



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

February 21, 2020

Sent Via Email

Pat Anson
MuckRock News DEPT MR 80155
411A Highland Ave
Somerville, Massachusetts
Email: 80155-05826295@requests.muckrock.com

Dear Mr. Anson:

This letter is in final response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of September 25, 2019, assigned #19-01207-FOIA, for:

"Copies of all documents, emails, memos and other communications by CDC sent in reply to a December 18, 2015, letter from the House Committee on Oversight and Government Reform. The letter asks then CDC director Thomas Frieden to provide documents related to the selection of a "Core Expert Group" during the initial drafting of the CDC Guideline for Prescribing Opioids for Chronic Pain, as well as documents prepared by the "Core Expert Group" and documents relating to the CDC's compliance with the Federal Advisory Committee Act during its drafting of the guideline."

We located 1,449 pages of responsive records and two Excel workbooks (108 pages released in full; 103 pages disclosed in part; 1,238 pages withheld in full). After a careful review of these pages, some information was withheld from release pursuant to 5 U.S.C. §552 Exemptions b5 and b6.

EXEMPTION 5

Exemption 5 protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, and attorney-client privileges. Information withheld under this exemption was protected under the deliberative process privilege. The deliberative process privilege protects the decision-making process of government agencies. The deliberative process privilege protects materials that are both predecisional and deliberative. The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative, and do not contain or represent formal or informal agency policies or decisions. Examples of information withheld include material in draft form, reviewer's comments and recommendations.

EXEMPTION 6

Exemption 6 protects information in personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy. The information that has been withheld under Exemption 6 consists of personal information, such as names, phone numbers, email addresses, place of employment, and other personally identifiable information. We have determined that the individuals to whom this information pertains has a substantial privacy interest in withholding it.

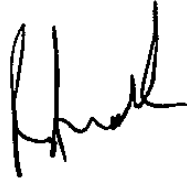
Please select the following link to download a copy of your records (the link expires in 30 days).

<https://centersfordiseasecontrol.sharefile.com/share/view/s5d8b83459e449c2b>

You may contact our FOIA Public Liaison at 770-488-6277 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, Suite 729H, Washington, D.C. 20201. You may also transmit your appeal via email to FOIARequest@psc.hhs.gov. Please mark both your appeal letter and envelope “FOIA Appeal.” Your appeal must be postmarked or electronically transmitted by May 21, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Andoh', written in a cursive style.

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
Phone: (770) 488-6399
Fax: (404) 235-1852

Enclosures

#19-01207-FOIA