

Breisblatt, Joshua

From: Rechter, Peter (HHS/ASL) [REDACTED]
Sent: Monday, May 22, 2023 4:07 PM
To: Calce, Christina; Breisblatt, Joshua
Subject: FW: HHS Case File for [REDACTED]
Attachments: HHS Response to Judiciary re UC case file request 3.10.23 (1).pdf

Christina and Josh – wanted to flag the below.

From: Rechter, Peter (HHS/ASL) [REDACTED]
Sent: Monday, May 22, 2023 3:00 PM
To: Hayes, Jeremy [REDACTED]; Slezak, Liz [REDACTED]; Loving, Andrea [REDACTED]; Chapman, Kasey [REDACTED]
Subject: RE: HHS Case File for [REDACTED]

Liz and Jeremy,

We are unable to accommodate this request on this short notice. As you know, the Department has been responsive to the committee's requests related to this inquiry and has worked to promptly accommodate the committee's interest in the files at issue. In this instance, however, we cannot facilitate an additional review of the case file today.

I would also like to remind the committee that it is the Department's expectation the committee will refrain from disclosing any non-public information it obtained from the March 23, 2023, *in camera* review session, as outlined in the Department's March 10, 2023, letter to the chairman (attached for reference). As we explained in that letter, information contained in the files is highly sensitive, implicates the privacy of a minor, and appears to be relevant to matters at issue in an ongoing criminal proceeding. HHS has a strong interest in protecting the privacy of unaccompanied children and not interfering with the integrity of criminal proceedings. The Department's concerns around this issue are heightened, given that a committee staffer previously photographed non-public files during the March 23 *in camera* review session, in clear violation of the parameters of that accommodation.

At a minimum, if the committee were to decide to disclose any non-public information from its *in camera* review of the files, the Department expects to receive reasonable notice and a meaningful opportunity to be heard prior to any public disclosure. Since the committee has not approached the Department about such a disclosure, it remains our understanding that the committee has no present intention to release or otherwise disclose any non-public information.

If the committee were to disclose non-public information contained in the files without first consulting with the Department, it would be viewed as a serious breach of good faith that would force the Department to reevaluate the accommodations it will make for the committee.

Thanks,
Peter