, NIAID has access to the safety data, but no efficacy data. The safety data for this study comprises 1,093 pages. I have determined to withhold those records in their entirety pursuant to Exemptions 4 of the FOIA, 5 U.S.C. § 552 (b)(4), and sections 5.65 of the HHS FOIA Regulations, 45 CFR Part 5. FOIA exemption (b)(4), protects information that constitutes trade secret information and information that is confidential and commercial or financial in nature.

If you have any questions about this response, please contact Kristina Morrison, our counsel in the pending case.

Sincerely,

Gorka Garcia-Malene
Freedom of Information Officer, NIH