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Description of document: Department of Justice (DOJ) Office of Information Policy (OIP) final determination letters of administrative appeals of FBI requests closed in calendar year 2019 with the final determinations "completely reversed/remanded" or "partially affirmed & partially reversed/remanded"

Requested date: 17-September-2019

Release date: 28-October-2019

Posted date: 16-December-2019

Source of document: Freedom of Information Act Request  
Initial Request Staff  
Office of Information Policy  
Department of Justice  
6th Floor  
441 G Street, NW  
Washington, DC 20530  
Fax: (202) 514-1009  
[FOIA Online](#)

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**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

October 28, 2019

Re: DOJ-2019-007158  
DRH:ERH

This responds to your Freedom of Information Act (FOIA) request dated September 17, 2019, and received in this Office on September 26, 2019, in which you requested “each final determination letter for appeals to [the Office of Information Policy] of [Federal Bureau of Investigation] (FBI) determinations that were [not] “affirm in full,” for letters dated calendars years 2018 and 2019. Office of Information Policy

By email exchange dated October 21, 2019, with Eric Hotchkiss of this Office, you advised that you were narrowing the scope of your request to seek final determination letters of administrative appeals of FBI requests closed in calendar year 2019 with the final determinations “completely reversed/remanded” or “partially affirmed & partially reversed/remanded.” Your request has been processed accordingly.

Please be advised that a search has been conducted in the Office of Information Policy as well as of the electronic database of the Office of Information Policy, which is used to track and monitor FOIA requests and administrative appeals received by this Office, and 244 pages were located that are responsive to your request. I have determined that this material is appropriate for release with excisions made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, 441 G Street, NW, Sixth Floor, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, 441 G Street, NW, Sixth Floor, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard", with a small "DR" monogram at the end.

Douglas R. Hibbard  
Chief, Initial Request Staff

Enclosures



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Alla Lefkowitz, Esq.  
Everytown for Gun Safety Support Fund  
No. 657  
132 East 43rd Street  
New York, NY 10017  
[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)

Re: Appeal No. DOJ-AP-2018-005909  
Request No. 1395983-000  
MWH:PJA

**VIA: FOIAonline**

Dear Ms. Lefkowitz:

You appealed from the action of the Federal Bureau of Investigation (FBI) on your Freedom of Information Act request for access to all FBI National Criminal Justice Information Services (NCIC) gun file data, including the number of stolen guns from individuals and the number of gun theft incidents from individuals, between 2005 and 2016 for each state. On appeal, you limited the scope of your FOIA request to records between 2012 and 2016 that would identify:

- (i) the total number of firearms stolen from individuals;
- (ii) the total number of gun theft incidents from individuals;
- (iii) the number of firearms stolen from individuals recovered at crimes scenes by law enforcement;
- (iv) the types of crime associated with each recovered stolen gun; and
- (v) the number of firearms stolen from vehicles.

I note that your appeal concerns the FBI's denial of your request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding, in part, your modified request to the FBI for further processing of potentially responsive records concerning sub-part (i) of your modified request. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly. I am otherwise affirming, on modified grounds, the FBI's action on your request.

Regarding sub-parts (ii) thru (v) of your modified request, the FBI does not maintain records such as those that you described in its NCIC Gun File. I have determined that the FBI's response was correct.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

1/31/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Mr. Sam Richards  
MuckRock News  
DEPT MR 62138  
411-A Highland Avenue  
Somerville, MA 02144-2516  
[62138-22704622@requests.muckrock.com](mailto:62138-22704622@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-000940  
Request No. 1419193  
CDT:JNW

**VIA: Email**

Dear Mr. Richards:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Hawk Analytics and their product CellHawk. I note that your appeal concerns the adequacy of the FBI's search for responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (202) 514-3642 .

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

1/31/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

(b) (6)  
(b) (6)  
@gmail.com

Re: Appeal No. DOJ-AP-2019-000393  
Request No. 1407477-000  
CDT:PJA

**VIA: FOIAonline**

Dear (b) (6):

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the FBI's determination to withhold responsive records in full, as described in its July 25, 2018 response letter. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between the FBI personnel and this Office, I am remanding your request to the FBI for further processing of the responsive records. Although the FBI invoked Exemption 7(A) of the FOIA, 5 U.S.C. § 552(b)(7)(A), at the time your initial request was processed, that exemption is no longer applicable to withhold the records in full. Consequently, the FBI will process and send all releasable records to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

1/31/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Telephone: (202) 514-3642*

Hugh Handeyside, Esq.  
American Civil Liberties Union  
18th Floor  
125 Broad Street  
New York, NY 10004  
[hhandeyside@aclu.org](mailto:hhandeyside@aclu.org)

Re: Appeal No. DOJ-AP-2018-006841  
Request No. 1407258  
CDT:RNB

**VIA: FOIAonline**

Dear Mr. Handeyside:

You appealed on behalf of your clients, the ACLU Foundation and the ACLU Foundation of Northern California, from the action of the Federal Bureau of Investigation on their Freedom of Information Act request for access to records concerning social media surveillance, including the monitoring and retention of immigrants' and visa applicants' social media information for the purpose of conducting "extreme vetting." I note that your appeal concerns the FBI's refusal to confirm or deny the existence of records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between the FBI personnel and this Office, I am sending your clients' request back to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.



If your clients are dissatisfied with my action on your appeal, the FOIA permits them to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

1/31/2019

X 

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Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Ms. Stacey Book  
Fugitive Media

(b) (6)

stacey@fugitivemedia.net

Re: Appeal No. DOJ-AP-2019-001276  
Request No. 1417757-000  
MWH:PJA

**VIA: FOIAonline**

Dear Ms. Book:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Richard William Miller and Operation Whipworm. I note that your appeal concerns the FBI's refusal to neither confirm nor deny the existence of records that may be responsive to your request.

After carefully considering your appeal, and as a result of discussions between the FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

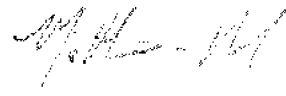
If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

1/31/2019

X

  
Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
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---

*Telephone: (202) 514-3642*

Mr. Ryan M. Hill

(b) (6)

Re: Appeal No. DOJ-AP-2019-001472  
Request No. 1422154  
CDT:RNB

**VIA: U.S. Mail**

Dear Mr. Hill:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Tupac Amaru Shakur. I note that your appeal concerns your lack of access to the internet. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, the FBI has agreed to release paper copies of responsive records to you. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your request, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/1/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Mr. Ishan Sharma  
Government Accountability Project  
1612 K Street NW  
Washington, DC 20006  
[nationalsecurityintern@whistleblower.org](mailto:nationalsecurityintern@whistleblower.org)

Re: Appeal No. DOJ-AP-2018-008341  
Request No. NFP-101610  
CDT:EMY

**VIA: FOIAonline**

Dear Mr. Sharma:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to all e-mails and/or correspondence from FBI General Counsel Dana Boente's e-mails including keywords "whistleblowing" or "whistleblower" from January 24, 2018 to the present. I note that your appeal concerns the FBI's response dated September 6, 2018. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI locates and determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

1/31/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Mr. James Henry

(b) (6)

jhenry@whowhatwhy.org

Re: Appeal No. DOJ-AP-2018-007716  
Request No. 1372043  
SRO:EMY

**VIA: Email**

Dear Mr. Henry:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the following: 1) All FOIA requests (and their responses) submitted since April 19, 2013 to which this record was released<sup>1</sup> before it was placed in the Vault; 2) All FOIA requests (and their responses) submitted since April 19, 2013 from which this record was withheld before it was placed in the Vault; and 3) All records documenting the decision to place this record in the Vault. I note that your appeal concerns both the adequacy of the FBI's search and the withholdings made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of certain responsive records. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency records protected by the deliberative process privilege; and

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<sup>1</sup> This is in reference to an FD 302 of an interview of Tamerlan Tsarnaev.

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

Please also be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

2/4/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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---

*Telephone: (202) 514-3642*

Ms. Cora Currier

The Intercept

(b) (6)

[cora.currier@theintercept.com](mailto:cora.currier@theintercept.com)

Re: Appeal No. DOJ-AP-2019-001215  
Request No. 1418915-000  
MWH:PJA

**VIA: Email**

Dear Ms. Currier:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning policies and actions involving the monitoring and surveillance of public protests surrounding U.S. Immigration and Customs Enforcement (ICE) activities, including groups such as "Occupy ICE", "Abolish ICE" and their regional affiliates. I note that your appeal concerns the adequacy of the search for records responsive to your FOIA request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

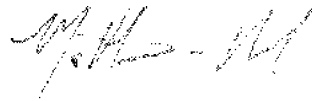
If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

Sincerely,

2/5/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Telephone: (202) 514-3642*

Ryan N. Shapiro

(b) (6)

[ryannoah@mit.edu](mailto:ryannoah@mit.edu)

Re: Appeal No. DOJ-AP-2018-001948  
Request No. 1169680  
MWH:JNW

**VIA: Email**

Dear Mr. Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of certain file numbers withheld pursuant to FOIA Exemption 7(A). If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 U.S.C. § 3024(i)(1), which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(A), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records. You appear to challenge the FBI's determination that certain responsive records were previously released to you. I have determined that the FBI's response was correct. It provided you with the case numbers and Bates numbers of the pages of the prior releases, which is sufficient for you to locate the previously processed pages. Furthermore, the validity of any such withholdings would be properly before the court rather than this Office.

