



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
Building 31, Room 5B-35
31 Center Drive, MSC 2107
Bethesda, Maryland 20892-2107
phone: (301) 496-5633
fax: (301) 402-4541

Via email: supremelawfirm@gmail.com

June 19, 2020

Paul Mitchell
Supreme Law Firm

Re: FOI Case No. 54544

Dear Mr. Mitchell:

This is the final response to your April 18, 2020, Freedom of Information Act (FOIA) request addressed to the FOIA Office, National Institutes of Health (NIH) which was received in that office on April 20, 2020. You requested a true and correct electronic copy of the SF-61 APPOINTMENT AFFIDAVITS required of Dr. Anthony S. Fauci as Director, NIAID, by the Acts of Congress at 5 U.S.C. 2903, 2906, 3331, 3332, 3333 and 5507 and by the Oath of Office Clause at Article VI, Clause 3 in the U.S. Constitution.

The NIH Office of Human Resources (OHR) searched for records responsive to your request and provided 1 page which is enclosed in a PDF. The NIH FOIA Office reviewed those records.

I have determined to withhold certain portions of those records pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552, (b)(6), and sections 5.31(f) of the HHS FOIA Regulations, 45 CFR Part 5. Exemption 6 permits the withholding of privacy information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

You have the right to appeal this determination to deny you access to information in the Agency's possession. Should you wish to do so, your appeal must be sent within ninety (90) days of the date of this letter, following the procedures outlined in Subpart F of the HHS FOIA Regulations (<https://www.federalregister.gov/documents/2016/10/28/2016-25684/freedom-of-information-regulations>) to:

Assistant Secretary for Public Affairs
Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

If you are not satisfied with the processing and handling of this request you may contact the NIH FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Stephanie Clipper
Public Affairs Specialist
Office of Communications and Public Liaison
Building 1 Room 331
1 Center Drive
Bethesda, MD 20892
301-496-5633 (phone)
nihfoia@od.nih.gov (email)

OGIS

National Archives and Records Admin.
8601 Adelphi Rd – OGIS
College Park, MD 20740-6001
202-741-5770 (phone)
1-877-684-6448 (toll-free)
202-741-5769 (fax)
ogis@nara.gov (email)

In certain circumstances provisions of the FOIA and HHS FOIA Regulations allow us to recover part of the cost of responding to your request. Because no unusual circumstances apply to the processing of your request, there is no charge associated with our response.

If you have any questions about this response, please call me at 301-496-5633.

Sincerely,

Gorka Garcia-Malene
Freedom of Information Act Officer, NIH

Enclosed: 1 page, PDF