FW: UCSF PRA 020-107

44 messages

M

[redacted]

From: Dellner, Tom [mailto:Tom.Dellner@ucsf.edu]
Sent: Friday, November 20, 2020 2:04 PM
To: Craig Alexander
Cc: Gee, Brenda
Subject: UCSF PRA 020-107

Hello and good afternoon, Mr. Alexander. I hope this finds you well on a Friday.

As I think you are aware, your client's CPRA request was somewhat complex. I built the below table to hopefully better track and communicate the status of the elements of the request. Beneath the table, I elaborate on the elements.

I am tied up this afternoon – but available at your convenience during the short week next week and happy to join a call as needed to talk through any/all of the elements. Many thanks – kind regards, td

Request 1 *From January 1, 2008 and the present date.*

1.1	Any and all grant awards and/or disbursements of said	No responsive records

	awards by UCSF to Planned Parenthood Federation of America and/or any of its affiliates…	found as of 11/20/20 Searching one additional unit
1.2	Human fetal tissue procurement logs and transportation logs…	No responsive records in central procurement. No responsive records in central transportation.
	Stoddart, Cheryl	
	Rackaityte, Elze	
	Halkias, Joanna	
	Henrich, Timothy	
	Sneddon, Julie	
	Bhaduri, Aparna	
	Knox, Sarah Monica	No responsive records
	Verkman, Alan	
	Rowitch, David	
	Retallack, Hanna	
	Baskin, Laurence / Cunha, Gerald	
	Tran, Nam	Responsive records located. Under review as of 11/20/20
1.3	Any and all communications, emails, texts and memorandum regarding the procurement of human fetal tissue between the aforementioned entities and / or individuals	Overly broad – multiple individuals no longer with UCSF
1.4	Any and all Contracts between UCSF and NIH regarding the procurement of human fetal tissue including	No responsive records
Request 2	*From January 1, 2008 and the present date.*	
2.1	All documents regarding any active fetal tissue research projects not funded by NIH…	Overly broad

Request 3	*From January 1, 2008 and the present date.*	
3.1	Any and all UCSF protocols and procedures for determining the viability of a neonate after labor induction abortion procedures including but not limited to the oversight and reporting of both the determinations themselves and in instances where the neonate1 is born alive after the procedure is performed.	Search in progress
3.2	UCSF's protocols and procedures regarding the delivery of medical care to neonates born at the Women's Options Center 6G and / or the UCSF Women's Options Center / UCSF Medical Center at Mount Zion.	Search in progress
3.3	UCSF's training standards for the Ryan Residency and Fellowship in Family Planning including, but not limited to, the determination of a neonate's viability	Responsive records located. Under review as of 11/20/20
Request 4	*From January 1, 2008 and the present date.*	
4.1	Any and all communications between UCSF and the Desert Star Institute for Family Planning	Overly broad
4.2	Any and all contracts between UCSF and the Desert Star Institute for Family Planning	No responsive records
4.3	Any and all payments on any contracts by and between UCSF and the Desert Star Institute for Family Planning	No responsive records

1.1: UCSF has not found any grant awards or disbursements of said awards by UCSF to Planned Parenthood. However, there is one additional unit that the University needs to search to ensure our response is thorough. I anticipate that will be completed just after Thanksgiving at the latest. Regarding "and/or any of its affiliates", UCSF is not aware of any PP affiliate that doesn't operate under the Planned Parenthood name but if you or your client have specific entity name(s), UCSF is happy to search for any grants to them.

1.2: UCSF confirms that there are no responsive records for fetal tissue procurement or transportation logs in the central units. However, to properly process your client's request, UCSF must also contact each of the research units to determine if they have records locally. Accordingly, I created a row for each of the individuals named in the request. I regret that CV19 makes that process more cumbersome as UCSF has had to reshuffle space use and many research coordinators were deemed non-essential personnel so they are not on campus to search paper files. As a result, at this time, UCSF has only been able to confirm that Dr. Knox does not have any HFT procurement or transportation records and Dr. Tran does. The records from Dr Tran are currently under review by campus counsel for redaction of any exempt information. That should be completed within a few days.

1.3: The request for any and all communications is overly broad. However, I hope you will agree that this element will essentially refine itself as the University continues to determine which researchers have HFT procurements. The other issue we are running into on this element is that some of the individuals named in the request are no longer with UCSF. For example, Dr. Tran's procurements were circa 2013. The lab still had the paper files but Dr. Tran departed UCSF in 2016 and her email account was purged long ago.

1.4: UCSF confirms there are no responsive records. The University does not contract with NIH for procurement of HFT.

2.1: This element is overly broad and cannot be processed. UCSF does not have a central repository of research projects and therefore UCSF has no way to search for "any active fetal tissue research projects", regardless of how they are funded. I'm not certain how to be helpful in refining this request. UCSF has research projects that are not funded by NIH. The example the comes to mind immediately is CIRM (https://stemcellclinic.ucsf.edu/). UCSF would need to know the name of the PI/Researcher or the sponsor to be able to initiate a search. The other complicating factor for this element is that, as written, it appears to call for documents related to active research. As you may know, CPRA (and FOIA) exempt records related to research prior to publication. Accordingly, we would need your client to not only to refine the request by providing information that could help UCSF identify responsive record(s) – but also observe the exemption for records related to in-progress, unpublished research.

3.1 / 3.2: Search in progress. UCSF Medical Center Administration has not yet been able to complete search for responsive records. I will follow up.