With regard to your allegation that the FBI improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that

this response should not be taken as an indication that an exclusion was or was not used in response to your request.


Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

2/11/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Mr. John Greenewald  
The Black Vault  
Suite 1203  
27305 West Live Oak Road  
Castaic, CA 91384  
[john@greenewald.com](mailto:john@greenewald.com)

Re: Appeal No. DOJ-AP-2018-005587  
Request No. 1401549  
CDT:JNW

**VIA: FOIAOnline**

Dear Mr. Greenewald:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to "all e-mails sent to or from, Director of the FBI James Comey, which contain the word 'TRUMP,'" from January 1, 2016 to May 9, 2017. I note that your appeal concerns the FBI's determination that your request is not reasonably described. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the request. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/11/2019

X 

---

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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---

*Telephone: (202) 514-3642*

Mr. John Greenewald  
The Black Vault  
Suite 1203  
27305 West Live Oak Road  
Castaic, CA 91384  
[john@greenewald.com](mailto:john@greenewald.com)

Re: Appeal No. DOJ-AP-2018-005588  
Request No. 1373722-001  
CDT:JNW

**VIA: FOIAonline**

Dear Mr. Greenewald:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to "all emails sent to and/or from Andrew G. McCabe" from May 1, 2017 to the date of your request that contained the keyword "Comey". I note that your appeal concerns the FBI's determination that your request is not reasonably described. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the request. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/11/2019

---

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Mr. Brandon L. Caudle

(b) (6)

Re: Appeal No. DOJ-AP-2018-006450  
Request No. 1404881  
CDT:EMY

**VIA: U.S. Mail**

Dear Mr. Caudle:

You appealed from the action of the Federal Bureau of Investigation on your remanded Freedom of Information Act request for access to a copy of the "Black Lives/Lives Extremists report." I note that your appeal concerns the withholdings made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding in part your request to the FBI for further processing of certain responsive records. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(A), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

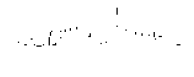
Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

2/8/2019

X 

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Telephone: (202) 514-3642*

Ms. Emma Best  
DEPT MR 33307  
411A Highland Avenue  
Somerville, MA 02144-2516  
[33307-55224363@requests.muckrock.com](mailto:33307-55224363@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2018-003518  
Request No. 1367572-000  
SRO:PJA

**VIA: Email**

Dear Ms. Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Peter S. Deriabin. I note that your appeal concerns the adequacy of the search for records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/19/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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Professor Alexander Anievas  
University of Connecticut  
(b) (6)  
[alexander.anievas@uconn.edu](mailto:alexander.anievas@uconn.edu)

Re: Appeal No. DOJ-AP-2019-000508  
Request No. 1416252-000  
SRO:PJA

**VIA: FOIAonline**

Dear Professor Anievas:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the adequacy of the FBI's search for records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/19/2019

X

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Ms. Emma Best  
MuckRock News  
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411A Highland Avenue  
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[56631-54172227@requests.muckrock.com](mailto:56631-54172227@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-000589  
Request No. 1409854  
SRO:EMY

**VIA: Email**

Dear Ms. Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Richard Joseph Leitsch, also known as Richard Valentine Leitsch and Dick Leitsch. I note that your appeal concerns the adequacy of the FBI's search for records responsive to your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive cross-references. If the FBI locates releasable cross-reference records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/20/2019

X

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Ms. Emma Best  
MuckRock News  
Dept MR 60013  
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Re: Appeal No. DOJ-AP-2019-001065  
Request No. 1415266-000  
MWH:PJA

**VIA: Email**

Dear Ms. Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning John Nelson Abrams. I note that your appeal concerns the adequacy of the search for records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

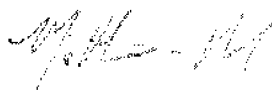
After carefully considering your appeal, and as a result of discussions between the FBI personnel and this Office, I am remanding your request to the FBI for review and processing of potentially responsive records located subsequent to your appeal. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/21/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Mr. James Kirchick

(b) (6)

[REDACTED]

[REDACTED]

[REDACTED]@gmail.com

Re: Appeal No. DOJ-AP-2019-001070  
Request No. 1420357  
CDT:EMY

**VIA: FOIAonline**

Dear Mr. Kirchick:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6) [REDACTED]. I note that your appeal concerns the adequacy of the FBI's search for records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/20/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Telephone: (202) 514-3642*

Ms. Emma Best  
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[56757-05633226@requests.muckrock.com](mailto:56757-05633226@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-000591  
Request No. 1409907  
CDT:JNW

**VIA: Email**

Dear Ms. Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning sexual harassment, sexual discrimination, and sex stereotyping complaints made against the FBI resolved after January 1, 2015 through present. I note that your appeal concerns the FBI's determination that it cannot conduct a search without a reasonable amount of effort. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/22/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Emma Best  
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411-A Highland Avenue  
Somerville, MA 02144  
[57255-66473327@requests.muckrock.com](mailto:57255-66473327@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-001066  
Request No. 1410116  
MWH:EMY

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records relating to or mentioning Joseph Walter Jackson, also known as Joe Jackson and or the Jackson Five. I note that your appeal concerns the adequacy of the FBI's search for records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

2/28/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Ted C. Tucker

(b) (6)

Re: Appeal No. DOJ-AP-2019-001435  
Request No. 1416620-000  
MWH:PJA

**VIA: U.S. Mail**

Dear Ted Tucker:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the FBI's denial of your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, as a result of discussions between the FBI personnel and this Office, and in light of the certification of identification you provided for the first time on appeal, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

3/1/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Jason I. Poblete, Esq.  
Global Liberty Alliance  
Suite 350  
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Alexandria, VA 22314  
[jpoblete@globallibertyalliance.org](mailto:jpoblete@globallibertyalliance.org)

Re: Appeal No. DOJ-AP-2019-001774  
Request No. 1424652  
SRO:JNW

**VIA: FOIAOnline**

Dear Jason Poblete:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received in this Office on January 24, 2019. You appealed from the FBI's denial of your request for expedited treatment of your Freedom of Information Act request. I note that you also appealed from the fee waiver determination made by the FBI on your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and based on the information presented, I believe that expedited processing of your request is warranted. Accordingly, I am remanding your request to the FBI, where it will be processed as quickly as practicable.

As to your appeal from the FBI's fee waiver determination, on the basis of all of the information available to me, I have concluded that your request for a waiver of fees was properly denied. In order to obtain a public-interest fee waiver, you must meet three criteria set forth in 5 U.S.C. § 552(a)(4)(A)(iii). "Disclosure of the requested information must: (1) shed light on 'the operations or activities of the government'; (2) be 'likely to contribute significantly to public understanding' of those operations or activities; and (3) not be 'primarily in the commercial interest of the requester.'" Cause of Action v. FTC, 799 F.3d 1108, 1115 (D.C. Cir. 2015).

With regard to the second criterion for obtaining a fee waiver, I considered together "the degree to which [public] 'understanding' of government activities will be advanced" by the release of the requested information, "and the extent of the 'public' that the information is likely to reach." Cause of Action, 799 F.3d at 1116. You state that your client's case "serves as another cautionary account for Americans traveling to foreign countries harboring hostile political views of the United States." However, you have failed to explain how providing this information will contribute significantly to public understanding of the operations and activities



of the government. 5 U.S.C. § 552(a)(4)(A)(iii). Because the records appear to be sought solely to further your client's criminal case, it is unlikely that disclosure of the information will contribute significantly to public understanding. See Cause of Action, 799 F.3d at 1118. Additionally, in neither your initial request, nor in your appeal letter have you demonstrated that you currently have both the intent and the ability to disseminate the requested records to a reasonably broad audience of persons interested in the subject matter of your request. Rather, it appears that you are seeking these records for your client's personal use alone. Therefore, you have failed to satisfy the second criterion.

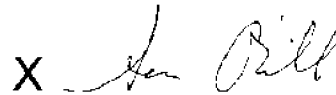
Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

2/28/2019

X 

---

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Peter Shinkle

(b) (6)

@yahoo.com

Re: Appeal No. DOJ-AP-2019-002159  
Request No. 1419271  
SRO:EMY

**VIA: Email**

Dear Peter Shinkle:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Tommy Corcoran. I note that in your appeal letter you seek another copy of the CD released to you by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI to resend the CD release to you. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

3/1/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
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---

*Telephone: (202) 514-3642*

James Edwards  
WBEZ Chicago  
848 East Grand Avenue  
Chicago, IL 60611  
[jedwards@wbez.org](mailto:jedwards@wbez.org)

Re: Appeal No. DOJ-AP-2019-000265  
Request No. 1417748  
MWH:EMY

**VIA: FOIAonline**

Dear James Edwards:

You appealed from the fee waiver determination and the fee category determination made by the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Jon Graham Burge. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

On the basis of all of the information available to me, I have concluded that your request for a waiver of fees was properly denied. In order to obtain a public-interest fee waiver, you must meet three criteria set forth in 5 U.S.C. § 552(a)(4)(A)(iii). "Disclosure of the requested information must: (1) shed light on 'the operations or activities of the government'; (2) be 'likely to contribute significantly to public understanding' of those operations or activities; and (3) not be 'primarily in the commercial interest of the requester.'" Cause of Action v. FTC, 799 F.3d 1108, 1115 (D.C. Cir. 2015).

