

October 22, 2019

SENT VIA EMAIL

Mr. Karl Pensworth
Email: 81754-99381642@requests.muckrock.com

RE: Right-To-Know Law Request No. 19-RTKL-314

Dear Mr. Pensworth:

On October 15, 2019, the Department of Human Services (department) received your request for information pursuant to the Pennsylvania Right-To-Know Law, 65 P.S. §§ 67.101 – 67.3104 (RTKL).

Your Request

Your request for records is as follows:

Any and all available records pertaining to the DARPA Restoring Active Memory (RAM) program, co-operative agreement: N66001-14-2-4032 and/or any, all, or any combination of the following National Institute of Health and National Science Foundation grant codes:

NIH R01 NS099348
NSF BCS-1441502
NSF BCS-1631550

In particular, please provide:

- 1) The Statement of Work/Scope on each sub-program or full contract with each contract-awardee or winning offeror company or institution, and the full Statement of Work included with each contract;
- 2) Complete Documentation of Informed Consent from all human subjects utilized by or involved with this program in any way, including:
 2. a) The FWA (Federal Wide Assurance) signed off by the Office of Human Research Protections, Department of Health and Human Services.
 2. b) Detailed Informed Consent documents including lists of consenting human subjects, specific information provided to human subjects, and signed documents from human subjects attesting to Informed Consent.
 2. c) Any additional internal CIA document assuring compliance with the Common Rule signed off by the Institutional Review Board involved.

2. d) All affirmations of Compliance Oversight from the Office of Human Subject Research Protections.
2. e) All Waivers of Consent from the Secretary of Defense or any other federal agency, as applicable, including the full reasons for these waivers.
- 3) Complete Documentation with precise details on Location and Field of Operation where scientific instruments and/or weapons are being utilized or tested, "wittingly" or "unwittingly," overtly or covertly, on human beings--namely US immigrants, citizens or any individuals present in the USA whether temporarily or permanently, currently or formerly.

The Department's Response to Your Request

After a reasonable search of its records, the department determined that it does not have the records that you request in its possession, under its custody or its control.

Pursuant to the Office of Open Records Final Decision in Jenkins vs. Pennsylvania Department of State, Docket # AP 2009-065, it should be noted that: "It is not a denial of access when an agency does not possess records and [there is no] legal obligation to obtain them (see, e.g. section 67.506 (d)(1))."

It appears that the records you seek are under the purview of the federal government and, therefore, you should direct your request to the federal government under the Freedom of Information Act.

Appeal Rights

You have a right to appeal this response in writing to the Executive Director, Office of Open Records (OOR), 333 Market Street, 16th Floor, Harrisburg, PA 17126-0333. If you choose to file an appeal you must do so within 15 business days of the mailing date of this response.

In order to appeal, you must send to the OOR and simultaneously to me, in the same manner as the appeal is sent to the Office of Open Records (e-mail, fax, mail or hand delivery):

- 1) This response;
- 2) Your request;
- 3) The appeal form that is available on the OOR website at:
<https://www.openrecords.pa.gov/Appeals/HowToFile.cfm>.

You must also include on the appeal form the reasons why you think the department was wrong in its response to your request and what relief or department action you are seeking. All of the above must be submitted for your appeal to be valid.

If you have any questions related to this RTKL response, please contact me.

Sincerely,

Andrea Bankes

Andrea Bankes
Agency Open Records Officer