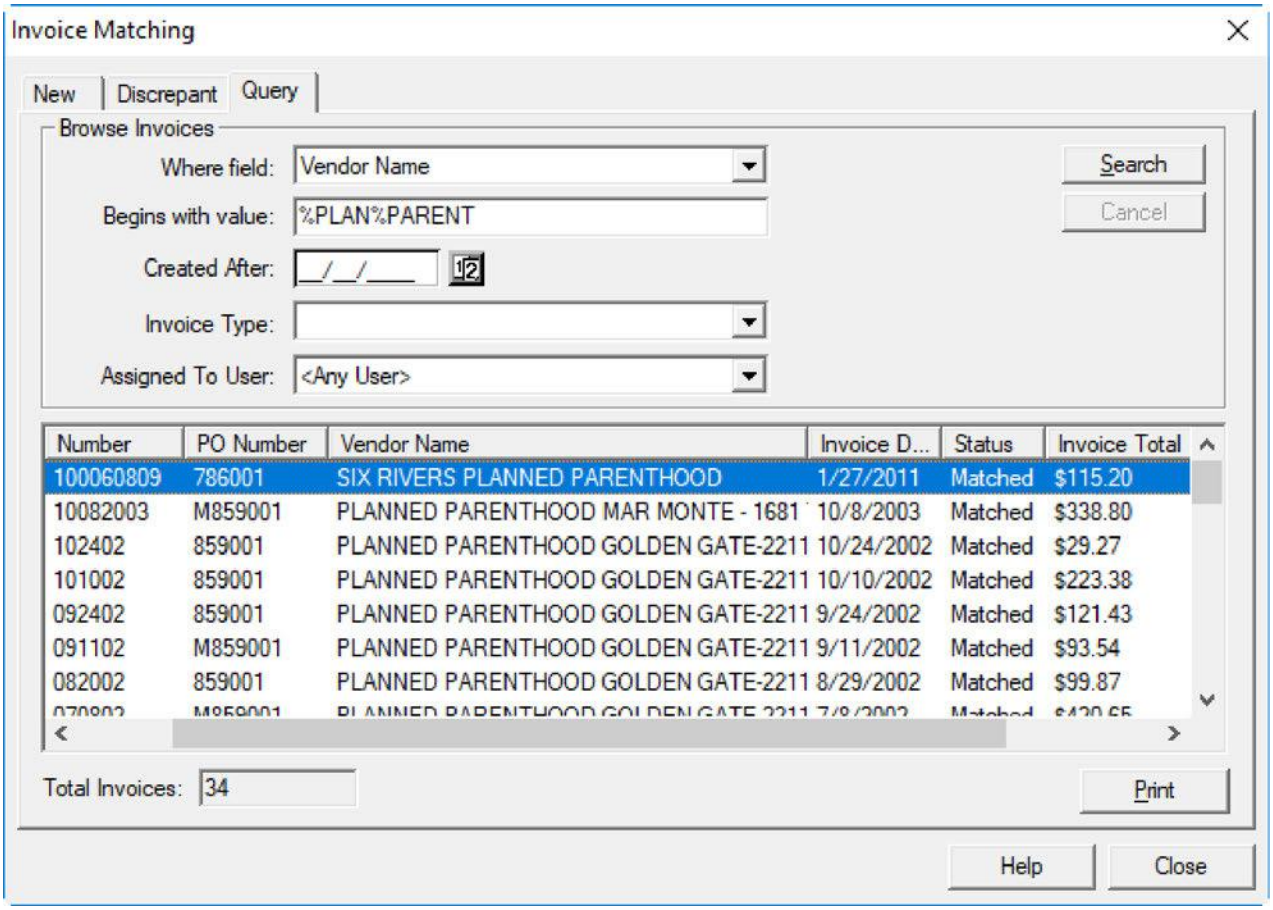
3.3: Ryan program had responsive records. Those records are currently under review by campus counsel for redaction of any exempt information. That should be completed within a few days.

4.1: The request for any and all communications is overly broad. However, I think you may agree that this element can be abandoned based upon the below, as it does not appear that UCSF had any contracts or payments to this entity.

4.2: UCSF confirms that there are no contracts between UCSF and Desert Star Institute for Family Planning.

4.3: UCSF confirms that there are no payments to Desert Star Institute for Family Planning.

After searching for this element, our procurement folks provided me a screen cap from the central system. Although your client did not specifically request this, I thought it would be helpful for you to have. The last invoice UCSF central processing received from any PP entity was 1/27/2011.



Tom Dellner

Analyst

UCSF Legal Affairs

415-476-2812

tom.dellner@ucsf.edu

Pronouns: he, him, his

[redacted]

[redacted]

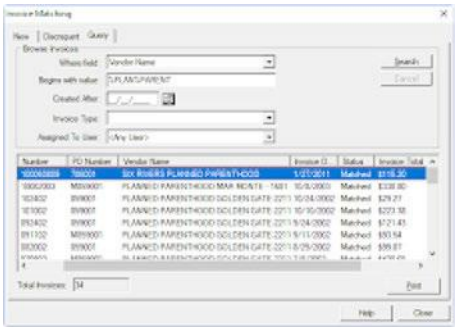


image001.png
46K

[redacted]

From: Dellner, Tom [mailto:Tom.Dellner@ucsf.edu]
Sent: Wednesday, November 25, 2020 10:45 AM
To: Craig Alexander
Cc: Gee, Brenda
Subject: RE: UCSF PRA 020-107

Hello, Mr. Alexander.

I write to update that UCSF has confirmed that there are no responsive records to Element 1.1. The University has no record of Planned Parenthood being an awardee of any grant by UCSF. Thanks, happy holidays, td

1.1	Any and all grant awards and/or disbursements of said awards by UCSF to Planned Parenthood Federation of America and/or any of its affiliates…	No responsive records

Tom Dellner

Analyst

UCSF Legal Affairs

415-476-2812

tom.dellner@ucsf.edu

Pronouns: he, him, his

[redacted]

[redacted]

[redacted]

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From: Dellner, Tom <Tom.Dellner@ucsf.edu>
Sent: Tuesday, December 8, 2020 11:06 AM
To: Craig Alexander <craig@craigalexanderlaw.com>
Cc: Gee, Brenda <Brenda.Gee@ucsf.edu>
Subject: RE: UCSF PRA 020-107

Hello and good morning, Mr. Alexander. Happy holidays – I hope this finds you well.

Records related to unpublished research are protected from public disclosure pursuant to *Humane Soc'y of U.S. v. Superior Court*, 214 Cal. App. 4th 1233, 155 Cal. Rptr. 3d 93 (2013). However, portions of funded research, such as the abstract, are segregable (ie- releasing the records would no longer create an opportunity for a party to "scoop" the research concept and thereby deny UC funding for ideas developed by UC). In the Humane Society case, the California Court of Appeal affirmed that records relating to the funding, preparation, and publishing of a UC research study were exempt from disclosure under the CPRA. The Humane Society filed a petition to compel disclosure of some 3100 pages of documents, including email correspondence between researchers. The trial court, relying upon CA Government Code section 6255, protected all but 28 pages of the records from disclosure. Specifically, the court held that the public interest in promoting research on important social issues "clearly outweighed" any benefit the public might receive from gaining access to the other documents.