To satisfy the first criterion for obtaining a fee waiver, the records that you seek must concern identifiable operations or activities of the federal government. See Cause of Action, 799 F.3d at 1115. However, the records you seek concern state and local law enforcement activities. Accordingly, you have not satisfied the first criterion.

With regard to the second criterion for obtaining a fee waiver, I considered together "the degree to which public 'understanding' of government activities will be advanced" by the release of the requested information, "and the extent of the 'public' that the information is likely to reach." Cause of Action, 799 F.3d at 1116. You state that the records would shed further light into the investigation and police brutality within the Chicago Police Department. However, you have failed to explain how providing this information will contribute significantly to public understanding of the operations and activities of the government. 5 U.S.C. § 552(a)(4)(A)(iii).

The subject matter of your request would not shed light on the operations and activities of the federal government because the type of records you seek concern a local government agency. Therefore, you have failed to satisfy the second criterion.

With regard to your request to be categorized as a member of the news media for the purpose of fee determination, as a result of discussions between FBI personnel and this Office, the FBI has agreed to categorize you as a member of the news media based on the information you provided.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

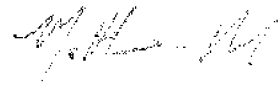
If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

3/14/2019

X



Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Michael Best  
MuckRock  
DEPT MR 33846  
411A Highland Avenue  
Somerville, MA 02144-2516  
[33846-76551378@requests.muckrock.com](mailto:33846-76551378@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2018-005611  
Request No. 1369226  
CDT:RNB

**VIA: Email**

Dear Michael Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records describing the email system used by the FBI, including the procedures and methods for performing searches of the email system. I note that your appeal concerns the FBI's full denial of your request. Please be advised that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between the FBI personnel and this Office, I am remanding your request in part to the FBI for an additional search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly. I am otherwise affirming, on modified grounds, the FBI's action on your request.

As to any user manuals relating to email searches conducted by the FBI, such as the user manual for Microsoft Outlook, such information is provided by the vendors of the software and would not constitute agency records. These private companies do not relinquish control over their user manuals when they provide them for agency use. See *Burka v. HHS*, 87 F.3d 508, 515 (D.C. Cir. 1996) (setting forth the criteria for determining agency "control" of a record (quoting *Tax Analysts v. DOJ*, 845 F.2d 1060, 1069 (D.C. Cir. 1988)).


Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

3/15/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Ryan N. Shapiro

(b) (6)

[REDACTED]

[REDACTED]

[ryananoah@mit.edu](mailto:ryananoah@mit.edu)

Re: Appeal No. DOJ-AP-2018-002832  
Request No. 1169458  
CDT:JNW

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Leslie James Pickering, Jr. I note that your appeal concerns the FBI's response dated February 6, 2018. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

3/29/2019

X

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Dr. Jared McBride

(b) (6)

Re: Appeal No. DOJ-AP-2019-000450  
Request No. 1409420  
CDT:EMY

**VIA: U.S. Mail**

Dear Jared McBride:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Kenneth Barton Osborn. I note that your appeal concerns the adequacy of the FBI's search for records responsive to your request, specifically those the FBI was unable to locate. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI further review and processing of records located subsequent to your appeal. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

4/5/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: OIP





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Madalena Arnfield  
Capital Collateral Regional Counsel South  
Suite 444  
1 East Broward Boulevard  
Fort Lauderdale, FL 33301  
[arnfieldm@ccsr.state.fl.us](mailto:arnfieldm@ccsr.state.fl.us)

Re: Appeal No. DOJ-AP-2019-003083  
Request No. 1407596-000  
CDT:DRC

**VIA: FOIAonline**

Dear Madalena Arnfield:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning Savco, Inc. I note that your appeal concerns the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

4/11/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Emma Best  
MuckRock News  
DEPT MR 60375  
411A Highland Avenue  
Somerville, MA 02144  
[60375-46395562@requests.muckrock.com](mailto:60375-46395562@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002001  
Request No. 1416849  
CDT:EMY

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Hans Heyman, also known as Hans Bernard Heymann. I note that your appeal concerns the FBI's response dated December 6, 2018. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

4/11/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Cynthia Swinehart

(b) (6)

Re: Appeal No. DOJ-AP-2019-000931  
Request No. 1412657  
CDT:JNW

**VIA: U.S. Mail**

Dear Cynthia Swinehart:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

4/14/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Washington, DC 20530-0001*

Telephone: (202) 514-3642

Zach Brooke

(b) (6)

[REDACTED]

[REDACTED]

[REDACTED]@gmail.com

Re: Appeal No. DOJ-AP-2019-002650  
Request No. 1422436-000  
CDT:PJA

**VIA: FOIAonline**

Dear Zach Brooke:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Alberto Nisman. I note that your appeal concerns the CD release made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between the FBI personnel and this Office, I am remanding your request to the FBI so that it can send you another copy of the responsive records. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

4/26/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Dani Hourani

(b) (6)

Re: Appeal No. DOJ-AP-2018-003445  
Request No. 1187636-001  
JNW:JKD

**VIA: U.S. Mail**

Dear Dani Hourani:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to certain records concerning yourself. I note that your appeal concerns the withholdings made by the FBI in its third interim response dated December 29, 2017. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI in part for further processing of several responsive records. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly. I am otherwise affirming, on partly modified grounds, the FBI's action on your request.

In order to provide you with the greatest possible access to responsive records, your request was reviewed under both the Privacy Act of 1974 and the FOIA. I have determined that the records responsive to your request are exempt from the access provision of the Privacy Act. See 5 U.S.C. § 552a(j)(2); see also 28 C.F.R. § 16.96 (2018). For this reason, I have reviewed your appeal under the FOIA. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities.

The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 U.S.C. § 3024(i)(1), which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949; Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings; 18 U.S.C. § 3123(d), which pertains to the issuance of an order for a pen register or a trap and trace device; and 18 U.S.C. § 2510, which pertains to Title III of the Omnibus Crime Control and Safe Street Act which protects information obtained through electronic surveillance);

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency records protected by the attorney work-product privilege;

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources;

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions; and

5 U.S.C. § 552(b)(7)(F), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552a(j)(2) & 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

Finally, please be advised that a portion of the records maintained by the FBI are protected from disclosure by a court seal issued by the United States District Court for the Eastern District of Michigan. In this instance, the FBI lacks authority to consider the releasability of this information under the FOIA. See GTE Sylvania, Inc. v. Consumers Union, 445 U.S. 375, 384-86 (1980) (finding "no discretion for the agency to exercise" when records are sealed, thus no improper withholding). Please note that the FBI will contact the District Court to verify that the court seal continues to prohibit disclosure of the records you seek. In the event that the District Court informs the FBI that the court seal no longer prohibits disclosure of these records, the FBI will reopen your request and take further action as appropriate.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/1/2019

X 

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Mark L. Friesland

(b) (6)

[REDACTED]

[REDACTED]@outlook.com

Re: Appeal No. DOJ-AP-2019-000340  
Request No. 1416222  
CDT:JNW

**VIA: FOIAOnline**

Dear Mark L. Friesland:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Dr. Thomas Anthony Dooley. I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding in part your request to the FBI for further processing of certain information withheld pursuant to Exemption 7(D). If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.



Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/2/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Ryan N. Shapiro

(b) (6)

[rshapiro@propertyofthepeople.org](mailto:rshapiro@propertyofthepeople.org)

Re: Appeal No. DOJ-AP-2018-006865  
Request No. 1178920-000  
JNW:PJA

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning David Nathan Barbarash. I note that your appeal concerns the adequacy of the FBI's search, its withholdings, and all other aspects of the FBI's denial as described in correspondence dated March 28, 2018 and June 21, 2018. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI in part for further processing of certain responsive records previously released to you.<sup>1</sup> If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

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<sup>1</sup> I note that the FBI previously processed certain requested records in accordance with the tier-based release schedule established during litigation in Case No. 12-CV-313 (D.D.C.). Consequently, the withholdings made in the tier releases are subject to the jurisdiction of the court rather than to this Office. I further note that the FBI only clearly identified some of Bates-stamped pages that are responsive to your request from the tier litigation. Accordingly, this remand concerns only those pages that are responsive to your request from the tier litigation for which the FBI did not clearly identify Bates numbers.

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 18 U.S.C. § 3123(d), which pertains to the issuance of an order for a pen register or a trap and trace device);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(A), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

With regard to your allegation that the FBI improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the actions of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/6/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Emma Best  
DEPT MR 60301  
411A Highland Avenue  
Somerville, MA 02144-2516  
[60301-98862863@requests.muckrock.com](mailto:60301-98862863@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-003973  
Request No. 1416878-000  
CDT:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Jimmy Lee Dykes. I note that your appeal concerns the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/2/2019

X

---

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Christopher Peak  
New Haven Independent

(b) (6)

[REDACTED]

[REDACTED]

[REDACTED]@gmail.com

Re: Appeal No. DOJ-AP-2019-001362  
Request No. 1422956  
CDT:EMY

**VIA: FOIAonline**

Dear Christopher Peak:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning William Edward Atchison. I note that appeal concerns the adequacy of the FBI's search for records responsive to your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/3/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Ryan N. Shapiro

(b) (6)

[REDACTED]

[REDACTED]

[ryananoah@mit.edu](mailto:ryananoah@mit.edu)

Re: Appeal No. DOJ-AP-2018-001464  
Request No. 1171453  
JKD:JNW

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the FBI's "adverse determination in its entirety." Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI in part for further processing of pages previously determined to relate to an ongoing investigation, and to re-release to you certain pages that the FBI advised you were processed in a prior FOIA request concerning Nicolas Atwood. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records. The FBI searched for both main files and cross references in its databases.

