



DEPARTMENT OF HEALTH & HUMAN SERVICES

National Institutes of Health
Freedom of Information Office
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November 15, 2021

Aaron Siri, Esq.
Siri & Glimstad LLP
200 Park Avenue
Seventeenth Floor
New York, NY 10166

Re: NIH FOIA Case No. 54107; *ICAN v. National Institutes of Health*, No. 20-cv-01277

Dear Mr. Siri:

This is a partial response to Freedom of Information Act (FOIA) requests that are the subject of the Complaint filed in *ICAN v. National Institutes of Health*, No. 20-cv-01277. Your FOIA request, dated April 29, 2020, was received by the National Institutes of Health (NIH) on the same day.

You requested the following for the timeframe of November 1, 2019 through the date of the search for:

All emails sent or received by Barney Graham that include the term SARS-CoV, COVID, COVID-19 or coronavirus in any portion of the email, including the body, subject, metadata, sender line, or recipient line of the email, or any attachment to the email.

NIH has processed 301 pages responsive to your request 54107. Attached to this letter are 297 pages; NIH has sent the remaining 4 pages to the Department of Defense and the Food and Drug Administration for further review. NIH will provide a further response regarding the consulted material once the consultations are complete.

I have determined to withhold portions of the enclosed pages under FOIA exemptions (b)(4), (b)(5) and (b)(6). The information being withheld is protected from release pursuant to Exemptions 3, 4, 5, and 6 of the FOIA, 5 U.S.C. § 552 (b)(4), (b)(5) and (b)(6); and sections 5.31 (d), (e) and (f) of the HHS FOIA Regulations, 45 CFR Part 5. Exemption 4 protects from disclosure trade secrets and commercial or financial information that is privileged and confidential. Exemption 5 permits the withholding of internal government records which are

pre-decisional and contain staff advice, opinion, and recommendations, as well as documents solicited and received by the President or his immediate White House advisers who have broad and significant responsibility for investigating and formulating the advice to be given to the President. Exemption 6 permits the withholding of privacy information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

If you have any questions about this response, please contact AUSA Morrison, of the Department of Justice, at Kristina.Morrison@usdoj.gov.

Sincerely,

for Gorka Garcia-Malene
Freedom of Information Officer, NIH