

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Informed Consent Action Network v. National Institutes of Health

Civil Action No. 23-926 (SLS) (D.D.C. Mar. 3, 2026) · No. Civil Action No. 23-926 (SLS) · Decided March 3, 2026

SUMMARY

The United States District Court for the District of Columbia granted the National Institutes of Health’s motion for summary judgment and denied Informed Consent Action Network’s cross-motion in a FOIA action. The court held that NIH properly withheld identifying information concerning researchers and NIH personnel under FOIA Exemption 6 because disclosure would implicate substantial privacy interests and foreseeable risks of harassment or threats. The court also concluded that NIH had adequately satisfied its obligation to release reasonably segregable information.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Sparkle L. Sooknanan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 3, 2026
DOCKET	Civil Action No. 23-926 (SLS)
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment in a Freedom of Information Act action concerning NIH's withholding of identifying information under FOIA Exemption 6.
STANDARD OF REVIEW	Summary judgment is appropriate in a FOIA action when there is no genuine dispute of material fact and the agency has produced all responsive information or established that the withheld information is wholly exempt. An agency ordinarily establishes an exemption through affidavits, and summary judgment may be based on an affidavit that is sufficiently specific, logically connected to the withholding, and not contradicted by the record or evidence of bad faith. The agency's justification need only be logical or plausible.
PRECEDENTIAL VALUE	Published district court memorandum opinion
PARTIES	Informed Consent Action Network v. National Institutes of Health, United States Department of Health and Human Services

TOPICS

summary judgment

judicial review of agency action

administrative law

civil procedure

PRACTICE AREAS

administrative law

civil procedure

health law

QUESTIONS PRESENTED

1. Whether NIH properly invoked FOIA Exemption 6 to withhold identifying information concerning researchers and NIH personnel associated with the BioSample and Sequence Read Archive databases.
2. Whether NIH demonstrated that disclosure would compromise substantial privacy interests and that those interests outweighed the public interest in disclosure.
3. Whether NIH reasonably foresaw harm from disclosure as required by FOIA.
4. Whether NIH released all reasonably segregable nonexempt information.

HOLDINGS

1. The names, email addresses, titles, organization names, case numbers, and other identifying information concerning the researchers and NIH personnel were personnel, medical, or similar files protected from disclosure under FOIA Exemption 6.
2. NIH properly withheld the identifying information because disclosure would compromise substantial privacy interests, while ICAN failed to show that disclosure of the individuals' identities would meaningfully advance a cognizable public interest in understanding the COVID-19 data removals or NIH's conduct.
3. NIH satisfied FOIA's foreseeable-harm requirement by providing a specific declaration identifying the nature of the anticipated harassment and threats and linking those harms to the identifying information withheld.
4. NIH demonstrated with reasonable specificity that no additional information could be reasonably segregated and released without risking identification of the protected individuals.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 56 requires a court to “grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (3)

“A court reviewing whether Exemption 6 was properly invoked must answer two questions.” (5)

“For all the above reasons, the Court concludes that NIH properly withheld the identifying information of third-party researchers and NIH employees under FOIA Exemption 6.” (13)

FACTUAL BACKGROUND

ICAN sought records concerning the June 2020 removal of early COVID-19 genetic sequencing data from NIH-administered databases. NIH produced substantial responsive material but withheld names, titles, email addresses, organization names, case numbers, and other identifying information concerning researchers who submitted and withdrew data and NIH personnel who administered the database. NIH supported the withholdings with declarations describing threats and harassment directed at researchers and personnel associated with controversial COVID-19 research. The court found that disclosure would create substantial privacy risks, would provide little incremental public value, and could not be further segregated without risking identification.

PROCEDURAL HISTORY

ICAN submitted two FOIA requests to NIH on February 10, 2022. After NIH produced records but withheld identifying information under Exemption 6, ICAN administratively appealed and then filed suit on April 4, 2023. NIH later produced additional records and moved for summary judgment; ICAN cross-moved for summary judgment. The court granted NIH's motion and denied ICAN's motion.

DISPOSITION

other

CASES CITED

- Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749, 754, 773 (1989)
- Assassination Archives & Research Center v. CIA, 334 F.3d 55, 57 (D.C. Cir. 2003)
- People for the Ethical Treatment of Animals v. NIH, 745 F.3d 535, 540 (D.C. Cir. 2014)
- Martin v. DOJ, 488 F.3d 446, 453 (D.C. Cir. 2007)
- Summers v. DOJ, 140 F.3d 1077, 1080 (D.C. Cir. 1998)
- Students Against Genocide v. Department of State, 257 F.3d 828, 833 (D.C. Cir. 2001)
- Shapiro v. DOJ, 893 F.3d 796, 799 (D.C. Cir. 2018)
- ACLU v. U.S. Department of Defense, 628 F.3d 612, 619 (D.C. Cir. 2011)
- Wolf v. CIA, 473 F.3d 370, 374-75 (D.C. Cir. 2007)
- Gardels v. CIA, 689 F.2d 1100, 1105 (D.C. Cir. 1982)
- ACLU v. DOJ, 655 F.3d 1, 6 (D.C. Cir. 2011)
- Judicial Watch, Inc. v. FDA, 449 F.3d 141, 152-53 (D.C. Cir. 2006)
- Prison Legal News v. Samuels, 787 F.3d 1142, 1147 (D.C. Cir. 2015)
- Horowitz v. Peace Corps, 428 F.3d 271, 278 (D.C. Cir. 2005)
- Judicial Watch, Inc. v. HHS, No. 22-cv-3051, 2024 WL 3924563, at *1, *3-*4 (D.D.C. Aug. 23, 2024)
- National Archives & Records Administration v. Favish, 541 U.S. 157, 172 (2004)
- Lepelletier v. FDIC, 164 F.3d 37, 46 (D.C. Cir. 1999)
- United States Department of Defense v. FLRA, 510 U.S. 487, 497 (1994)
- Beck v. DOJ, 997 F.2d 1489, 1493 (D.C. Cir. 1993)

- *Spirko v. U.S. Postal Service*, 147 F.3d 992, 999 (D.C. Cir. 1998)
- *Davis v. DOJ*, 968 F.2d 1276, 1282 (D.C. Cir. 1992)
- *Washington Post Co. v. HHS*, 690 F.2d 252, 261-65 (D.C. Cir. 1982)
- *Reporters Committee for Freedom of the Press v. FBI*, 3 F.4th 350, 369, 372 (D.C. Cir. 2021)
- *Amiri v. National Science Foundation*, 664 F. Supp. 3d 1, 21 (D.D.C. 2021)
- *Johnson v. Executive Office for U.S. Attorneys*, 310 F.3d 771, 776 (D.C. Cir. 2002)
- *Mead Data Central, Inc. v. U.S. Department of the Air Force*, 566 F.2d 242, 260 (D.C. Cir. 1977)
- *Armstrong v. Executive Office of the President*, 97 F.3d 575, 578 (D.C. Cir. 1996)

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