



August 6, 2013

VIA FACSIMILE

Mr. Robert Eckert
FOIA Officer
U.S. Department of Health and Human Services
Mary E. Switzer Building, Room 2206
330 C Street, SW
Washington, D.C. 20201
Facsimile: (202) 690-8320

RE: Freedom of Information Act Request

Dear Mr. Eckert:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Cause of Action hereby requests access to the work calendars of the Secretary, Deputy Secretary, and Chief of Staff from January 2013 to the present.

For fee purposes, Cause of Action qualifies as a “representative of the news media” under 5 U.S.C. § 552(a)(4)(A)(ii)(II). Cause of Action is organized and operated, among other things, to publish and broadcast “news,” *i.e.*, information that is about current events or that would be of current interest to the public. Cause of Action gleans the information that it regularly publishes from a wide variety of sources and methods, including whistleblowers/insiders, government agencies, universities, scholarly works, and FOIA requests. Cause of Action routinely and systematically disseminates information acquired from such sources to the public through various media. For example, Cause of Action maintains a frequently visited website, www.causeofaction.org, where it distribute its articles, blog posts, published reports, and newsletters, all of which address current events that are of interest to the general public. Cause of Action also disseminates news to the public via Twitter and Facebook, and it provides news updates to subscribers via e-mail. As a result of these activities, federal agencies have continually recognized Cause of Action’s news media status in connection with its FOIA requests.¹

¹ See, e.g., FOIA Request 2013-01234-F, Dep’t of Energy (July 1, 2013); FOIA Request 2013-145F, Consumer Fin. Prot. Bureau (May 29, 2013); FOIA Request 2013-073, Dep’t of Homeland Sec. (Apr. 5, 2013); FOIA Request 2012-RMA-02563F, Dep’t of Agric. (May 3, 2012); FOIA Request 2012-00270, Dep’t of Interior (Feb. 17, 2012); Dep’t of Commerce (Mar. 1, 2012); FOIA Request No. 12-00455-F, Dep’t of Educ. (Jan. 20, 2012).

Mr. Robert Eckert
August 6, 2013
Page 2

In an effort to facilitate production, Cause of Action requests that all responsive records be produced in electronic format (*e.g.*, e-mail, pdf). If a certain set of responsive records can be produced more readily, we respectfully request that those records be produced first and that the remaining records be produced on a rolling basis as circumstances permit.

If you have any questions about this request, please contact me by e-mail at allan.blutstein@causeofaction.org or by telephone at (202) 499-4232. Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read 'Allan Blutstein', written over a horizontal line.

ALLAN BLUTSTEIN
SENIOR COUNSEL