



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

February 22, 2021

Elizabeth Brehm
Siri & Glimstad
200 Park Ave
17th Floor
New York, NY 10166
Via email: foia@sirillp.com

Dear Ms. Brehm:

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 December 16, 2020, assigned #21-00374-FOIA, for:

“Frank DeStefeno and Pharma Communications 2009-2012 (Date Range for Record Search: From 01/01/2009 To 12/31/2012).”

We located 48 pages of responsive records (22 pages released in full; 16 pages released in part; 2 pages withheld in full). Of these 48 pages, 8 pages have been referred to the FDA for direct response to you. After a careful review of these pages, some information was withheld from release pursuant to 5 U.S.C. §552 Exemption(s) 4 and 5, 6.

EXEMPTION 4

Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The information withheld is commercial or financial information, such as proprietary information, and we have determined that the individual/s to whom this information pertains have a substantial commercial or financial interest in withholding it.

EXEMPTION 5

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 deliberative discussions.

EXEMPTION 6

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 home addresses and emails. We have determined that the individual(s) to whom this information pertains has a substantial privacy interest in withholding it.

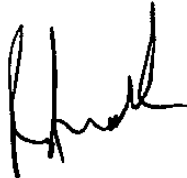
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You may contact our FOIA Public Liaison at 770-488-6277 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration 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. You may also transmit your appeal via email to FOIARequest@psc.hhs.gov.

Please mark both your appeal letter and envelope “FOIA Appeal.” Your appeal must be postmarked or electronically transmitted by May 23, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Andoh', written over a white background.

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

Enclosures

21-00374-FOIA