Separately, UCSF continues to contact PIs regarding 1.2 and I have updated the table below to reflect that progress. Thank you, kind regards, td

Request 1 *From January 1, 2008 and the present date.*

1.1	Any and all grant awards and/or disbursements of said awards by UCSF to Planned Parenthood Federation of America and/or any of its affiliates…	No responsive records found as of 11/20/20 Searching one additional unit
1.2	Human fetal tissue procurement logs and transportation logs…	No responsive records in central procurement. No responsive records in central transportation.
	Stoddart, Cheryl	
	Rackaityte, Elze	No responsive records
	Halkias, Joanna	No responsive records
	Henrich, Timothy	
	Sneddon, Julie	
	Bhaduri, Aparna	No responsive records
	Knox, Sarah Monica	No responsive records
	Verkman, Alan	No responsive records

	Rowitch, David	
	Retallack, Hanna	
	Baskin, Laurence / Cunha, Gerald	
	Tran, Nam	Responsive records located. Under review as of 11/20/20
1.3	Any and all communications, emails, texts and memorandum regarding the procurement of human fetal tissue between the aforementioned entities and / or individuals	Overly broad – multiple individuals no longer with UCSF
1.4	Any and all Contracts between UCSF and NIH regarding the procurement of human fetal tissue including	No responsive records
Request 2	*From January 1, 2008 and the present date.*	
2.1	All documents regarding any active fetal tissue research projects not funded by NIH…	Overly broad
Request 3	*From January 1, 2008 and the present date.*	
3.1	Any and all UCSF protocols and procedures for determining the viability of a neonate after labor induction abortion procedures including but not limited to the oversight and reporting of both the determinations themselves and in instances where the neonate1 is born alive after the procedure is performed.	Search in progress
3.2	UCSF's protocols and procedures regarding the delivery of medical care to neonates born at the Women's Options Center 6G and / or the UCSF Women's Options Center / UCSF Medical Center at Mount Zion.	Search in progress
3.3	UCSF's training standards for the Ryan Residency and Fellowship in Family Planning including, but not limited to, the determination of a neonate's viability	Responsive records located. Under review as of 11/20/20
Request 4	*From January 1, 2008 and the present date.*	
4.1	Any and all communications between UCSF and the Desert Star Institute for Family Planning	Overly broad
4.2	Any and all contracts between UCSF and the Desert Star Institute for Family Planning	No responsive records

4.3	Any and all payments on any contracts by and between UCSF and the Desert Star Institute for Family Planning	No responsive records

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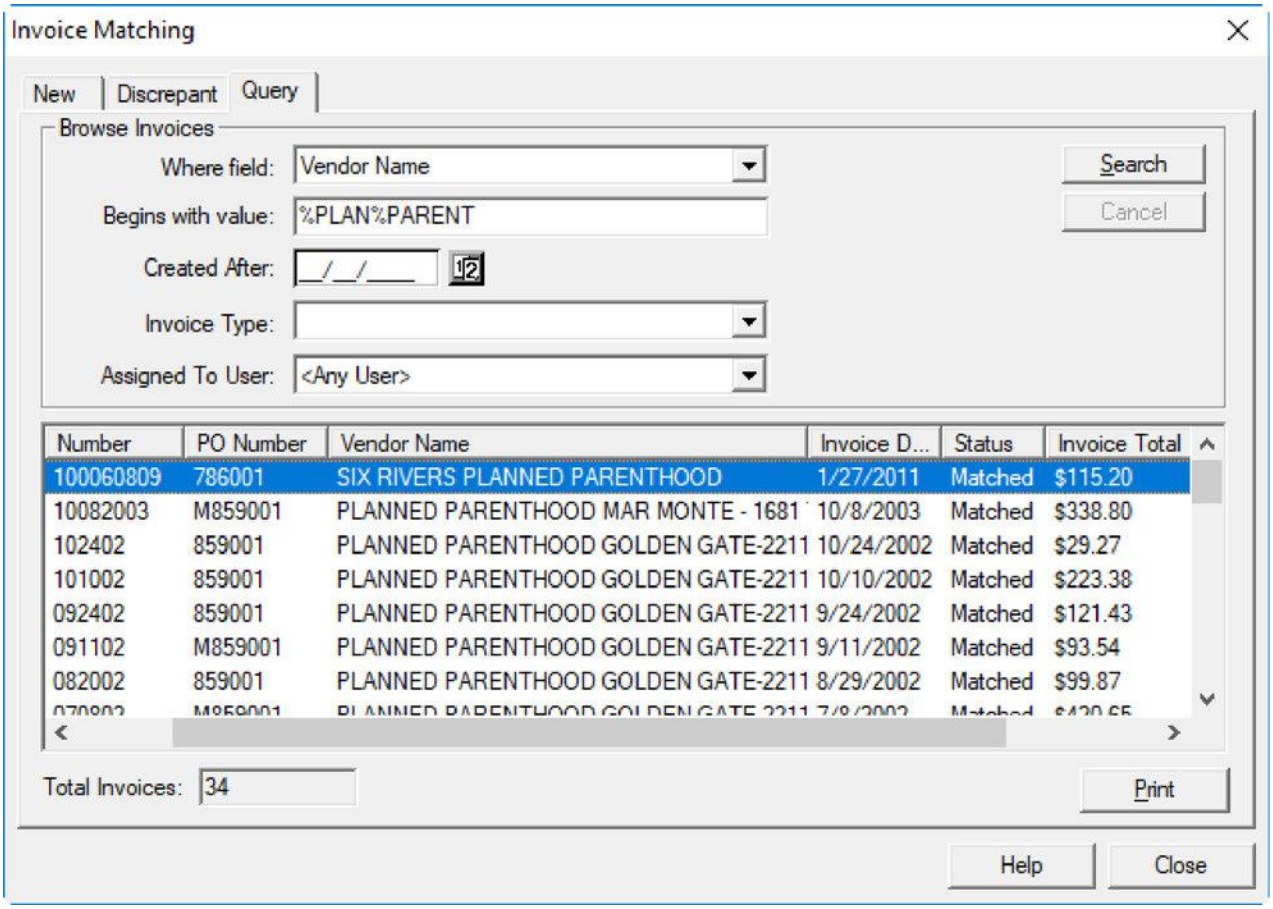

[redacted]

Sent: Wednesday, February 10, 2021 9:50 AM
To: Dellner, Tom <Tom.Dellner@ucsf.edu>
Cc: Gee, Brenda <Brenda.Gee@ucsf.edu>
Subject: RE: UCSF PRA 020-107

Dear Mr. Dellner and Ms. Gee,

Please see my letter (attached) about this matter.

