



Via email to: [hin@alma.com](mailto:hin@alma.com)

December 6, 2016

John K. Hinsdale  
38 Quaker Road  
Princeton Junction, NJ 08550

Re: NIH FOI Case No. 45289

Dear Mr. Hinsdale:

This is the final response to your July 11, 2016, Freedom of Information Act (FOIA) request addressed to the Freedom of Information (FOIA) Office, National Institutes of Health (NIH), which was received in our office on July 14, 2016. Department of Health and Human Services (HHS) policy calls for the fullest possible disclosure provided by the FOIA, consistent with the protections contained therein. The implementing HHS FOIA Regulations establish the criteria under which the FOIA is administered. *See* 45 CFR Part 5. Copies of the FOIA and the HHS FOIA Regulations are available on our website at: <http://www.nih.gov/icd/od/foia/efoia.htm> and <http://www.nih.gov/icd/od/foia/cfr45.htm>.

You requested records related to Certificates of Confidentiality (COC) for CY 2012 – 2016. Specifically, you requested copies of:

1. All applications for a COC and all COC for human subject mental health research issued to the Massachusetts Institute of Technology (MIT) or the University of Michigan (U. Mich.) where the project name is similar to “Healthy Minds Study” or “Healthy Minds Network;” and
2. All applications for a COC and all COC for human subject mental health research issued to MIT or the University of Michigan where the research project is any mental health survey and the Principal Investigator or the Institutional Official is:
  - a. L. Rafael Reif
  - b. Cynthia Barnhart
  - c. Martin Schmidt
  - d. Maria Zuber
  - e. Jagruti Patel or
  - f. Daniel Eisenberg

We searched the files of the National Institute of Mental Health (NIMH) and the Office of Extramural Research (OER) within the Office of the Director for records responsive to your request. In a partial response dated November 15, 2016, we released 34 pages of responsive records to you with pending support/source of private support redacted. The information

redacted from those records is protected from release pursuant to Exemption 4 of the FOIA, 5 U.S.C. §§552(b)(4) and section 5.65 of the HHS FOIA Regulations, 45 C.F.R. Part 5. Exemption 4 protects from disclosure trade secrets and commercial or financial information that is privileged and confidential.

As noted in our November 15 partial release, our search for responsive records was continuing. That search has now produced the enclosed 14 pages of responsive records.

In a November 21, 2016, letter and a November 22, 2016, email, you asked that we verify that with respect to Item 1, we searched our files for applications submitted by Cynthia “Barnhart,” not “Barnhard” as indicated in our interim and partial response letters. In an email from Ms. Lauren Bartok of this office, she explained that our letters contained a typographical error and that we searched our files using the name “Barnhart.”

If you are not satisfied with the processing and handling of this request you may contact the NIH FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Marin Allen, Ph.D.  
Deputy Associate Director  
Office of Communications and  
Public Liaison  
Building 1, Room 344  
1 Center Drive  
Bethesda, MD 20892  
301-496-4461 (phone)  
301-496-0017 (fax)  
[nihfoia@mail.nih.gov](mailto:.nihfoia@mail.nih.gov) (email)

OGIS

National Archives and Records Admin.  
8601 Adelphi Rd - OGIS  
College Park, MD 20740-6001  
202-741-5770 (phone)  
1-877-684-6448 (toll-free)  
202-741-5769 (fax)  
[ogis@nara.gov](mailto:ogis@nara.gov) (email)

You also have the right to appeal the determination to deny you access to information in the Agency’s possession. Should you wish to do so, your appeal must be sent within ninety (90) days of the date of this letter, following the procedures outlined in Subpart C of the HHS FOIA Regulations <http://www.nih.gov/iced/od/foia/cfr45.htm>) to:

Ms. Catherine Teti  
Deputy Agency Chief FOIA Officer  
U.S. Department of Health and Human Services  
Office of the Assistant Secretary for Public Affairs  
Room 729H  
200 Independence Avenue, S.W.  
Washington, DC 20201  
[FOIARequest@hhs.gov](mailto:FOIARequest@hhs.gov)  
FAX: 202-690-8320

Clearly mark both the envelope and your letter “Freedom of Information Act Appeal.”

In certain circumstances, provisions of the FOIA and HHS FOIA Regulations allow us to recover part of the cost of responding to your request. Because no unusual circumstances apply to the processing of your request, there is no charge associated with our response.

Sincerely,



Susan R. Cornell, J.D.  
Freedom of Information Officer, NIH  
Building 31, Room 5B35  
31 Center Drive, MSC 2107  
Bethesda, MD 20892-2107

Enclosure: 14 pages