

**Kohl Harrington**

(b) (6)

August 22, 2024

Via Electronic Submission

Division of Dockets Management  
Food and Drug Administration  
Department of Health and Human Services  
5630 Fishers Lane, Room 1061 (HFA-305)  
Rockville, MD 20852

Re: Citizen Petition – Requesting FDA-CVM to Comply with FOIA Law and Post Publicly on the FDA FOIA Reading Room Website Calendar Records for FDA-CVM Employee Charlotte Conway for the Date Range of 07.01.2024 – 07.31.2024

To whom it may concern:

The undersigned submits this petition under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and in accordance with 21 C.F.R. § 10.30(b), requesting that the FDA-CVM and the FDA FOIA Department comply with FOIA law by publicly posting on the FDA FOIA Reading Room website the calendar records of FDA-CVM employee Charlotte Conway for the date range of July 1, 2024, to July 31, 2024.

### **A. Action Requested**

This petition requests that the FDA-CVM comply with FOIA law and publicly post on the FDA FOIA Reading Room all calendar records requested through various FOIA requests pertaining to FDA-CVM employee Charlotte Conway for the date range of July 1, 2024, to July 31, 2024.

### **B. Statement of Grounds**

FDA-CVM is a subagency of the FDA, which is an agency within the Department of Health and Human Services and is subject to FOIA laws.

The FOIA requires each agency to make available for public inspection, in electronic format, copies of all records that have previously been released under FOIA and "(I) that because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; or (II) that have been requested 3 or more times." 5 U.S.C. § 552(a)(2)(D).

The records in question—calendar records for FDA-CVM employee Charlotte Conway for the date range of July 1, 2024, to July 31, 2024—are subject to this requirement. The law does not mandate that a petitioner provide FOIA control numbers to trigger this requirement. The legal obligation lies with the FDA to monitor and recognize when records have been requested three or more times and to comply with the law by posting such records publicly.

It is imperative that the FDA fulfill its legal obligations under 5 U.S.C. § 552(a)(2)(D) without imposing unnecessary and legally unfounded barriers to public access. The FDA's failure to post these records, despite the likelihood that they have been requested three or more times, constitutes a violation of FOIA and undermines the principles of transparency and public trust.

This citizen petition specifically requests the FDA to comply with the law, 5 U.S.C. § 552(a)(2)(D), and publish on the public FDA FOIA Reading Room website, the calendar records for FDA-CVM employee Charlotte Conway for the date range of July 1, 2024, to July 31, 2024.

### **C. Environmental Impact**

A claim for categorical exclusion of the requirement for submission of an environmental assessment or environmental impact statement is made pursuant to 21 C.F.R. §§ 25.30 and 25.34.

### **D. Economic Impact**

In accordance with 21 C.F.R. § 10.30(b), economic impact information is to be submitted only when requested by FDA following review of the petition. The undersigned will promptly provide this information if requested.

### **E. Certification**

The undersigned certifies that, to the best of their knowledge and belief, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the petitioner which are unfavorable to the petition.

Sincerely,



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