



Case No. 2021-01320-FOIA-OS

February 8, 2023

Sent via email:

Ramola Dharmaraj
MuckRock News 411A Highland Ave
DEPT MR 113691
Somerville, MA, 02144
113691-06254493@requests.muckrock.com

Dear Mr. Dharmaraj:

This letter is the final response to your June 18, 2021, Freedom of Information Act (FOIA) request. Specifically, you requested the following records: “a copy of the "memorandum of understanding (MOU) to continue the agencies’ partnership in defeating COVID-19 and preparing for future public health emergencies" signed May 20, 2021, by Deputy Secretary of Defense Kathleen Hicks and Deputy Secretary of Health and Human Services (HHS) Andrea Palm, as reported by DOD here:

[https://www.defense.gov/Newsroom/Releases/Release/Article/2633565/memorandum-of-understanding-for-acquisition-support-signed-between-the-departme/.](https://www.defense.gov/Newsroom/Releases/Release/Article/2633565/memorandum-of-understanding-for-acquisition-support-signed-between-the-departme/)”

The Assisted Secretary for Preparedness and Response conducted a search and located 7 pages of responsive records. After a careful review of these pages, I am releasing 5 pages to you in their entirety, and I am further withholding 2 pages in part, with portions redacted, pursuant to Exemption (b)(6) of the FOIA (5 U.S.C. §552 (b)(6)).

FOIA exemption (b)(6) permits a Federal agency to withhold information and records about individuals in “personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The definition of “similar files” has historically been broadly interpreted to include a wide variety of files, and the United States Supreme Court has held that Congress intended the term "similar files" to be interpreted broadly, rather than narrowly. I have analyzed these records and find they meet the threshold requirement of this exemption. Additionally, I have reviewed and weighed the public interest in disclosure of this information against the privacy interest in nondisclosure and found that the privacy interest outweighs the public’s interest in disclosure.

If you believe the information withheld should not be exempt from disclosure, or this response constitutes an adverse determination, you may appeal. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency’s decision.

Please mark the correspondence, “Freedom of Information Act Appeal.” Your appeal must be transmitted within 90 days from the date of receipt of this letter to:

Ms. Carol Maloney
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services

Office of the Assistant Secretary for Public Affairs
HHS.ACFO@hhs.gov

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the HHS FOIA Public Liaison for assistance at:

HHS FOIA/PA Public Liaison
FOI/Privacy Acts Division
Assistant Secretary for Public Affairs (ASPA)
Office of the Secretary (OS)
U.S. Department of Health and Human Services (HHS)
Telephone: (202) 690-7453
E-mail: HHS_FOIA_Public_Liaison@hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov

There are no charges in this instance because the billable costs are less than our threshold of \$25.

Sincerely yours,



Arianne Perkins
Director, Initial FOIA Requests
FOI/Privacy Acts Division

Enclosure(s)