Thank you,

Craig Alexander

949-481-6400

[Quoted text hidden]

2 attachments

2-10-2021 ltr to UCSF.pdf
221K

[redacted]

[redacted]

Sent: Wednesday, February 10, 2021 12:30 PM
To: Craig Alexander <craig@craigalexanderlaw.com>
Cc: Gee, Brenda <Brenda.Gee@ucsf.edu>
Subject: RE: UCSF PRA 020-107

Hello and good afternoon, Mr. Alexander. I hope this finds you well. I wanted to acknowledge receipt of your letter. I will have a substantive reply this week. Thanks, kind regards, td

TOM DELLNER

He/Him/His

Analyst

UC Legal – San Francisco

UCSF Office of Legal Affairs

745 Parnassus Ave, San Francisco, CA 94143-0986

(415) 476-2812

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[redacted]

From: Dellner, Tom <Tom.Dellner@ucsf.edu>
Sent: Friday, February 12, 2021 5:19 PM
To: Craig Alexander <craig@craigalexanderlaw.com>
Cc: Gee, Brenda <Brenda.Gee@ucsf.edu>
Subject: FW: UCSF PRA 020-107

Hello and good afternoon, Mr. Alexander. I hope this finds you well.

Thank you for your patience with this request. UCSF has been heavily impacted by the COVID-19 pandemic resulting in longer than usual processing time for CPRA requests. Most UCSF resources have been primarily focused on our public health mission – including the recent opening of a vaccination site. While that is a proud accomplishment, UCSF also remains cognizant of our responsibilities under CPRA. I regret that I was not able to get a response to you sooner.

As before, to try to better track the elements of the request, I built a table. Below the table are additional details (based on some of the questions in your letter of February 10, I'm not sure that you saw my December 8, 2020 reply also included additional details below the table).

Request 1 *From January 1, 2008 and the present date.*

1.1	Any and all grant awards and/or disbursements of said awards by UCSF to Planned Parenthood Federation of America and/or any of its affiliates…	No Responsive Records
1.2	Human fetal tissue procurement logs and transportation logs…	No responsive records in central procurement. No responsive records in central transportation.

	Stoddart, Cheryl	
	Rackaityte, Elze	No responsive records
	Halkias, Joanna	No responsive records
	Henrich, Timothy	No responsive records
	Sneddon, Julie	Dr. Sneddon believes she may have responsive records in form of invoices pertaining to tissue collection. She is in the process of attempting to locate them
	Bhaduri, Aparna	No responsive records
	Knox, Sarah Monica	No responsive records
	Verkman, Alan	No responsive records
	Rowitch, David	
	Retallack, Hanna	No responsive records
	Baskin, Laurence / Cunha, Gerald	No responsive records
	Tran, Nam	Produced 2/12/21
1.3	Revised in 2/10/21 Letter: "Any and all communications, emails, documents, logs or other records of fetal tissue procurement or donation from the aforementioned entities, including but not limited to those involving Dr. Jennifer Kerns, Director of Research at the Women's Options Center 6G."	Search in progress
1.4	Any and all Contracts between UCSF and NIH regarding the procurement of human fetal tissue including	No responsive records
Request 2	*From January 1, 2008 and the present date.*	
2.1	All documents regarding any active fetal tissue research projects not funded by NIH…	Overly broad – See Below
Request 3	*From January 1, 2008 and the present date.*	

3.1	Any and all UCSF protocols and procedures for determining the viability of a neonate after labor induction abortion procedures including but not limited to the oversight and reporting of both the determinations themselves and in instances where the neonate1 is born alive after the procedure is performed.	Search in progress
3.2	UCSF's protocols and procedures regarding the delivery of medical care to neonates born at the Women's Options Center 6G and / or the UCSF Women's Options Center / UCSF Medical Center at Mount Zion.	Search in progress
3.3	UCSF's training standards for the Ryan Residency and Fellowship in Family Planning including, but not limited to, the determination of a neonate's viability	Produced 2/12/21 – See Below
Request 4	*From January 1, 2008 and the present date.*	
4.1	Any and all communications between UCSF and the Desert Star Institute for Family Planning	Overly broad – see below.
4.2	Any and all contracts between UCSF and the Desert Star Institute for Family Planning	No responsive records
4.3	Any and all payments on any contracts by and between UCSF and the Desert Star Institute for Family Planning	No responsive records

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1.2: UCSF will continue to work with the remaining three individuals to locate and produce any responsive records.

Your letter of February 10 included a statement that procurement does not just mean a contract for products (fetal tissue) in exchange for money. It also means instances where UCSF laboratories obtained fetal tissue with or without a payment of money or other consideration that there are no responsive records for fetal tissue procurement or transportation logs in the central units. Please note that my December 8 reply acknowledged that point by indicating that to properly process your client's request, UCSF must also contact each of the research units to determine if they have records locally. That process is also what has led to the longer processing time. Under the University's pandemic policies, it is more difficult to conduct searches in individual labs – whereas centralized units like procurement can complete CPRA searches fairly quickly.

1.3: The request for any and all communications is overly broad.

Your letter of February 10 askes if UCSF attempted to search for responsive records. The University did search for responsive records. It was during that process that we learned that several of the named persons were no longer with UCSF and had no accounts to search. Thank you for assisting UCSF locate documents by proposing a revision to:

"Any and all communications, emails, documents, logs or other records of fetal tissue procurement or donation from the aforementioned entities, including but not limited to those involving Dr. Jennifer Kerns, Director of Research at the Women's Options Center 6G."

1.4: UCSF conducted a search that was calculated to locate any contracts between UCSF and NIH regarding the procurement of HFT.

I do not understand the portion of your letter of February 10 about this item.

2.1: This element is overly broad and cannot be processed.

