

## **FREEDOM OF INFORMATION LAW REQUEST**

**VIA ONLINE PORTAL**

July 16, 2021

California Department of Public Health  
Public Records Center  
PO BOX 997377  
MS 0500  
Sacramento, CA 95899-7377

*Re: Documents Concerning Cases of COVID-19 Vaccine Breakthrough Infection and Reinfection (IR#0530)*

Dear Sir or Madam:

This firm represents Informed Consent Action Network (“ICAN”). On behalf of ICAN, we are requesting records pursuant to the California Public Records Act (Government Code §6250-6268) from the files of the California Department of Public Health.

By this letter, please provide the following in California Department of Public Health’s possession to [foia@sirillp.com](mailto:foia@sirillp.com):

- (1) All de-identified documents concerning cases of COVID-19 Vaccine breakthrough infections within the state of California.<sup>1</sup>**
- (2) All de-identified documents concerning cases of reinfection with COVID-19 within the state of California.**

Please note that the Public Records Act 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

---

<sup>1</sup> 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 ≥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>

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 five (5) 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.