Finally, with regard to your allegation that the FBI improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).



For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/6/2019

A handwritten signature in black ink, appearing to read "Sean O'Neill", is written over a horizontal line.

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Janis C. Puracal, Esq.  
Oregon Innocence Project  
Post Office Box 5248  
Portland, OR 97208  
[jpuracal@oregoninnocence.info](mailto:jpuracal@oregoninnocence.info)

Re: Appeal No. DOJ-AP-2018-006006  
Request No. 1360298  
RNB:JNW

**VIA: Email**

Dear Ms. Puracal:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Leah Nicole Freeman. I note that your appeal concerns the withholdings made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI in part for further processing of certain responsive records. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions;

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/7/2019

A handwritten signature in black ink, appearing to read "Sean O'Neill", is written over a horizontal line. To the left of the signature is a large, bold, handwritten "X".

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Ryan Shapiro

(b) (6)

[ryannoah@mit.edu](mailto:ryannoah@mit.edu)

Re: Appeal No. DOJ-AP-2018-007709  
Request No. 1171409  
MWH:EMY

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the New Jersey Animal Rights Alliance. I note that your appeal concerns the withholdings made and search conducted by the FBI. You also challenge the FBI's determination that certain records were previously released to you. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of certain responsive records and for the FBI to provide additional information about certain records previously released to you. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/7/2019

X



Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Emma Best  
MuckRock  
DEPT MR 60360  
411A Highland Avenue  
Somerville, MA 02144-2516  
[60360-85347144@requests.muckrock.com](mailto:60360-85347144@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002884  
Request No. 1416923-000  
MWH:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning a chart of the FBI's deployment of unmanned aerial vehicles dated July 5, 2013. I note that your appeal concerns the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/9/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Dennis O. Williams

(b) (6)

Re: Appeal No. DOJ-AP-2018-004848  
Request No. 1364194  
MWH:JKD

**VIA: U.S. Mail**

Dear Dennis Williams:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for certain records concerning yourself. I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search for responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI in part for further processing of certain responsive withheld pursuant to the FOIA's privacy exemptions. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly. I am otherwise affirming, on partly modified grounds, the FBI's action on your request.

In order to provide you with the greatest possible access to responsive records, your request was reviewed under both the Privacy Act of 1974 and the FOIA. I have determined that certain records responsive to your request are exempt from the access provision of the Privacy Act. See 5 U.S.C. § 552a(j)(2); see also 28 C.F.R. § 16.96 (2018). Any other records responsive to your request are exempt from the access provision of the Privacy Act of 1974 pursuant to 5 U.S.C. § 552a(k)(2). See 28 C.F.R. § 16.96 (2018). These provisions concern certain investigatory material compiled for law enforcement purposes. Because all of the records responsive to your request are subject to a Privacy Act exemption from access, I have reviewed your appeal under the FOIA.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552a(j)(2) and 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the



action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/10/2019

X 

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Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Finley Freibert  
2000 Humanities Gateway  
University of California-Irvine  
Irvine, CA 92697  
[ffreibert@uci.edu](mailto:ffreibert@uci.edu)

Re: Appeal No. DOJ-AP-2019-000449  
Request No. 1418631  
SRO:JNW

**VIA: Email**

Dear Finley Freibert:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the destruction of the FBI's files on (b) (6). I note that your appeal concerns the adequacy of the FBI's search for records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/13/2019

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Dominique Johnson

(b) (6)

Re: Appeal No. DOJ-AP-2019-002965  
Request No. 1428561-000  
MWH:PJA

**VIA: U.S. Mail**

Dear Dominique Johnson:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning FBI File No. 308A-PH-90270. I note that your appeal concerns the FBI's denial of your request as not reasonably described. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

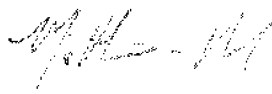
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of potentially responsive records. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/15/2019

X 

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Daniel DeFraia

(b) (6)

Re: Appeal No. DOJ-AP-2019-001611  
Request No. 1419270  
CDT:JNW

**VIA: U.S. Mail**

Dear Daniel DeFraia:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning FBI policy on the impersonation of the news media from 1939 to 2016. I note that your appeal concerns the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/16/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Amanda Cook, Esq.  
Cook & Associates LLC  
Suite 5B  
2740 Zelda Road  
Montgomery, AL 36106  
[Amanda.cook@blackbeltlawyers.com](mailto:Amanda.cook@blackbeltlawyers.com)

Re: Appeal Nos. DOJ-AP-2019-003428,  
DOJ-AP-2019-003429, & DOJ-AP-  
2019-003431  
Request Nos. 1428340, 1428195, &  
1426314  
SRO:DRC

**VIA: Email**

Dear Amanda Cook:

You appealed on behalf of your clients from the actions of the Federal Bureau of Investigation on their Freedom of Information Act requests for access to records concerning themselves.

As a result of discussions between FBI personnel and this Office, I am remanding your clients' requests for a search for responsive records. While the FBI properly informed you that it could not process your clients' requests until you submitted third-party consent, proof of death, or an overriding public interest, I note that you have provided valid third-party consent with your appeal. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your requests, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeals, you may contact this Office's FOIA Public Liaison for your appeals. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If your clients are dissatisfied with my action on your appeals, the FOIA permits them to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/20/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Dominique Johnson

(b) (6)

Re: Appeal No. DOJ-AP-2019-003007  
Request No. 1428556-000  
MWH:PJA

**VIA: U.S. Mail**

Dear Dominique Johnson:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to a copy of the FBI Manual of Administrative Operations and Procedures. I note that your appeal concerns the FBI's response advising you to access responsive records on the FBI's electronic FOIA Library (The Vault). Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of responsive records. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/22/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Paul Galante  
MuckRock News  
DEPT MR 67320  
411A Highland Avenue  
Somerville, MA 02144-2516  
[67320-73282654@requests.muckrock.com](mailto:67320-73282654@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002728  
Request No. 1426573  
SRO:PJA

**VIA: Email**

Dear Paul Galante:

You appealed from the actions of the Federal Bureau of Investigation on your Freedom of Information Act requests for access to records concerning Clark McAdams Clifford. I note that your appeal concerns the adequacy of the FBI's search for responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/22/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Jacob Hawkins

(b) (6)

Re: Appeal No. DOJ-AP-2019-004340  
Request No. 1428952-001  
CDT:EMY

**VIA: U.S. Mail**

Dear Jacob Hawkins

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to certain records concerning the Jonestown Massacre. I note that your appeal concerns the FBI's response dated April 7, 2019, informing you that records were available online. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the responsive records. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/23/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Irma Prado  
Mueller Law Offices

(b) (6)  
[irma.prado@muellerlaw.com](mailto:irma.prado@muellerlaw.com)

Re: Appeal No. DOJ-AP-2019-001492  
Request No. 1420857-000  
CDT:PJA

**VIA: FOIAonline**

Dear Irma Prado:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Kirksey Nix, Jr. I note that your appeal concerns the FBI's refusal to confirm the existence of records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/24/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Stephen Narisi  
Nastro Group Productions  
No. 1401  
5101 River Road  
Bethesda, MD 20816  
[steve@nastrogroupproductions.com](mailto:steve@nastrogroupproductions.com)

Re: Appeal No. DOJ-AP-2019-004682  
Request No. 1431928-000  
CDT:PJA

**VIA: FOIAonline**

Dear Stephen Narisi:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the Tulsa Race Riot of 1921. I note that your appeal concerns the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/24/2019

X

---

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: OIP



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Emma Best  
DEPT MR 54654  
411A Highland Avenue  
Somerville, MA 02144-2516  
[54654-64025810@requests.muckrock.com](mailto:54654-64025810@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-004653  
Request No. 1407046-000  
CDT:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Richard N. Goodwin. I note that your appeal concerns the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

5/31/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Kyntrel T. Jackson

(b) (6)

Re: Appeal No. DOJ-AP-2019-004321  
Request No. 1431908  
CDT:EMY

**VIA: U.S. Mail**

Dear Kyntrel T. Jackson:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to all released records concerning Osama Bin Laden. I note that your appeal concerns the FBI's response dated March 26, 2019, informing you that records were available online. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/3/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Kyntrel T. Jackson

(b) (6)

Re: Appeal No. DOJ-AP-2019-004322  
Request No. 1432265  
CDT:EMY

**VIA: U.S. Mail**

Dear Kyntrel T. Jackson:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to all released records concerning David Koresh. I note that your appeal concerns the FBI's response dated April 2, 2019, informing you that records were available online. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/3/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Che Phifer

(b) (6)

@yahoo.com

Re: Appeal No. DOJ-AP-2019-004059  
Request No. 1432416  
SRO:EMY

**VIA: FOIAonline**

Dear Che Phifer:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the FBI's full denial of your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal and the information that you provided therewith, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/3/2019

X

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Amanda Schemkes, Esq.

(b) (6)

@gmail.com

Re: Appeal No. DOJ-AP-2018-000277  
Request No. 1354903  
DRC:EMY

**VIA: Email**

Dear Amanda Schemkes:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the Northern Ohio Anarchist Network ("NOAN"). I note that your appeal concerns the withholdings made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of certain responsive records.<sup>1</sup> If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

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<sup>1</sup> Specifically, for further processing of records concerning individuals for whom you provided privacy waivers, and for further processing of a document withheld pursuant to Exemption 7(E).

