



## MEMORANDUM

DATE: **December 9, 2021**

TO: FILE

FROM: Director, FOIA Appeals and Litigation, FOIA/PA Division

SUBJECT: Administrative Closure – Palmer 2022-00014-A-PHS and 2022-00017-A-PHS

### **SUMMARY:**

This memo will administratively close the subject appeals dated October 19, 2021.

### **BACKGROUND:**

On July 16, 2021, the Informed Consent Action Network (ICAN), through counsel Elizabeth Brehm at Siri and Glimstad LLP, submitted a FOIA request to the Centers for Disease Control and Prevention (CDC), seeking:

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.

CDC assigned the request tracking number 21-01574-FOIA.

On July 19, 2021, ICAN submitted another request to the CDC, asking for:

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 re-infections.

CDC assigned the second request tracking number 21-01584-FOIA.

On September 8, 2021, CDC FOIA Officer responded to both requests (in separate letters), citing a Data Use Agreement with California as the basis for denying the requests in full. The requesters (via counsel Gabrielle Palmer of Siri and Glimstad) appealed both responses with a single letter of appeal dated October 19, 2021. They challenged CDC's withholding of records without citation to a specific FOIA exemption.

After receiving the combined letter of appeal, this office assigned two appeal tracking numbers, to align them with the CDC's two request tracking numbers. Appeal number 2021-00014-A-PHS was assigned to request 21-01574-FOIA, and 2021-00017-A-PHS was assigned to 21-01584-

FOIA. (For administrative purposes, CDC assigned the appeals their own tracking numbers: 22-00011-APP and 22-00012-APP, respectively.)

On December 9, 2021, CDC FOIA Office requested that we remand both appeals to them for further processing.

**CONCLUSION:**

The subject appeals are hereby administratively closed, and requests 21-01574-FOIA and 21-01584-FOIA are hereby remanded to CDC FOIA Office for appropriate action.

*Alesia Y. Williams*  
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Director, FOIA Appeals and Litigation  
FOI/Privacy Acts Division

Copies to:  
CDC FOIA Office  
Appellant