



HHS Case No. 2020-01027-FOIA-OS

May 5, 2020

Austin Evers  
American Oversight  
1030 15th Street, N.W., Suite B255  
Washington, DC 20005

Dear Mr. Evers:

This is in response to your Freedom of Information Act (FOIA) request, dated: **April 20, 2020**, concerning **“the spreadsheet(s) tracking capacity and utilization data of hospitals nationwide (including but not limited to ventilator, hospital, ICU beds, and overflow information).”** We received your request on **April 20, 2020**.

The organizational components serviced by the Office of the Secretary FOIA Requester Service Center do not routinely collect or retain the type of records in which you express interest. The records you seek fall under the purview of the Federal Emergency Management Agency (FEMA). Therefore, we are closing our file on this request. We advise you to submit your request to FEMA at [fema-foia@fema.dhs.gov](mailto:fema-foia@fema.dhs.gov).

If you believe that this response constitutes an adverse determination, you may appeal. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency’s decision.

Your appeal must be mailed within 90 days from the date of receipt of this letter, to:

Ms. Kim Hutchinson  
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

Please clearly mark both the envelope and your letter “Freedom of Information Act Appeal.” You may also e-mail your appeal to: [HHS.ACFO@hhs.gov](mailto:HHS.ACFO@hhs.gov).

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the HHS FOIA Public Liaison for assistance at:



HHS FOIA/PA Public Liaison  
FOI/Privacy Acts Division  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)  
200 Independence Avenue, SW, Suite 729H  
Washington, DC 20201

Telephone: (202) 690-7453  
Fax: (202) 690-8320  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001

Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

There are no charges for FOIA services in this instance because the billable fees are below the Department's threshold of \$25.

Sincerely yours,

Brandon J. Gaylord  
Director  
FOI/Privacy Act Division