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 E-mail: [redacted]

April 14, 2023

John Allen Davidson
Executive Producer
Magic Feathers Corps.
[redacted]

Re: NIH FOI Case No. 58915

Dear Mr. Davidson:

This is the final response to your Freedom of Information Act (FOIA) request dated August 29, 2022, addressed to the National Cancer Institute (NCI), FOIA Office which was received in that office on September 1, 2022. Your request was referred to this office. You requested:

(1) All email communications between Eric O Freed and Oliver Schildgen for the time period 20th August 2021 to 31st May 2022.

(2) All email communications from/to Eric O. Freed containing the phrase "expression of concern" or the name "Jiang" in the body of the email.

In an email dated on 8/31/22, you amended and perfected item (2) to “any emails containing the word “Jiang” and any of the words “paper,” “expression,” “concern,” “retract,” or “retraction”.

We conducted a search for records and located 490 pages responsive to your request. I have determined to withhold all those records in full pursuant to exemption 4 of the FOIA, 5 U.S.C. § 552 (b)(4), and section 5.3 l (d) of the HHS FOIA Regulations, 45 CFR Part 5. Exemption 4 protects from disclosure trade secrets and commercial or financial information that is privileged and confidential. The records withheld are communications about the review process and content is confidential.

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 the Assistant Secretary for Public Affairs at https://requests.publiclink.hhs.gov/App/Index.aspx.

Clearly mark the communication “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
Denean Standing-Ojo
Office of Communications and
Public Liaison
Building 31 Room 5B52S
31 Center Drive
Bethesda, MD 20892
301-496-5077 (phone)
nihfoia@mail.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 301-496-5633.

Sincerely, Gorka Garcia-malene -S

Digitally signed by Gorka Garcia-malene -S
Date: 2023.04.14 15:22:33 -04'00'

Gorka Garcia-Malene
Freedom of Information Act Officer, NIH