



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
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July 31, 2023

Adam Andrzejewski
American Transparency
200 S. Frontage Rd.
Suite 106
Burr Ridge, IL 60527

Re: NIH FOIA Case No. 57048; *American Transparency v. DHHS*, No. 21-cv-02821

Dear Mr. Andrzejewski:

This is an amended complete response to Freedom of Information Act (FOIA) request that is the subject of the Complaint filed in *American Transparency v. Department of Health and Human Services* No. 21-cv-02821. Your FOIA request 57048, dated September 15, 2021, was received by the National Institutes of Health (NIH) on the same day.

You requested a complete list/database of all personal royalties paid (including, but not limited to, FY2020) to current and former National Institutes of Health employees for work done while they were federally employed.

I have determined to withhold portions of the enclosed pages under FOIA exemptions (b)(3)(A), (b) (4) and (b)(6). The information being withheld is protected from release pursuant to Exemptions 3A, 4 and 6 of the FOIA, 5 U.S.C. § 552 (b)(3)(A), (b)(4) and (b)(6); and sections 5.31 (c), (d) and (f) of the HHS FOIA Regulations, 45 CFR Part 5. Exemption 3 incorporates nondisclosure provisions that are contained in other federal statutes. In this case, Exemption 3 incorporates the Federal Transfer and Technology Act, 15 USC 3710a(c)(7)(A), which prohibits federal agencies from disclosing commercial or financial information, including royalty information, obtained from parties participating in technology transfer with Federal Agencies. Exemption 4 protects from disclosure trade secrets and commercial or financial information that is privileged and confidential. Exemption 6 permits the withholding of privacy information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

If you have any questions about this response, please contact AUSA Sean Tepe, of the Department of Justice, at sean.tepe@usdoj.gov.

Sincerely,

for Gorka Garcia-Malene
Freedom of Information Officer, NIH