

From: Lopes, Pamela (RIDOH) <Pamela.Lopes@health.ri.gov>

Sent: Wednesday, October 28, 2020 3:10 PM

To: @JUDICIALWATCH.ORG

Subject: AP20-1028 Cycle Threshold Values

Via email only

RE: RIDOH PUBLIC RECORDS AP20-1028

Dear @JUDICIALWATCH.ORG

I am in receipt of your request for public records seeking information the Rhode Island Department of Health (“RIDOH”) may have in its possession regarding the following:

1. Any and all records depicting the cycle threshold (CT) values associated with any and all reverse transcriptase polymerase chain reaction (rtPCR) COVID-19 tests conducted by the Department of Health and/or for which the results have been reported to the Department of Health by any other public or private testing facility.
2. Any and all analyses, summaries, reports, or similar records pertaining to the data described in part one of this request.
3. Any and all policies, regulations, official guidance, or similar records pertaining to the collection and/or analysis of cycle threshold (CT) values associated with reverse transcriptase polymerase chain reaction (rtPCR) COVID-19 testing.
4. Any and all records of communication between any official, employee, or representative of the Department of Health and any other individual or entity regarding, concerning, or related to parts one through three of this request. This includes, but is not limited to, any such communications with any officer, employee, or representative of Quest Diagnostics, the Lifespan Health System, and/or any branch, agency, department, or office of the federal government.

The time frame for this request is February 1, 2020 to the present.”

Please be advised that there will be a charge for the cost of searching, retrieving, reviewing and, if necessary, redacting documents at a rate of \$15.00 per hour with the first hour free pursuant to R.I. Gen. Laws § 38-2-4(b), which I would estimate to be as follows:

\$ = 200 hours staff time @ \$15 an hour (1st hour free)

\$ = 2,985

The great bulk of the estimate above results from the amount of review and redaction that we anticipate will be necessary to compile and release the records responsive to Item 1 above. Please be advised that payment does not guarantee that the records you have requested constitute public records (in whole or in part, *i.e.*, redacted), but only authorizes RIDOH to conduct its search and retrieval to determine if responsive records exist, and if so, whether they are public records. Should actual search, retrieval, and copying fees exceed pre-payment, RIDOH will advise you to seek authorization before continuing. Should your pre-payment exceed actual search, retrieval, and copying, you will, of course, be reimbursed. Please be advised that, because of the number of requests pending, RIDOH requires additional time to respond to your request, and pursuant to R.I. Gen. Laws § 38-2-3(e), RIDOH may take up to twenty (20) additional business days (for a total of 30 business days from receipt of the request) to comply with your request. Notwithstanding this extension, the time period for RIDOH to respond to your request is also tolled as of the date of this letter pending pre-payment and authorization.

If you would like to go forward with your request, please submit your check for \$2,985 made payable to the R.I. General Treasurer, and forward to Rhode Island Department of Health, Attn: Pamela Lopes, 3 Capitol Hill, Room 404, Providence, RI 02908. Upon receipt of your check, RIDOH will go forward with retrieving the documents and forwarding the same to you in a timely manner. Please be informed the time is tolled until payment is received in full, pursuant to R.I. Gen. Laws § 38-2-7.

With respect to your request for the waiver of search and retrieval fees, RIDOH references R.I. Gen. Laws § 38-2-4(e). RIDOH reads this statute to mean that the authority to waive such search and retrieval fees belongs to the judiciary, and encourages you to seek fee relief from the Superior Court if you feel that your request satisfies statutory requirements.

Thank you for your interest in keeping government open and accountable to the public.

Pamela L. Lopes

Pamela L. Lopes

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