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Please also be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/5/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Maria Luisa Lord, Esq.

(b) (6)

gmail.com

Re: Appeal No. DOJ-AP-2019-001206  
Request No. 1421839  
MWH:JNW

**VIA: FOIAOnline**

Dear Maria Lord:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the FBI's refusal to confirm or deny the existence of responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

As a result of discussions between FBI personnel and this Office, the FBI has agreed to conduct a search for responsive records. While the FBI properly informed you that it could not process your request until you provided consent, proof of death, or an overriding public interest, I note that you have provided the subject of your request's consent with your appeal letter. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your request, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

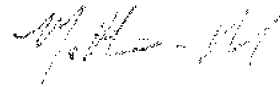
For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison

for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/6/2019

X



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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



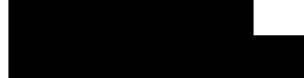
**U.S. Department of Justice**  
**Office of Information Policy**  
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*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Ryan Shapiro

(b) (6)



[ryannoah@mit.edu](mailto:ryannoah@mit.edu)

Re: Appeal Nos. DOJ-AP-2018-001466  
& DOJ-AP-2018-002465  
Request No. 1216560  
MWH:EMY

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning James Jesus Angleton. I note that your appeal concerns the adequacy of the FBI's search and the withholdings made by the FBI in its June 14th, 2017 response to your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

As a result of discussions between the FBI personnel and this Office, the FBI has released or soon will release a further processed record to you directly. I am otherwise affirming the FBI's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities.

A portion of the information responsive to your request is classified. I am affirming the FBI's withholding of this information pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. Additionally, I am referring this information to the Department of Justice's Department Review Committee (DRC) so that it may determine if this information should remain classified under Executive Order No. 13,526. You will be informed if any information is declassified. This referral does not affect your right to pursue litigation.

Additionally, the FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 § USC 3024(i)(1), the National Security Act of 1947, which pertains to intelligence sources and methods; Pub. L. No. 86-36, Section 6(a) of the National Security Agency Act of 1959, which pertains to the

functions or organizations of NSA and certain information pertaining to NSA employees; and the CIA Act of 1949 which pertains to intelligence sources and certain information pertaining to agency employees);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, because the FBI has not yet completed making releases of records to it, your appeal of the adequacy of the search is premature.

With regard to your allegation that the FBI improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.

Additionally, by letter dated February 1, 2018, this Office informed you that your additional appeal from your FOIA request for the above-referenced records had been received by this Office and would be assigned for adjudication under Appeal No. DOJ-AP-2018-002465. However, this Office subsequently learned that your appeal file was a duplicate of Appeal No. DOJ-AP-2018-001466, which has been adjudicated herein. In light of these circumstances, I am administratively closing Appeal No. DOJ-AP-2018-002465 in this Office.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and

analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/6/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Seth Rosenfeld

(b) (6)

Re: Appeal No. DOJ-AP-2018-005599  
Request No. 1349779-001  
MWH:JKD

**VIA: U.S. Mail**

Dear Seth Rosenfeld:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Ben Bagdikian. I note that your appeal concerns the adequacy of the FBI's search and the withholdings made by the FBI in its response dated March 26, 2018. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for a further search for additional responsive records and for further processing of one item of information withheld pursuant to Exemption 7(E). If the FBI locates additional releasable records or determines that additional information is releasable, it will send it to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 U.S.C. § 3024(i)(1), which pertains to the National Security Act of 1947; the Central Intelligence Agency Act of 1949; and Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Additionally, as the FBI informed you by letter dated March 26, 2018, records that might have been responsive to your request were destroyed on June 14, 1972, pursuant to the agency's record retention and disposition schedules approved by the National Archives and Records Administration. Because these records were destroyed, the FBI could not determine whether they would have been responsive to your request. I have determined that the FBI's response was correct.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison

for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/6/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Seth Rosenfeld

(b) (6)

Re: Appeal No. DOJ-AP-2018-005606  
Request No. 1260159-001  
RNB:JKD

**VIA: U.S. Mail**

Dear Seth Rosenfeld:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Togo Tanaka. I note that your appeal concerns the adequacy of the FBI's search and the withholdings made by the FBI in its response dated March 31, 2018. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for further processing of two items of previously withheld information. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 U.S.C. § 3024(i)(1), which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, please be advised that this Office already adjudicated this issue by letter dated July 3, 2017, under Appeal No. DOJ-AP-2017-001467. Accordingly, there is no further action for this Office to consider on appeal.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/7/2019

A handwritten signature in black ink, appearing to read "Sean O'Neill", is written over a horizontal line.

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Gunita Singh  
Property of the People  
Suite 915  
1712 Eye Street NW  
Washington, DC 20006  
[foia@propertyofthepeople.org](mailto:foia@propertyofthepeople.org)

Re: Appeal Nos. DOJ-AP-2019-002758,  
DOJ-AP-2019-002768, DOJ-AP-2019-  
002769 & DOJ-AP-2019-002770  
Request Nos. 1428627, 1428654,  
1428657 & 1428664  
SRO:PJA

**VIA: Email**

Dear Gunita Singh:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act requests for access to records concerning the following:

- (i) 12-0061 FBI SIR – White Supremacist Group Active in WA (U-LES);
- (ii) 18-0079 FBI SIR – Communication Application Used by White Supremacy Extremist Group – 22Mar18;
- (iii) 17-0206 FBI IA – Black Identity Extremists Likely Motivated to Target Law Enforcement Officers 03Aug17; and
- (iv) 18-0334 JIB – FBI Arrests CA Based Individuals for Events in Charlottesville VA – 04Oct18 (U-FOUO).

I note that your appeals concern the FBI's determination that you seek records that are not searchable in the FBI's indices. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeals.

After carefully considering your appeals, and as a result of discussions between FBI personnel and this Office, I am remanding your requests to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of these remanded requests or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeals, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/7/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Steven E. Presser

(b) (6)

Re: Appeal No. DOJ-AP-2019-002224  
Request No. 1407872-000  
MWH:PJA

**VIA: U.S. Mail**

Dear Steven Presser:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the processing of FOIA Request No. 1404633-000. I note that your appeal concerns the FBI's determination to refrain from processing your request due to the pendency of Administrative Appeal No. DOJ-AP-2018-007760. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/6/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Seth Rosenfeld

(b) (6)

Re: Appeal No. DOJ-AP-2018-005604  
Request No. 1350230  
JNW:JKD

**VIA: U.S. Mail**

Dear Seth Rosenfeld:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Bernardo Garcia-Pandavenes. I note that your appeal concerns the adequacy of the FBI's search, the destruction of any records, and the withholdings made by the FBI in its response dated March 31, 2018. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for further processing of certain pages of responsive records withheld pursuant to FOIA Exemption 5. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535, please contact the FBI directly. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. A portion of the information responsive to your request is classified. I am affirming the FBI's withholding of this information pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. Additionally, if you would like to challenge the classification of these records, you may appeal to the Department of Justice's Department Review Committee (DRC) by writing to this Office. If you seek such review, the DRC will determine if this information should remain classified under Executive Order No. 13,526, and will inform you if any information is declassified. Please note that seeking such review does not affect your right to pursue litigation of the Department's FOIA determination on your request.

Additionally, the FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings, and 50 U.S.C. § 3024(i)(1), which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, because you are appealing from the FBI's interim response rather than its final response, your appeal is premature. Once the FBI has made its final release, you are welcome to appeal the adequacy of the FBI's search at that time if desired.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information

Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/7/2019

X 

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Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

William F. Marshall  
Judicial Watch  
Suite 800  
425 Third Street, SW  
Washington, DC 20024  
[bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org)

Re: Appeal No. DOJ-AP-2018-004314  
Request No. 1397523  
JNW:JKD

**VIA: Email**

Dear William Marshall:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to all records of communications between FBI Director James Comey and Daniel Richman for the period of May 9, 2016 to May 9, 2017. I note that your appeal concerns the FBI's refusal to confirm or deny the existence of responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/7/2019

X

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Patrick Eddington  
CATO Institute  
1000 Massachusetts Avenue NW  
Washington, DC 20001  
[peddington@cato.org](mailto:peddington@cato.org)

Re: Appeal No. DOJ-AP-2019-004056  
Request No. 1433507-000  
MWH:PJA

**VIA: FOIAonline**

Dear Patrick Eddington:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself between April 3, 1981, and April 5, 2019. I note that your appeal concerns the adequacy of the FBI's search for records responsive to your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/11/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Jerry Thompson, Ph.D.  
Texas A&M International University  
Department of Humanities  
5201 University Boulevard  
Laredo, TX 78041  
[jthompson@tamui.edu](mailto:jthompson@tamui.edu)

Re: Appeal No. DOJ-AP-2019-004468  
Request No. 1433519  
SRO:EMY

**VIA: Email**

Dear Jerry Thompson:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Joseph Claude "Pepe" Martin. I note that your appeal concerns the withholdings made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/11

**X Sean R. O'Neill**

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Sean R. O'Neill  
Chief, Administrative Appeals Staff



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Kevin S. Fischer

(b) (6)

scott@fischercapital.com

Re: Appeal No. DOJ-AP-2019-000506  
Request No. 1373746  
RNB:JNW

**VIA: FOIAonline**

Dear Kevin Fischer:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search for responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for further processing of one page of the responsive records. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