Your letter of February 10 askes why this is overly broad. I do not believe that you saw the below paragraph that was included in my December 8 reply:

UCSF does not have a central repository of research projects and therefore UCSF has no way to search for "any active fetal tissue research projects", regardless of how they are funded. I'm not certain how to be helpful in refining this request. UCSF has research projects that are not funded by NIH. The example the comes to mind immediately is CIRM (https://stemcellclinic.ucsf.edu/). UCSF would need to know the name of the PI/Researcher or the sponsor to be able to initiate a search. The other complicating factor for this element is that, as written, it appears to call for documents related to active research. As you may know, CPRA (and FOIA) exempt records related to research prior to publication. Accordingly, we would need your client to not only to refine the request by providing information that could help UCSF identify responsive record(s) – but also observe the exemption for records related to in-progress, unpublished research.

3.1 / 3.2: Search in progress. I'm not sure of what the status is currently but I will check with Brenda who will likely have a better idea.

3.3: UCSF follows all ACGME OB/GYN Program Requirements as training standards (attached, but also available on acgme.org). Beyond those standards, the UCSF program also has "learning objectives" (see attached). I note that your letter of February 10 finds it doubtful that there can be exemptions for training standards, to which I agree. The review was due to the learning objectives document also including the resident schedules. The schedule portion of the attached document has been redacted. I was advised that the same learning objectives have been in place since January 1, 2008.

4.1: Your letter of February 10 includes limiting this element – however, it is still overly broad. The issue is that we didn't locate any contracts or payments to the Desert Start Institute of Family Planning entity. The request for communications between "UCSF" and the Desert Star is not something that we can process. Do you or your client have a name of a UCSF faculty or staff? Even if they have since separated, that would at least help us determine what department or title they had. To be thorough, I even tried a couple of Google searches for UCSF and Desert Star but did not find anything relevant (I'm not sure CRPA requires that – but we always process requests in good faith). Can you help us determine who your client thinks might have these communications?

Thanks, kind regards, td

3 attachments

PRA 020-107 2.12.21.pdf
1609K

220_ObstetricsAndGynecology_2020-11-16_RC.pdf
390K

UCSF Family Planning Learning Objectives.pdf
140K

[redacted]

[redacted]

From: Craig Alexander
Sent: Thursday, February 25, 2021 11:59 AM
To: 'tom.dellner@ucsf.edu' <tom.dellner@ucsf.edu>; 'BRENDA.GEE@UCSF.EDU' <BRENDA.GEE@UCSF.EDU>
Subject: UCSF PRA 020-107

Dear Tom,

Thank you for this e-mail and the attachments. My client is going over the materials and responses and I will get back in touch with you about some specifics.

In the meantime I have two requests, one for clarification and the other for some of the NIH contracts that we have referenced previously. In response to item 3.3 on "learning objectives" you kindly disclosed a one page responsive document ("UCSF Family Planning Learning Objectives") with redactions in two places. You stated "The review was due to the learning objectives document also including the resident schedules. The schedule portion of the attached document has been redacted."

I just need to know if the reason for the redactions was that the resident schedules included actual individual resident schedules (or not). I can understand not disclosing this information for a specific resident but not if the schedule was general in nature (for all residents not just specific ones). If it was in general I ask UCSF to re-send this document without the redactions. If it was specific to named resident or residents, I ask UCSF to redact the names of the residents only and re-send the rest of the document that only blocks out the resident names.

Related to item 1.4 the university apparently has no UCSF / NIH contracts that include human fetal tissue.

Therefore I request for my client that UCF disclose the following contracts (regardless if they mention human fetal tissue or not):

HHSN72201400002C

HHSN266200700002C

F31AI136336

K08AI128007

R33AI116205

R01DK118421

K99NS111731

R01DE024188

R01EY026492

P30DK072517

F32NS103266

P01NS083513

F31NS108615

DK058105

F32 NS103266

My client advises that each of these contract numbers listed above is also a link to the NIH web site that contains some information about the contracts but not the contracts themselves.

Thank you and I look forward to hearing from you about these two items plus the follow up after UCSF conducts its search for those items listed below you are still searching for (such as records for Cheryl Stoddart, Julie Sneddon, etc.).

Craig Alexander

[Quoted text hidden]

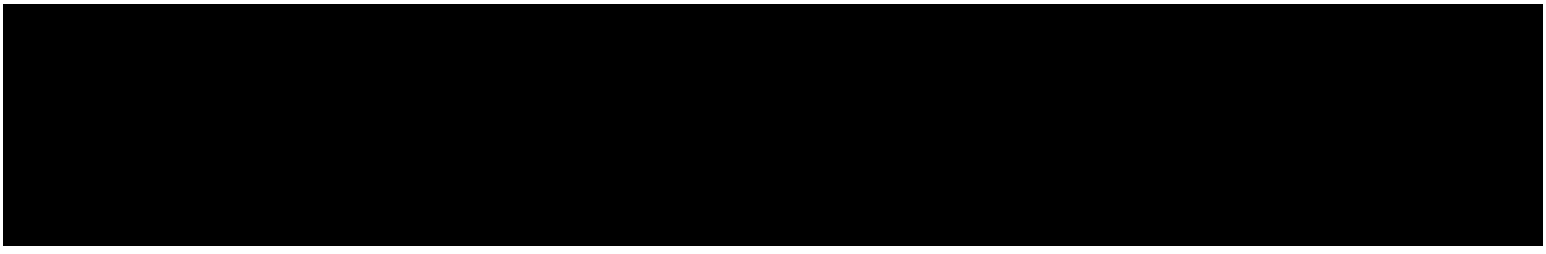
3 attachments

PRA 020-107 2.12.21.pdf
1609K

220_ObstetricsAndGynecology_2020-11-16_RC.pdf
390K

[redacted]

[redacted]



From: Dellner, Tom <Tom.Dellner@ucsf.edu>
Sent: Friday, April 23, 2021 1:40 PM
To: Craig Alexander <craig@craigalexanderlaw.com>
Subject: RE: UCSF PRA 020-107

Hello and good afternoon, Mr. Alexander.

RE: 3.1 and 3.2

There have been no responsive records located for item 3.1

For item 3.2, there are no policies specific to the Women's Option Center – however, I have been advised that UCSF Medical Center has a policy for neonates born or transported into UCSF Medical Center before one day of age (in the same format as opt-out policy previously produced for exclusion from patient care for reasons of cultural values, ethics or religious beliefs). I should have that for you shortly.

