



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

June 25, 2025

Department of Health and Human Services
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

Re: Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and United States Department of Health and Human Services ("HHS") regulations.

Specifically, CREW requests the following records of the U.S. Centers for Disease Control and Prevention ("CDC") from January 20, 2025, to the date this request is processed:

- 1) Any and all statements of policy and interpretations which have been adopted by CDC and are not published in the Federal Register, as required under 5 U.S.C. § 552a(2)(B).
- 2) Any and all administrative staff manuals and instructions to staff that affect a member of the public, as required under 5 U.S.C. § 552a(2)(C).
- 3) Any and all CDC FOIA logs, as required under 5 U.S.C. §§ 552a(2)(D), (E).

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of

[CITIZENSFORETHICS.ORG](https://citizensforethics.org)

info@citizensforethics.org 202.408.5565

the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

The requested records concern federal government operations and are likely to contribute to a significantly greater public understanding of those operations and government procedures because they are all records that CDC must publicly and proactively disclose on its reading room website under FOIA. *See, e.g., CREW v. U.S. Dep't of Just.*, 846 F.3d 1235, 1240 (D.C. Cir. 2017). The requested policy statements and manuals represent “the working law of the agency.” *Campaign for Accountability v. U.S. Dep't of Just.*, 486 F. Supp. 3d 424, 433 (D.D.C. 2020). They therefore “afford the private citizen the essential information to enable him to deal effectively and knowledgeably with the Federal agencies,” including CDC. Attorney General’s Memorandum on the Public Information Section of the Administrative Procedure Act (June 1967) (quoting S. Rep. No. 88-1219, at 12); *see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 153 (1975). The requested FOIA logs documents information for each FOIA request CDC receives. *See, e.g., Kwoka v. Internal Revenue Serv.*, No. 17-CV-1157 (DLF), 2018 WL 4681000, at *2 (D.D.C. Sept. 28, 2018). They therefore provide the public with valuable insights into the CDC’s FOIA activities and operations. Despite the CDC’s obligation to post all the requested records on its reading room website, it does not appear that the agency has fulfilled its obligation since March 2025. The agency’s reading room website¹ does not appear to have any published records since March 2025, and the HHS reading room website² does not appear to have the requested records either.

The requested records are also not for a commercial purpose. CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to

¹ <https://foia.cdc.gov/app/ReadingRoom.aspx>.

² <https://www.hhs.gov/foia/electronic-reading-room/index.html>.

the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email agoldstein@citizensforethics.org and foia@citizensforethics.org or call (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to agoldstein@citizensforethics.org and foia@citizensforethics.org. Thank you for your assistance in the matter.

Sincerely,



Alex Goldstein
Associate Counsel