



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D.C. 20201

Case No. 2011-0269GD

December 20, 2010

Richard Edgar  
New Jersey Libertarian Party  
8 Arneytown-Hornerstown Road  
Cream Ridge, NJ 08514

Dear Mr. Edgar:

This is in response to your December 8, 2010 Freedom of Information Act (FOIA) request for a list of companies and organizations that applied for and were rejected waivers regarding the PHS Act Section 2711.

The Office of Consumer Information and Insurance Oversight (OCIO) conducted a search and located approximately 50 pages of responsive records. I have determined to withhold all records, in their entirety, under FOIA exemptions (b)(3) and (b)(4).

The FOIA exemption (b)(3) permits the withholding of records which are specifically prohibited from disclosure by statutes other than the FOIA. In this case, the statute applies to 41 U.S.C. 253b (m) – The National Defense Authorization Act for Fiscal Year 1997, Public Law No. 104-201.

The FOIA exemption (b)(4) permits the withholding of trade secrets and commercial or financial information that is privileged or confidential. The names of the organizations and reasons for being rejected are being withheld, because the release of this information could cause reasonable harm to the organizations.

There is no charge 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 Deputy Assistant Secretary for Public Affairs (Media), 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,

A handwritten signature in black ink that reads "Robert Eckert for".

Robert Eckert  
Director  
FOI/Privacy Acts Division  
Office of Public Affairs