

May 11, 2022

Brandon Gaylord  
Freedom of Information Act Officer  
Hubert H. Humphrey Building  
200 Independence Avenue, S.W., Suite 729H  
Washington D.C. 20201

SUBMITTED VIA EMAIL ONLY  
HHS\_FOIA\_Public\_Liaison@hhs.gov

Dear Mr. Gaylord:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the New Civil Liberties Alliance (NCLA) requests copies of certain records and documents of the Department of Health and Human Services (HHS) related to the Surgeon General’s Request for Information (RFI), made on March 3, 2022.<sup>1</sup>

Specifically, NCLA is seeking email correspondence and other documents, including internal memoranda—described below in more detail—from July 1, 2021 to the present, to be construed as the date on which the agency begins its search for responsive records.<sup>2</sup> Put otherwise, the request is ongoing, and includes pertinent records and documents created after this letter is sent and until the agency begins its search.

First, we request all documents turned over to the Surgeon General and HHS by technology platforms in response to the RFI.<sup>3</sup> For example, Facebook has publicly stated that it intends to comply with the RFI, so we are certain that such documents exist.<sup>4</sup>

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<sup>1</sup> See 87 Fed. Reg. 12,712 (Mar. 3, 2022).

<sup>2</sup> See *Pub. Citizen v. Dep’t of State*, 276 F.3d 634 (D.C. Cir. 2002).

<sup>3</sup> The RFI defines “technology platforms” as including “[g]eneral search engines, content sharing platforms, social media platforms, e-commerce platforms, crowd sourced platforms, and instant messaging systems.” For example, a reasonable reading of the RFI includes companies such as, but not limited to, Twitter, Facebook, Instagram, Meta, Reddit, TikTok, Snapchat, Google/Alphabet apps and services (YouTube, gmail, messenger, etc.), Amazon Marketplace, eBay, Discord, Spotify, Signal, Apple messages, LinkedIn, Tumblr, Pinterest, Meetup, and Nextdoor.

<sup>4</sup> See Hiawatha Bray, “Lawsuit challenges federal crackdown on COVID-19 misinformation on social media,” *The Boston Globe* (Mar. 31, 2022), <https://www.bostonglobe.com/2022/03/31/business/lawsuit-challenges-federal-crackdown-internet-misinformation/>.

Second, we request all records, including but not limited to email communications, about the RFI containing the following terms:

1. “Request for Information” OR “RFI”;
2. “Misinformation” OR “disinformation” or “health misinformation” or “health disinformation”;
3. “sources of COVID-19 misinformation”; and
4. “major sources of COVID-19 misinformation”;

We are specifically requesting all emails containing those terms from the following individuals:

1. Vivek Murthy, U.S. Surgeon General
2. Xavier Becerra, Secretary of HHS
3. Joan Hunter, Advisor to the U.S. Surgeon General
4. Andrea Joan Palm, Deputy Secretary, HHS
5. Timothy (“Tim”) Ricks, Chief Dental Officer and Assistant Surgeon General
6. Max Lesko, Chief of Staff
7. Melea Atkins, Deputy Chief of Staff
8. Brandy Brunson, Executive Assistant to the U.S. Surgeon General
9. Jessica Scruggs, Senior Advisor and Director of Scheduling and Advance
10. Kana Enomoto, Senior Advisor
11. Arsenio Y. Mataka, Senior Advisor for Health Equity and Climate
12. Adam L. Beckman, Special Advisor
13. Daniel A. Tartakovsky, Policy Advisor
14. Tara Broido, Director of Communications
15. Eric W. Waldo, Director of Engagement
16. Jeremy Idol, Director of Mission Engagement

We request any and all emails from the above individuals to all technology platforms, including general search engines, content sharing platforms, social media platforms, e-commerce platforms, crowd sourced platforms, and instant messaging systems, since the RFI explicitly encompasses all such companies.

Finally, we request any materials provided to Congress in response to the March 11, 2022 letter to Surgeon General Murthy.<sup>5</sup>

NCLA is a nonpartisan 501(c)(3) organization and in light of its status, NCLA requests a fee waiver. This request serves the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and its agencies. Moreover, this request is not in the commercial interest of the requestor. NCLA asks that these documents be sent via electronic mail and, if that is not possible, please contact me to arrange a different method of delivery. If a portion of the responsive records can be produced more readily, NCLA requests that they be produced first and the remainder produced on a rolling basis. In any event, and pursuant to 5 U.S.C. § 552(a)(6)(A)(i), please respond within 20 days.

If you have any questions about this request, please contact me by telephone at (202) 918-6905 or by email at [jenin.younes@ncla.legal](mailto:jenin.younes@ncla.legal). Thank you for your prompt attention to this matter.

Sincerely,

*/s/ Jenin Younes*

Jenin Younes  
Litigation Counsel

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<sup>5</sup> See Letter from Congresswoman McMorris Rodgers, Congressmen Jordan, Scalise, and Comer to Surgeon General Murthy (Mar. 11, 2022), available at <https://republicans-energycommerce.house.gov/wp-content/uploads/2022/03/3.11.22-Letter-to-Surgeon-General-Murthy-Final.pdf>.