

FREEDOM OF INFORMATION ACT REQUEST

VIA EMAIL

July 29, 2021

Gorka Garcia-Malene
Freedom of Information Act Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, Maryland 20892
Email: nihfoia@mail.nih.gov

Re: *Anthony Fauci Documents and Communications Regarding the 2015 Paper (IR#0536)*

Dear Mr. Garcia-Malene:

This firm represents the Informed Consent Action Network (“ICAN”). On behalf of ICAN, please provide the following records to foia@sirillp.com in electronic form:

At a July 20, 2021 Senate hearing at which Dr. Fauci appeared and had an exchange with Senator Rand Paul,¹ Dr. Fauci stated: “This paper that you are referring to was judge by qualified staff up and down the chain as not being gain-of-function.”² Please provide:

- (1) any and all documents and communications identifying the “qualified staff” who reviewed the 2015 Paper;**
- (2) all communications from the referenced “qualified staff” regarding each of their conclusions about whether or not the 2015 Paper’s subject matter is considered gain-of-function; and**

¹ The exchange referred to above can be viewed at <https://www.youtube.com/watch?v=IqUOcVwRUtc> (last visited 7/28/2021).

² A copy of the paper referred to above and titled “*A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence*” (“the 2015 Paper”) can be viewed here <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4797993/> (last visited 7/28/2021).

(3) any other documentation or communications in Dr. Fauci's possession regarding the 2015 Paper.

Fees and charges for this search are to be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii) since ICAN is a not-for-profit 501(c)(3) organization and its mission is to raise public awareness about public health safety and provide the public with information to give informed consent regarding related health interventions. As part of its mission, ICAN investigates and disseminates information regarding public health safety issues, including through their website, and through press events and releases. ICAN is seeking the information in this FOIA request to allow it to contribute to its mission. The information requested in this FOIA request will not contribute to any commercial activities.

Please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We, therefore, request that we be provided with all non-exempt portions which are reasonably segregable. We further request that you describe any deleted or withheld material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies. Please also separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements may help to avoid unnecessary appeal and litigation. ICAN of course reserves all rights to appeal the withholding or deletion of any information.

Access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter. Failure to respond in a timely manner shall be viewed as a denial of this request and ICAN may immediately file an administrative appeal.

If you would like to discuss our requests or any issues raised in this letter, please feel free to contact me at (212) 532-1091 or via email at foia@sirillp.com during normal business hours. Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'ASiri', written over a horizontal line.

Aaron Siri, Esq.