Thanks, I hope you are well on this Friday.

Kind regards, td

From: Craig Alexander <craig@craigalexanderlaw.com>
Sent: Wednesday, April 21, 2021 12:43 PM
To: Dellner, Tom <Tom.Dellner@ucsf.edu>
Subject: RE: UCSF PRA 020-107

Tom,

Thank you for taking my call.

I have spoken to my client and they did not need to make the university go through all of the permission / donation forms to redact the personal information of the mothers / women who had abortions at the Options Center. The "logs" (as we have been calling them) with the aggregate information without the names of the donators is sufficient. We assume that will include (but want to mention to you) the dates involved, the fetuses' weight, approximate age – stage of development, if any "foot measurement" was taken and what project the fetal tissue was checked out / delivered for is part of the "log". I look forward to hearing back from you about the details of how to get my client these logs of aggregate information. It is also our understanding that the fetal tissue "bank" at the Women's Option Center (or wherever UCSF keeps the tissue) only supplies fetal tissue to UCSF personnel / projects. If the fetal tissue from the Women's Options Center "bank" is also given or delivered to non-UCSF projects, personnel, etc. my client would like the "logs" on that as well. We assume that would come from the same data base as for UCSF projects.

Also, what is the status on 3.1 and 3.2 below? Are there any UCSF responsive records for this category?

Thank you for letting me know about the grant applications and specifically that some of them are "mentor" applications with the requestor's personal information such as class grades in either medical school or undergraduate courses. I have confirmed that my client is not interested in that and will be happy to receive this information with that information redacted.

Craig Alexander

[Quoted text hidden]

Craig Alexander <craig@craigalexanderlaw.com> Mon, Apr 26, 2021 at 10:38 AM

[redacted]

From: Dellner, Tom <Tom.Dellner@ucsf.edu>
Sent: Monday, April 26, 2021 10:23 AM
To: Craig Alexander <craig@craigalexanderlaw.com>
Subject: RE: UCSF PRA 020-107

Hello, Mr. Alexander, good morning.

Please find attached hereto four pages of documents responsive to PRA 020-107. Please note that of the contact telephone numbers that appear in the document: the Newborn Screening Program at Stanford University, the UCSF Intensive Care Nursery, and the UCSF Center for Mothers and Newborns phone numbers are publicly available – however, the Newborn Screening Center fax number for urgent screenings has been redacted as the public interest is better served by not exposing the fax line and potentially having it used for any purpose other than urgent newborn screenings.

Further to our conversation last week regarding data, the system that consent and human fetal tissue donation is recorded in is: "APeX" Advanced Patient-Centered Excellence - UCSF's EPIC based Electronic Medical Record system. We were discussing aggregate reporting, and the search for potentially responsive records has not located any existing reports regarding HFT. At this point, I have to check in with my managing attorney for UC's position on EMR extracts as public records. May I ask for a follow-up call after I have that input?

UCSF is continuing to process the other open elements of the request. I will provide additional records as they become available.

Thanks, kind regards, td

[Quoted text hidden]

[redacted] **PRA 020-107 4.26.21.PDF**

[redacted]

Sent: Monday, April 26, 2021 10:38 AM
To: Dellner, Tom <Tom.Dellner@ucsf.edu>
Subject: RE: UCSF PRA 020-107

Thank you Mr. Dellner,

When you mention the “EPIC Electronic Medical Record” system, do you mean this is where the records of checking in and checking out of fetal tissue from abortions is done per our discussion of last week?

Yes we can talk after you have input but I note that EMR, if it is held by the university, makes it a public record. How to get the information we are seeking may or may not be an extraction as defined under the Government Code and under the California Supreme Court’s decision in: *National Lawyers Guild v. City of Hayward, et al* (2020) 9 Cal. 5th 488. But I will await your obtaining input before coming to a conclusion.

[Quoted text hidden]

Terrisa Bukovinac <terrisa@prolifesf.com> Mon, Apr 26, 2021 at 11:20 AM
To: David Daleiden <david.daleiden@gmail.com>

See below
[Quoted text hidden]
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[Quoted text hidden]

[redacted]

Sent: Friday, April 30, 2021 8:35 AM
To: Craig Alexander <craig@craigalexanderlaw.com>
Subject: RE: UCSF PRA 020-107

Good morning, Mr. Alexander. I hope you are well on this Friday.

Further to our most recent call, UCSF has no records responsive to the request for human fetal tissue donations from any external source. All HFT donations are from patients within the UCSF Health system.

Thank you, kind regards, td

TOM DELLNER

he/him/his

Analyst

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UCSF Office of Legal Affairs

745 Parnassus Ave, San Francisco, CA 94143-0986

(415) 476-2812

From: Craig Alexander <craig@craigalexanderlaw.com>

[Quoted text hidden]

[redacted]

From: Dellner, Tom <Tom.Dellner@ucsf.edu>
Sent: Tuesday, May 4, 2021 10:59 AM
To: Craig Alexander <craig@craigalexanderlaw.com>
Subject: RE: UCSF PRA 020-107

Good morning, Mr. Alexander. Thanks for your time today.

Further to our call, UCSF has no records responsive to the request for human fetal tissue collections by researchers from outside UCSF.

[redacted]

[redacted]

[redacted]

Sent: Thursday, May 6, 2021 1:34 PM
To: Dellner, Tom <Tom.Dellner@ucsf.edu>
Subject: RE: UCSF PRA 020-107

Thank you Mr. Dellner,

My client has asked that I seek two follow up questions / requests.

The first is you kindly provided us with a blank consent form for tissue donation for the Women's Options Center. They understand that the WOC operates two clinics – one at 1001 Potrero Ave. and one at the

Mount Zion Medical Center campus (2356 Sutter St. and 1600 Divisadero Street). Do both clinic locations use the same form? If not is there a different form for the Mount Zion location?

My client noticed that on the first page, second paragraph of the UCSF study from 2011 ("Preexposure Prophylaxis with Albumin-Conjugated C34 Peptide HIV-1 Fusion Inhibitor in SCID-hu Thy/Liv Mice" https://aac.asm.org/content/56/4/2162) it states "Human fetal thymus and liver were obtained through services provided by a nonprofit organization (Advanced Bioscience Resources, Alameda, CA) in accordance with federal, state, and local regulations."

