

FREEDOM OF INFORMATION ACT REQUEST
EXPEDITED PROCESSING REQUESTED

VIA ONLINE PORTAL

July 16, 2021

Roger Andoh
Freedom of Information Officer
Centers for Disease Control and Prevention
1600 Clifton Road, N.E., Building 57, Room MS D-54
Atlanta, Georgia 30333
Fax: (404) 235-1852
Email: FOIARequests@cdc.gov

Re: Documents Concerning Cases of COVID-19 Vaccine Breakthrough Infections in California (IR#0532)

Dear Mr. Andoh:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, we are requesting records pursuant to the Freedom of Information Act (5 U.S.C. § 552, as amended) (“FOIA”). Please provide the records in your possession via email to foia@sirillp.com:

All de-identified documents received by the CDC from the California Department of Public Health, or from any other California entity, relating to cases of COVID-19 Vaccine breakthrough infections.¹

Request For Expedited Processing

ICAN requests expedited processing for this request. ICAN is “primarily engaged in disseminating information to the general public” and there is an “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

ICAN’s mission is to raise public awareness about public health safety and to provide the public with information to give informed consent regarding related health interventions. The

¹ The CDC defines the phrase “Vaccine Breakthrough Infection” as “the detection of SARS-CoV-2 RNA or antigen in a respiratory specimen collected from a person \geq 14 days after they have completed all recommended doses of a U.S. Food and Drug Administration (FDA)-authorized COVID-19 vaccine.” <https://www.cdc.gov/vaccines/covid-19/health-departments/breakthrough-cases.html>

SARS-CoV-2, also known as COVID-19, pandemic has affected myriad aspects of every American's life.

After one year of the pandemic, three major vaccines are being widely used across the country pursuant to Emergency Use Authorizations granted by the FDA. Many employers, now mandating that their employees be fully vaccinated to retain their employment. Similarly, many schools and universities are mandating that pupils be vaccinated to attend in-person classes. These mandates come in light of the highly publicized protection rates of the vaccines. Yet, COVID-19 breakthrough cases are being reported in large numbers. Further, the CDC and the FDA appear to recognize immunity from the virus only when it is vaccine-induced and not through natural-infection. Therefore, there is urgent need for ICAN to gather and disseminate additional information regarding CDC's actions in investigating the causes and impacts of the breakthrough infection cases.

ICAN certifies that the information in the request is true and correct to the best of ICAN's knowledge and belief.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about vaccine safety and provide the public with information to give informed consent. As part of its mission, ICAN investigates and disseminates information regarding vaccine safety, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to the public understanding of the government's vaccine safety programs, including the government's efforts to promote vaccine safety. The information requested in this FOIA request will not contribute to any commercial activities.

Please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We, therefore, request that we be provided with all non-exempt portions which are reasonably segregable. We further request that you describe any deleted or withheld material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies. Please also separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements may help to avoid unnecessary appeal and litigation. ICAN of course reserves all rights to appeal the withholding or deletion of any information.

Access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter. Failure to respond in a timely manner shall be viewed as a denial of this request and ICAN may immediately file an administrative appeal.

If you would like to discuss our requests or any issues raised in this letter, please feel free to contact me at (212) 532-1091 or via email at foia@sirillp.com during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

/s/ Elizabeth A. Brehm
Elizabeth A. Brehm, Esq.