



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D.C. 20201

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Case No: 2014-0469 WW

June 20, 2014

John Hnatio  
Footquest TQ LLC  
7420 Hayward Drive  
Suite 102  
Frederick, MD 21702

Dear Mr. Hnatio:

This is in response to your January 7, 2014, Freedom of Information Act (FOIA) request for records pertaining to all documents, emails or other communication by Health and Human Services employees Jason Bashura, Jody Menkheim, Marion Allen and Dale Berkeley relating to Food Quest TQ using the terms: John Hnatio, Thought Quest, Food Quest TQ and /or Food Quest; Ranging from March 1, 2013 to January 6, 2014. This office is only responding to the portion of your request pertaining to Dale Berkeley. Please be advised that the Food and Drug Administration will respond to the other portions of this request, if they have not already done so.

The Office of the General Counsel (OGC) located 904 pages of responsive records, of which 825 pages are included on the enclosed CD. I have determined to withhold portions of the responsive records consisting of telephone numbers, cost rates, reimbursement estimates, signatures of the contracting officer, personal privacy information and internal government communications, under exemptions (b)(4), (b)(5), and (b)(6), of the FOIA (5 U.S.C. 552). I am also withholding 79 pages, in their entirety, under FOIA exemption (b)(5), consisting of internal government communication and draft correspondences.

The FOIA exemption (b)(4) permits the withholding of trade secrets and commercial or financial information that is privileged or confidential. The FOIA exemption (b)(5) permits the withholding of information which contains intra-agency and/or inter-agency communications which document the deliberative process, and in this case includes the attorney-client privilege. The FOIA exemption (b)(6) permits the withholding of information which, if released, would constitute a clearly unwarranted invasion of personal privacy.

There will be no charges in this instance because the billable costs are less than our threshold of \$25.

If you believe that the information withheld should not be exempt from disclosure, you may appeal. Your appeal must be mailed within 30 days from the date of receipt of this letter, to the Director, News Division, U.S. Department of Health and Human Services, Mary E. Switzer Building, 330 C Street, S.W., Room 2206, Washington, DC 20201. Clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

Sincerely yours,

for: Michael S. Marquis  
Director  
FOI/Privacy Acts Division

Enclosure