Does UCSF have any records from that partnership / relationship / vendor relationship? Of that acquisition? If so we ask for a copy of same.

Sent: Friday, May 21, 2021 10:01 AM
To: Dellner, Tom <Tom.Dellner@ucsf.edu>
Subject: RE: UCSF PRA 020-107

Dear Mr. Dellner,

I hope this e-mail finds you well. I am back from my vacation and wanted to inquire if you have been able to determine if UCSF will be able to obtain and disclose the records / information from the Electronic Medical Record and Medical Record Number system that has been the subject of our discussions.

Also to follow up on the below inquiries from May 6th.

Thank you,

Craig Alexander

949-481-6400

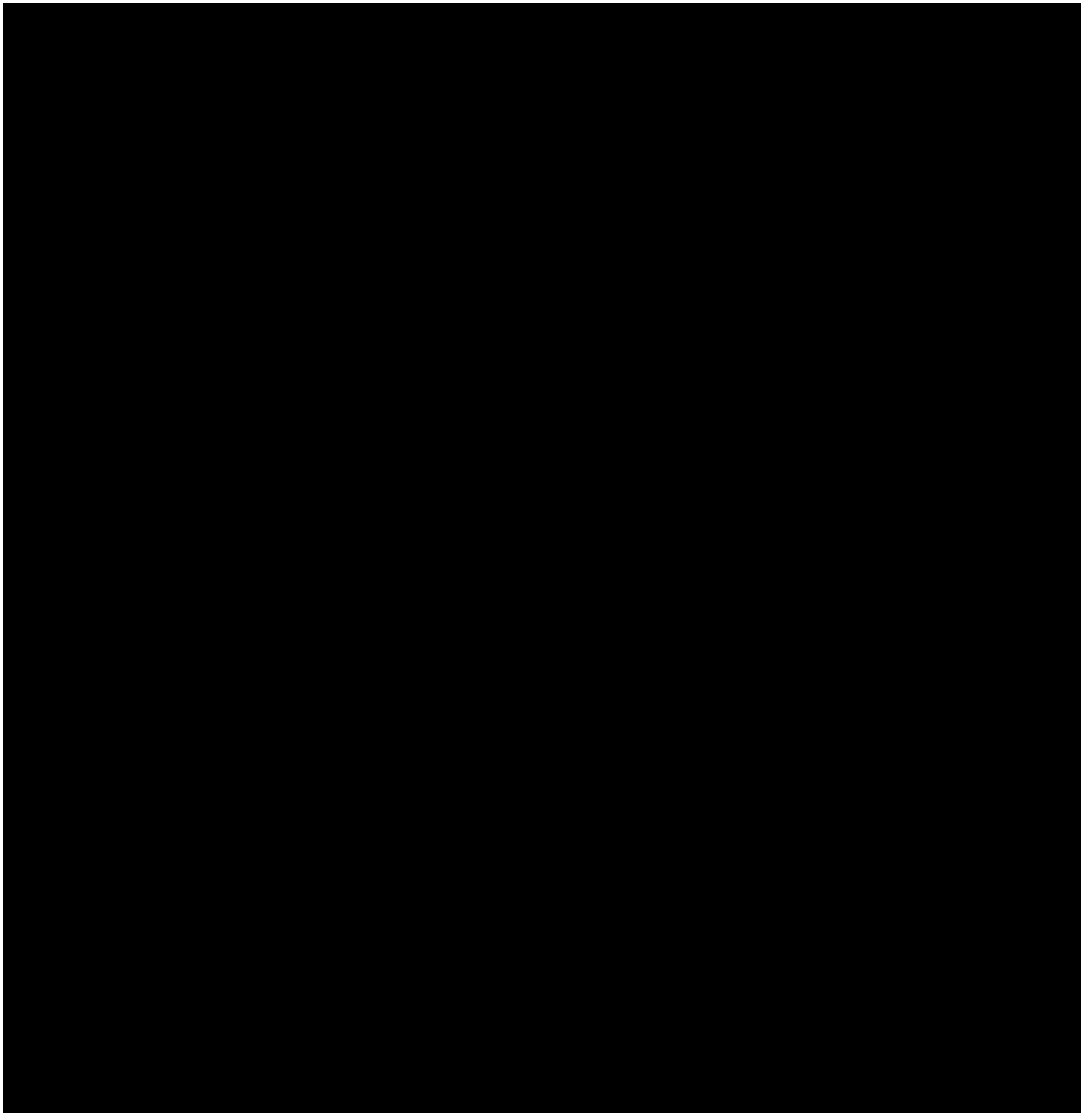
From: Craig Alexander

[Quoted text hidden]

[redacted]

[redacted]

[redacted]



[redacted]

[redacted]

[redacted]

From: Dellner, Tom <Tom.Dellner@ucsf.edu>
Sent: Friday, June 11, 2021 2:57 PM

To: Craig Alexander <craig@craigalexanderlaw.com>
Subject: RE: UCSF PRA 020-107

Hello and good afternoon, Mr. Alexander. I hope this finds you well.

In further response to PRA 020-107, please the attached 131 Pages of records.

- The initial request sought contracts between UCSF and the Desert Star Institute for Family Planning – however, based on our discussions clarifying the request, UCSF searched for and located a request letter from DSFP to the UCSF HRPP. It is attached hereto.
- The initial request sought fetal tissue procurement or transportation logs for a list of NIH Projects – however, that was revised to requesting the grant applications themselves. Attached hereto are R01DE024188 and R01EY026492 (Sarah Knox). Redactions have been applied to these records pursuant to California Government Code 6254(k) and 6255.

Pursuant to the University's FOIA processing guide, the R01 Grant applications have been redacted to remove all of the standard exempt information as described by the NIH. Additionally, information that has not yet been published was redacted. The University has kept the redacted information private and closely-held. Indeed, it is a customary practice to keep the research design and figures confidential until the time of publication. Further, the information was submitted with an assurance of confidentiality by government as at the time the information was shared, the *National Parks & Conservation Association v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) case had determined that information should be treated as confidential if its disclosure would cause substantial harm to the competitive position of the submitter of the information. In the competitive world of scientific research, releasing a research strategy prior to the completion of the study would cause substantial competitive harm as it would allow competing researchers to "scoop" the design and rush to publish first. To the extent that the *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019) decision can be applied retroactively, there was an express indication that the information in the R01 application would be kept confidential until the research was complete and the results were published. The government has always provided the assurance that FOIA Exemption 4 protects intrinsically valuable items of information that the submitter has otherwise kept confidential. As discussed above, the redacted information has customarily been kept confidential and is therefore exempt. Lastly, the location of UCSF facilities and labs, the names of the individuals involved in processing grant applications, and Other Personnel listed in the application have been redacted per 6255 as this information does not shed any light on the work of the University, whereas the potential of harm to the employees could be quite great. Thus, the balance tips in favor of redaction.

