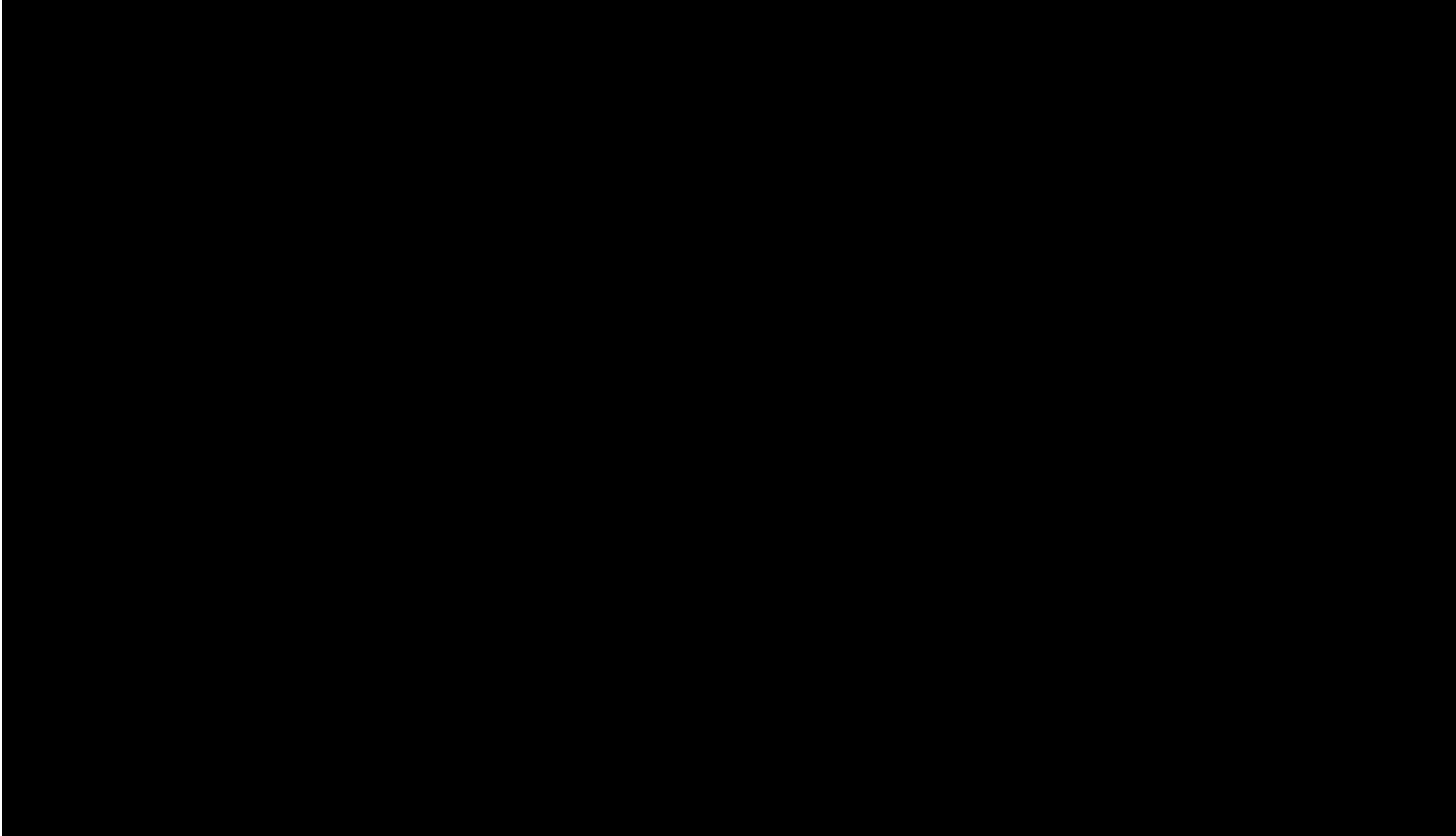

Re: FW: UCSF PRA 020-107

Craig Alexander <craig@craigalexanderlaw.com>

Fri, Jun 11, 2021 at 4:18 PM



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**
12424K