In order to provide you with the greatest possible access to responsive records, your request was reviewed under both the Privacy Act of 1974 and the FOIA. I have determined that the records responsive to your request are exempt from the access provision of the Privacy Act. See 5 U.S.C. § 552a(j)(2); see also 28 C.F.R. § 16.96 (2018). For this reason, I have reviewed your appeal under the FOIA. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

Furthermore, I am denying your request that we itemize and justify each item of the information withheld. You are not entitled to such a listing at the administrative stage of processing FOIA requests and appeals. See, e.g., Citizens for Responsibility & Ethics in Wash. v. FEC, 711 F.3d 180, 187 n.5 (D.C. Cir. 2013).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/20/2019

X



Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Patrick Eddington  
CATO Institute  
1000 Massachusetts Avenue, NW  
Washington, DC 20001  
[peddington@cato.org](mailto:peddington@cato.org)

Re: Appeal No. DOJ-AP-2019-004544  
Request No. 1435763-000  
MWH:PJA

**VIA: FOIAonline**

Dear Patrick Eddington:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the Electronic Frontier Foundation. I note that your appeal concerns the adequacy of the FBI's search for records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/20/2019

X

---

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Emma Best  
DEPT MR 60326  
411A Highland Avenue  
Somerville, MA 02144-2516  
[60326-56249032@requests.muckrock.com](mailto:60326-56249032@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-003536  
Request No. 1416796-000  
MWH:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning relating to, or mentioning, the FOIA request in CREW-578. I note that your appeal concerns the adequacy of the search conducted by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/25/2019

X

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
*1425 New York Avenue, NW*  
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---

*Telephone: (202) 514-3642*

J. Andrews Salemme, Esq.  
The Lindsay Law Firm, P.C.  
Suite 301  
110 East Diamond Street  
Butler, PA 16001

Re: Appeal No. DOJ-AP-2019-000467  
Request No. 1408177-001  
MWH:EMY

**VIA: U.S. Mail**

Dear Mr. Salemme:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to certain records concerning your client and three individuals in connection to a land fraud investigation conducted by the Pittsburgh, Pennsylvania FBI office. I note that your appeal concerns both the adequacy of the FBI's search and the withholdings made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018, and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI in part for further processing of the responsive records. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;



5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions;

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/25/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Patrick Eddington  
CATO Institute  
1000 Massachusetts Avenue, NW  
Washington, DC 20001  
[peddington@cato.org](mailto:peddington@cato.org)

Re: Appeal No. DOJ-AP-2019-004608  
Request No. 1435691-000  
SRO:PJA

**VIA: FOIAonline**

Dear Patrick Eddington:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Ayn Rand. The FBI released one hundred and eighty-six pages of previously processed records, as described in its May 7, 2019 response letter. I note that your appeal concerns the adequacy of the FBI's search for records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/25/2019

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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Telephone: (202) 514-3642

Mike LaSusa

(b) (6)

gmail.com

Re: Appeal No. DOJ-AP-2019-003018  
Request No. 1416296  
SRO:DRC

**VIA: FOIAonline**

Dear Mike LaSusa:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning the Central America Law Enforcement Exchange (CALEE). I note that you have appealed the adequacy of the FBI's search for responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

6/27/2019

X

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Dawn Brown

(b) (6)

Re: Appeal No. DOJ-AP-2019-005068  
Request No. 1435701  
SRO:EMY

**VIA: U.S. Mail**

Dear Dawn Brown:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Frank Lawrence Sprenz. I note that your appeal concerns the FBI's full denial of your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records.<sup>1</sup> If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/27/2019

X

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Jennifer Ann Lerma

(b) (6)

(b) (6)

(b) (6)@outlook.com

Re: Appeal No. DOJ-AP-2019-001982  
Request No. 1425510  
CDT:JNW

**VIA: Email**

Dear Jennifer Lerma:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6) and Arizona Department of Corrections Inmate (b) (6). I note that your appeal concerns the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI locates and determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/1/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

William J. Cluck, Esq.  
Law Office of William J. Cluck  
587 Showers Street  
Harrisburg, PA 17104  
[billcluck@billcluck.com](mailto:billcluck@billcluck.com)

Re: Appeal No. DOJ-AP-2019-001797  
Request No. 1405494  
MWH:JNW

**VIA: FOIAOnline**

Dear William Cluck:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the FBI investigation of Civil War Gold at Dents Run, Elk County, PA. I note that your appeal concerns the FBI's withholding of responsive records in their entirety. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

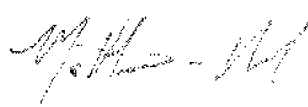
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the responsive records. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/2/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Kareem Millhouse

(b) (6)

Re: Appeal No. DOJ-AP-2019-005346  
Request No. 1436621  
MWH:EMY

**VIA: U.S. Mail**

Dear Kareem Millhouse:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning John Dillinger. I note that your appeal concerns a request for a hard copy of the records located on the FBI's online Vault. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the responsive records. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/3/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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---

*Telephone: (202) 514-3642*

Kalea Seitz Clark, Esq.  
The Washington Post  
1301 K Street, NW  
Washington, DC 20071  
[Kalea.clark@washpost.com](mailto:Kalea.clark@washpost.com)

Re: Appeal No. DOJ-AP-2019-000543  
Request No. 1410798  
CDT:JNW

**VIA: Email**

Dear Kalea Clark:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to all Sexual Abuse Significant Incident Reports submitted to the FBI in calendar year 2018 by all Health and Human Services contractors providing shelter or foster care services to Unaccompanied Alien Children. I note that your appeal concerns the withholdings made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI locates and determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/1/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Freddy Martinez  
DEPT MR 71509  
411A Highland Avenue  
Somerville, MA 02144-2516  
[71509-66903704@requests.muckrock.com](mailto:71509-66903704@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-004303  
Request No. NFP-106156  
CDT:PJA

**VIA: Email**

Dear Freddy Martinez:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning open and closed investigations on four named Congresswomen. I note your appeal concerns the FBI's response that your request was improper. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI further processing. If the FBI locates and determined that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/8/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Ryan Shapiro

(b) (6)

[rshapiro@propertyofthepeople.org](mailto:rshapiro@propertyofthepeople.org)

Re: Appeal No. DOJ-AP-2019-002342  
Request No. 1173544-000  
CDT:PJA

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Band of Mercy. I note that your appeal concerns the withholdings made by the FBI as well as the adequacy of the FBI's search for responsive records as described in its October 31, 2018 and November 27, 2018 response letters. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for further clarification of its search efforts. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings);

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency records protected by the deliberative process privilege;

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

With regard to your assertion that the FBI may have improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison

for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/11/2019

X 

---

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Patrick Eddington  
Cato Institute  
1000 Massachusetts Avenue, NW  
Washington, DC 20001  
[peddington@cato.org](mailto:peddington@cato.org)

Re: Appeal No. DOJ-AP-2019-004611  
Request No. 1435973  
CDT:DRC

**VIA: FOIAonline**

Dear Patrick Eddington:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning the American Civil Liberties Union (ACLU). I note that you have appealed the adequacy of the FBI's search for responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/11/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Kareem Millhouse

(b) (6)

Re: Appeal No. DOJ-AP-2019-005310  
Request No. 1436624  
CDT:EMY

**VIA: U.S. Mail**

Dear Kareem Millhouse:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Lester Joseph Gillis. I note that your appeal concerns your request for a paper copy of the records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. The FBI will send you the records available on the FBI's Vault in paper format. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/11/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Christopher Peak  
New Haven Independent  
(b) (6)  
[REDACTED]  
[REDACTED]  
[REDACTED]@gmail.com

Re: Appeal Nos. DOJ-AP-2019-001341 to  
DOJ-AP-2019-001345  
Request No. 1422919-000  
CDT:PJA

**VIA: FOIAonline**

Dear Christopher Peak:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Benjamin Douglas Morrow. I note that your appeal concerns the withholdings made by the FBI pursuant to Exemption 7A. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the responsive records. Although the FBI invoked Exemption 7(A) of the FOIA, 5 U.S.C. § 552 (b)(7)(A), at the time your initial request was processed, that exemption is no longer applicable to withhold the records in full. Consequently, the FBI will process and send all releasable records to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

Furthermore, by letter dated December 7, 2018, this Office informed you that your additional appeals from your FOIA request for the above-referenced records had been received by this Office and would be assigned for adjudication under Appeal Nos. DOJ-AP-2019-001342, DOJ-AP-2019-001343, DOJ-AP-2019-001344 and DOJ-AP-2019-001345. However, this Office subsequently learned that your appeal files were duplicates of Appeal No. DOJ-AP-2019-001341. In light of these circumstances, I am administratively closing Appeal Nos. DOJ-AP-2019-001342, DOJ-AP-2019-001343, DOJ-AP-2019-001344 and DOJ-AP-2019-001345 in this Office.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/12/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Paul Galante  
MuckRock News  
Dept MR 70305  
411A Highland Avenue  
Somerville, MA 02144-2516  
[70305-98167093@requests.muckrock.com](mailto:70305-98167093@requests.muckrock.com)

Re: Appeal Nos. DOJ-AP-2019-003708 &  
DOJ-AP-2019-003709  
Request Nos. 1430803 & 1430804  
MWH:PJA

**VIA: Email**

Dear Paul Galante:

You appealed from the actions of the Federal Bureau of Investigation on your Freedom of Information Act requests for access to records concerning the interception of diplomatic communications from the Chilean government during World War II. I note that your appeal concerns the FBI's full denial of your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

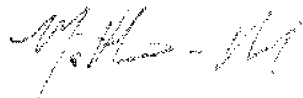
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for additional review and processing. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeals, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/16/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

Telephone: (202) 514-3642

Tom Secker

(b) (6)

[yahoo.co.uk](mailto:[REDACTED]@yahoo.co.uk)

Re: Appeal No. DOJ-AP-2019-001597  
Request No. 1414681  
MWH:EMY

**VIA: FOIAonline**

Dear Tom Secker:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the film *Little Mizz Innocent*. I note that your appeal concerns the adequacy of the FBI's search for records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/17/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Kareem Millhouse

(b) (6)

Re: Appeal No. DOJ-AP-2019-005353  
Request No. 1436604  
CDT:EMY

**VIA: U.S. Mail**

Dear Kareem Millhouse:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Homer Virgil Van Meter. I note that your appeal concerns your request for a paper copy of records located on the FBI's Vault. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the responsive records. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/17/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Professor Susan B. Long  
Transactional Records Access Clearinghouse  
Suite 360 Newhouse II  
Syracuse University  
Syracuse, NY 13244  
[trac@syrr.edu](mailto:trac@syrr.edu)

Re: Appeal No. DOJ-AP-2018-006148  
Request No. 1335829-000  
MWH:PJA

**VIA: FOIAonline**

Dear Dr. Long:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to ten items of information regarding the FBI's FOIA request processing systems. I note that your appeal concerns the adequacy of the FBI's search for records responsive to your FOIA request and the FBI's determination to withhold certain information under Exemptions 4 and 5. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the records withheld pursuant to FOIA Exemptions 4 and 5. Additionally, I am remanding subparts (1), (3), (4), (8), (9), and (10) of your request for a further search for additional responsive records. If the FBI determines that additional records are releasable or locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

With regard to subparts (2), (6), and (7) of your request, please be advised that the FOIA does not require federal agencies to answer questions, create records, or conduct research in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. See Judicial Watch, Inc. v. Dep't of State, No. 15-690, 2016 WL 1367731 (D.D.C. 2016).

With regard to subpart (5) of your request, please be advised that the FBI does not process FOIA administrative appeals. Rather, this Office (the Office of Information Policy) processes all FOIA appeals from determinations made by the FBI. Accordingly, the FBI would not maintain records concerning this Office's information technology system used for processing

administrative appeals. You may wish to make a new request for such records directly to this Office.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/18/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Irma Prado

(b) (6)

irma.prado@muellerlaw.com

Re: Appeal No. DOJ-AP-2019-000939  
Request No. 1419320  
SRO:RNB

**VIA: FOIAonline**

Dear Irma Prado:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Henry Loeb. I note that your appeal concerns the FBI's refusal to confirm or deny the existence of such records pursuant to Exemptions 6 and 7(C). Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

As a result of discussions between FBI personnel and this Office, I am remanding your request for a search for responsive records. The FBI properly informed you that it could not process your request until you submitted third-party consent, proof of death, or an overriding public interest. While it is your burden to provide the FBI with proof of death, as a matter of administrative discretion, this Office looked into the subject of the request and located sufficient proof of death. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your remanded request, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/19/2019

X

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

**Jermaine Antjuan Palmer**

(b) (6)

**Re: Appeal No. DOJ-AP-2019-005161**  
**Request No. 1430559**  
**CDT:EMY**

**VIA: U.S. Mail**

**Dear Jermaine Palmer:**

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the withholdings made by the FBI.<sup>1</sup> Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of previously processed responsive records. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/19/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI

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<sup>1</sup> I note that in its response dated March 11, 2019, the FBI informed you that it previously provided you with records by letter dated June 14, 2004.



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Telephone: (202) 514-3642*

Steven A. Kellerman

(b) (6)

Re: Appeal No. DOJ-AP-2019-002133  
Request No. 1414917  
CDT:JNW

**VIA: U.S. Mail**

Dear Steven Kellerman:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the adequacy of the FBI's search for responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/19/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Telephone: (202) 514-3642*

Tanya Villegas, Esq.  
Legal Aid Foundation  
of Santa Barbara County  
Suite 209  
201 South Miller Street  
Santa Maria, CA 93454

Re: Appeal No. DOJ-AP-2019-005402  
Request No. 1437133-000  
CDT:DRC

**VIA: U.S. Mail**

Dear Tanya Villegas:

You appealed on behalf of your client, (b) (6), from the action of the Federal Bureau of Investigation on your client's Freedom of Information Act request for access to records concerning herself. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

As a result of discussions between FBI personnel and this Office, I am remanding your client's request for a search for responsive records. While the FBI properly informed you that it could not process your client's request until you submitted third-party consent, proof of death, or an overriding public interest, I note that you have provided consent with your appeal. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your request, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/19/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

William F. Marshall  
Judicial Watch, Inc.  
Suite 800  
425 Third Street, SW  
Washington, DC 20024  
[bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org)

Re: Appeal No. DOJ-AP-2019-001600  
Request No. 1422664  
CDT:EMY

**VIA: Email**

Dear William Marshall:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Smash Racism D.C. I note that your appeal concerns the adequacy of the FBI's search for records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further review and processing of records located subsequent to your appeal. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/18/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Seth Rosenfeld

(b) (6)

Re: Appeal Nos. DOJ-AP-2019-000593 &  
DOJ-AP-2019-004880  
Request No. 1417303  
CDT:EMY

**VIA: U.S. Mail**

Dear Seth Rosenfeld:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Elbert Howard. I note that your appeal concerns both the adequacy of the FBI's search and the withholdings made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the responsive records previously withheld pursuant to Exemption 2. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. A portion of the information responsive to your request is classified. I am affirming the FBI's withholding of this information pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. Additionally, if you would like to challenge the classification of these records, you may appeal to the Department of Justice's Department Review Committee (DRC) by writing to this Office. If you seek such review, the DRC will determine if this information should remain classified under Executive Order No. 13,526, and will inform you if any information is declassified. Please note that seeking such review does not affect your right to pursue litigation of the Department's FOIA determination on your request.

Additionally, the FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records. I note that the FBI conducted another search subsequent to your appeal but still could locate no additional records.

Finally, this Office has determined that your Appeal No. DOJ-AP-2019-004880 is a duplicate of Appeal No. DOJ-AP-2019-000593. In light of these circumstances, I am administratively closing Appeal No. DOJ-AP-2019-004880 in this Office.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.


If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison

for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/19/2019

X 

---

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

David Di Pietro, Esq.  
Di Pietro Partners  
Suite 202  
901 East Las Olas Boulevard  
Fort Lauderdale, FL 33301  
[david@ddpalaw.com](mailto:david@ddpalaw.com)

Re: Appeal No. DOJ-AP-2019-002161  
Request No. 1422537  
CDT:JNW

**VIA: Email**

Dear David Di Pietro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Esteban Santiago Ruiz. I note that your appeal concerns the withholdings made by the FBI. Please be advised that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the responsive records. Although the FBI invoked Exemption 7(A) of the FOIA, 5 U.S.C. § 552 (b)(7)(A), at the time your initial request was processed, that exemption is no longer applicable to withhold the records in full. Consequently, the FBI will process and send all releasable records to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/22/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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William F. Marshall  
Judicial Watch, Inc.  
Suite 800  
425 Third Street SW  
Washington, DC 20024  
[bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org)

Re: Appeal No. DOJ-AP-2018-004312  
Request No. 1395354-000  
CDT:PJA

**VIA: FOIAonline**

Dear William Marshall:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to certain communications to or from former FBI employee Peter Strzok concerning his legal defense. I note that your appeal concerns the FBI's determination that your request was not reasonably described. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/23/2019

X

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Telephone: (202) 514-3642*

Gunita Singh, Esq.  
Property of the People  
Suite 915  
1712 Eye Street NW  
Washington, DC 20006  
[foia@propertyofthepeople.org](mailto:foia@propertyofthepeople.org)

Re: Appeal No. DOJ-AP-2019-001555  
Request No. 1423060-000  
MWH:PJA

**VIA: Email**

Dear Gunita Singh:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Andrew Joseph Stack. I note that your appeal concerns the adequacy of the FBI's search for records responsive to your FOIA request, specifically the decision to only release previously-processed records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/24/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD





U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Michael Rosenbloom  
Electronic Frontier Foundation

(b) (6)

[michael.rosenbloom@eff.org](mailto:michael.rosenbloom@eff.org)

Re: Appeal No. DOJ-AP-2018-008814  
Request No. 1408547  
MWH:EMY

**VIA: Email**

Dear Michael Rosenbloom:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to all records relating to statements made by Executive Assistant Director Amy Hess relating to the FBI's unlocking of the San Bernardino shooting iPhone created between January 1, 2015, and the date of your request. I note that your appeal concerns the FBI's response indicating that the subject of your request was not reasonably described. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/29/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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---

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William F. Marshall  
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425 Third Street, SW  
Washington, DC 20024  
[bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org)