I will have additional updates and document productions next week.

[Quoted text hidden]

2 attachments

.PRA 020-107 _DSFP Location Agmt.pdf
319K

.PRA 020-107_R01 Grant Apps.pdf

[redacted]

From: Craig Alexander
Sent: Friday, June 11, 2021 3:59 PM
To: Dellner, Tom <Tom.Dellner@ucsf.edu>
Subject: RE: UCSF PRA 020-107

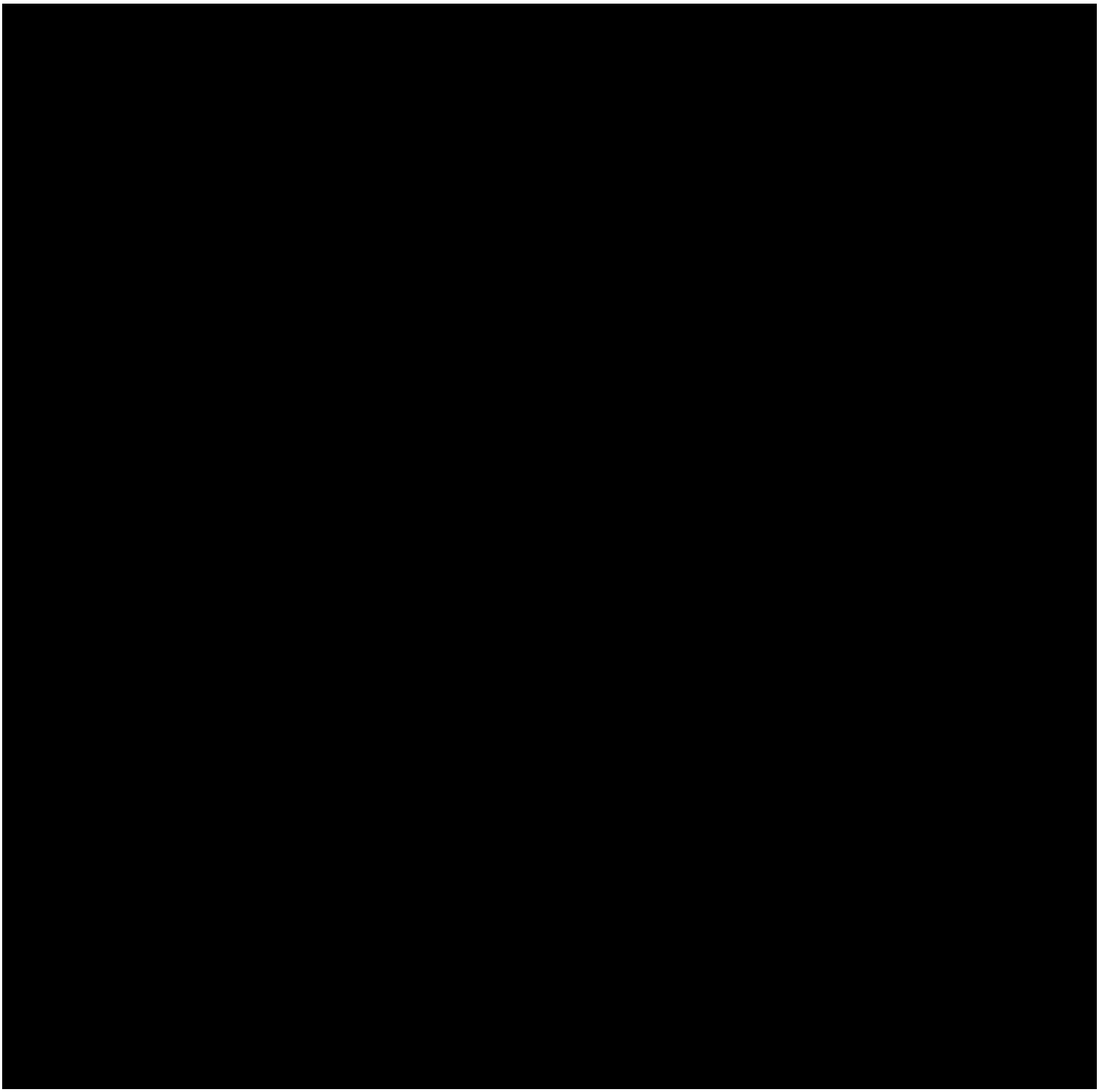
Mr. Dellner,

Thank you for your e-mail and the attachments. I will review the basis of the University's redactions and get back in touch with you.

Two questions:

1. Did the University withhold any documents or parts of any documents in their entirety or is it just limited to the redactions on the pages you sent today?
2. Is this separate from the logs the University is supposed to send us today via Mr. Michael Goldstein of the Office of General Counsel for the Regents?

Thank you,



[redacted]

[redacted]

Sent: Monday, June 14, 2021 10:06 AM
To: Craig Alexander <craig@craigalexanderlaw.com>
Subject: RE: UCSF PRA 020-107

Good morning – We applied the redactions as stated, no parts of the R01s or the HRPP letter were withheld. I sent the start of the log production under a separate cover a few moments ago – all of the productions come from the UCSF campus. Thanks, kind regards, td

From: Craig Alexander <craig@craigalexanderlaw.com>
Sent: Friday, June 11, 2021 3:59 PM
To: Dellner, Tom <Tom.Dellner@ucsf.edu>
Subject: RE: UCSF PRA 020-107

This Message Is From an External Sender

This message came from outside your organization.

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Thank you,

Craig Alexander

From: Dellner, Tom <Tom.Dellner@ucsf.edu>
Sent: Friday, June 11, 2021 2:57 PM
To: Craig Alexander <craig@craigalexanderlaw.com>
Subject: RE: UCSF PRA 020-107

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