



Case No. 2023-01116-FOIA-PHS

November 20, 2023

***Sent via email:***

Adrienne Murphy  
MuckRock News, DEPT MR150959  
263 Huntington Ave  
Boston, MA 02115  
150959-47274904@requests.muckrock.com

Dear Adrienne Murphy:

This letter is the final response to your August 17, 2023 Freedom of Information Act (FOIA) request. Specifically, you requested the following records: "*Any and all agency records (documents, memos, emails, deliberations) leading up to and related to the dissolution of the Chronic Fatigue Syndrome Advisory Committee (CFSAC) charter in September 2018.*"

The Office of the Assistant Secretary of Health (OASH)/ Office on Women's Health (OWH) search and found 56 pages of responsive records. After a careful review of the requested information, we have found that it is reasonably foreseeable that disclosure would harm an interest protected by one or more of the exemptions to the FOIA's general rule of disclosure and/or that disclosure is prohibited by law; therefore, we have determined to withhold the information in its entirety, pursuant to Exemption (b)(5) of the FOIA (5 U.S.C. §552 ).

FOIA exemption (b)(5) protects inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. This exemption protects documents that would be covered by any privilege an agency could assert in a civil proceeding. These privileges include, among others, the deliberative process privilege, the attorney-client privilege, and the attorney work-product privilege. In this instance, the deliberative privilege applies.

If you believe that 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:

William H. Holzerland  
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](mailto:HHS.ACFO@hhs.gov)

If you choose to mail your appeal, please clearly mark both the envelope and your letter “Freedom of Information Act Appeal.” The mailing address is: Room 729H, 200 Independence Avenue, SW, Washington, DC 20201. Please note the entire office is working remotely and appeals sent by mail may receive delayed receipt dates. 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)  
200 Independence Avenue, SW, Suite 729H  
Washington, DC 20201

Telephone: (202) 690-7453  
Fax: (202) 690-8320  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto: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  
8601 Adelphi Road–OGIS  
College Park, MD 20740-6001

Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

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

Sincerely yours,

*Kris Zadrovitz for*

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