Re: Appeal No. DOJ-AP-2018-005512  
Request No. 1403413  
CDT:JNW

**VIA: Email**

Dear William Marshall:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to communications between officials, employees, and contractors of the FBI and officials, employees, and contractors of information technology companies working on behalf of the Democratic National Committee relating to alleged "hacking" of DNC emails. I note that your appeal concerns the FBI's full denial of your request pursuant to Exemption 7(A). Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of the responsive records. Although the FBI invoked Exemption 7(A) of the FOIA, 5 U.S.C. § 552(b)(7)(A), at the time your initial request was processed, that exemption may no longer be applicable to withhold the records in full. Consequently, the FBI will process and send all releasable records to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

7/31/2019

X 

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Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Emma Best  
MuckRock News  
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411A Highland Avenue  
Somerville, MA 02144-2516  
[53524-90529823@requests.muckrock.com](mailto:53524-90529823@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2018-007258  
Request No. 1405752  
MWH:JNW

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Russian targeting of election infrastructure during the 2016 election. I note that your appeal concerns the FBI's full denial of your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/1/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Chloe Lucero  
C/O Dan DeNorch Esq.  
No. 165  
16055 SW Walker Road  
Beaverton, Oregon 97006  
(b) (6) @gmail.com

Re: Appeal No. DOJ-AP-2019-004459  
Request No. 1426906  
SRO:EMY

**VIA: U.S. Mail**

Dear Chloe Lucero:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further review and processing of records located subsequent to your appeal. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552a(j)(2) & 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/1/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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---

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Emma Best  
MuckRock News  
DEPT MR 56799  
411A Highland Avenue  
Somerville, MA 02144-2516  
56799-29342506@requests.muckrock.com

Re: Appeal No. DOJ-AP-2019-003537  
Request No. 1409899  
MWH:DRC

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning the Cabinet Committee to Combat Terrorism. I note that you have appealed the FBI's response which included only preprocessed records.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/2/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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---

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Emma Best  
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Somerville, MA 02144-2516  
[62399-46652871@requests.muckrock.com](mailto:62399-46652871@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-003043  
Request No. 1419913-000  
CDT:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning annual reviews of use of less-than-lethal devices, as described in Less-Than-Lethal Devices Policy Guide 0517PG. I note that your appeal concerns the adequacy of the FBI's search for records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/2/2019

X

---

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI





**U.S. Department of Justice**  
**Office of Information Policy**  
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---

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Paul Galante  
MuckRock News  
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[64966-48214914@requests.muckrock.com](mailto:64966-48214914@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002213  
Request No. 1423778-000  
CDT:PJA

**VIA: Email**

Dear Paul Galante:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning John Howard Pew. I note your appeal concerns the adequacy of the FBI's search for records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/2/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Telephone: (202) 514-3642*

Stephen J. Kasarsky  
(b) (6)

Re: Appeal No. DOJ-AP-2019-003055  
Request No. NFP-104476  
MWH:EMY

**VIA: U.S. Mail**

Dear Stephen Kasarsky:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning a list of the members of an organization known as "The States Rights Party". I note that your appeal concerns the FBI's response indicating that it was not required to conduct research or answer questions. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

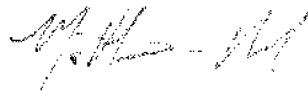
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/6/2019

X 

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Emma Best  
MuckRock News  
DEPT MR 66502  
411A Highland Avenue  
Somerville, MA 02144-2516  
[66502-20911695@requests.muckrock.com](mailto:66502-20911695@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-004232  
Request No. 1426360-000  
CDT:DRC

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning Ramona Barnes. I note that your appeal concerns the FBI's response releasing only preprocessed records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/5/2019

X

---

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
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---

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Emma Best  
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[27961-63669190@requests.muckrock.com](mailto:27961-63669190@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002041  
Request No. 1357156  
CDT:JNW

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Abner Joseph Mikva. I note that your appeal concerns the adequacy of the FBI's search.

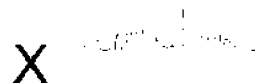
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/5/2019

X 

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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---

*Telephone: (202) 514-3642*

Tom Secker

(b) (6)

@yahoo.co.uk

Re: Appeal No. DOJ-AP-2019-000809  
Request No. 1421663-000  
MWH:PJA

**VIA: FOIAonline**

Dear Tom Secker:

You appealed from the fee waiver determination and fee estimate provided by the Federal Bureau of Investigation on your Freedom of Information Act request for access to records maintained in FBI File No. 080-HQ-7 after 1935. I note that your appeal concerns the FBI's determination to deny your request for a waiver of fees and the estimated \$55.00 in duplication fees associated with releasing four compact discs to you containing 1,577 pages of responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing, because in light of your negotiations with the FBI regarding the scope of the request, fees may no longer be at issue. You may appeal any future adverse determination made by the FBI in response to this request. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the actions of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/7/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Craig Lee Keller

(b) (6)

[REDACTED]

[REDACTED]

[REDACTED]@gmail.com

Re: Appeal No. DOJ-AP-2019-002893  
Request No. 1428253-000  
CDT:PJA

**VIA: Email**

Dear Craig Keller:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Stanley Paster. I note that your appeal concerns the adequacy of the FBI's search for records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further review and processing of records located subsequent to your appeal. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/7/2019

X

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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---

*Telephone: (202) 514-3642*

Ryan Shapiro, Ph.D.

(b) (6)

[rshapiro@propertyofthepeople.org](mailto:rshapiro@propertyofthepeople.org)

Re: Appeal No. DOJ-AP-2019-002359  
Request No. 1211577  
MWH:EMY

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the adequacy of the FBI's search and the withholdings made by the FBI.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of one page of responsive records. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.



As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

Additionally, to the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

With regard to your allegation that the FBI improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison

for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/7/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Emma Best  
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411A Highland Avenue  
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[46820-54725351@requests.muckrock.com](mailto:46820-54725351@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002216  
Request No. 1391857  
MWH:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Les Whitten. I note that your appeal concerns the adequacy of the search for records responsive to your FOIA request, specifically the FBI's decision to only release previously processed records.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/8/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Paul Galante  
MuckRock News  
DEPT MR 71397  
411A Highland Avenue  
Somerville, MA 02144-2516  
71397-69156961@requests.muckrock.com

Re: Appeal No. DOJ-AP-2019-004319  
Request No. 1433233  
SRO:DRC

**VIA: Email**

Dear Paul Galante:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning James Rockefeller. I note that you have appealed the adequacy of the FBI's search for responsive records.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/12/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Dr. Bruce E. Krell

(b) (6)

[REDACTED]

[REDACTED]

Bkrell@swarchitects.com

Re: Appeal No. DOJ-AP-2019-004271  
Request No. 1417106-000  
CDT:DRC

**VIA: FOIAonline**

Dear Bruce Krell:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning Mississippi Burning Photos. I note that in your appeal you requested that the FBI process the two 197 files that were located during the search.<sup>1</sup>

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for processing of the two 197 files located during the search. If the FBI determines that additional records are releaseable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/9/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI

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<sup>1</sup> Please note that your appeal of the FBI's withholding of certain information for this request will be adjudicated separately in Appeal No. DOJ-AP-2019-004270.



**U.S. Department of Justice**  
**Office of Information Policy**  
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*Telephone: (202) 514-3642*

Joshua Davis

(b) (6)

@gmail.com

Re: Appeal No. DOJ-AP-2019-004435  
Request No. 1416954-000  
MWH:DRC

**VIA: Email**

Dear Joshua Davis:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning Ramona Barnes. I note that you have appealed the FBI's withholding of Robert Collier's name.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI reprocessing of the responsive records in light of the proof of death that you provided for Robert Collier. If the FBI determines that additional information is releasable, it will send it to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/15/2019

X

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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*Telephone: (202) 514-3642*

Patrick G. Eddington  
Cato Institute  
1000 Massachusetts Avenue NW  
Washington, DC 20001-5403  
[peddington@cato.org](mailto:peddington@cato.org)

Re: Appeal No. DOJ-AP-2019-005576  
Request No. 1437739-000  
MWH:PJA

**VIA: Email**

Dear Patrick Eddington:

You appealed from the actions of the Federal Bureau of Investigation on your Freedom of Information Act requests for access to records concerning Rush Dew Holt. I note that your appeal concerns the adequacy of the search for records responsive to your FOIA request.

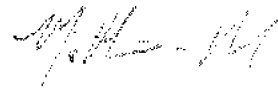
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/16/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Telephone: (202) 514-3642*

Emma Best  
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411A Highland Avenue  
Somerville, MA 02144-2516  
[60316-87861384@requests.muckrock.com](mailto:60316-87861384@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002938  
Request No. 1416809  
SRO:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning an Office of Inspector General Continuing Audit on the Use of Unmanned Aircraft Systems by the Department of Justice. I note that your appeal concerns the adequacy of the search for records responsive to your FOIA request, specifically the FBI's decision to release only previously processed records.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/16/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Dannez Hunter

(b) (6)

Re: Appeal No. DOJ-AP-2019-005956  
Request No. 1439610-000  
MWH:DRC

**VIA: U.S. Mail**

Dear Dannez Hunter:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the FBI's full denial of your request.

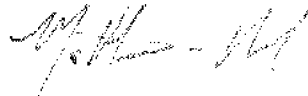
As a result of discussions between FBI personnel and this Office, the FBI has agreed to conduct a search for responsive records. While the FBI properly informed you that it could not process your request until you submitted your notarized signature or a certification of your identification under penalty of perjury, I note that you have provided such a certification with your appeal. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your request, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/20/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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---

*Telephone: (202) 514-3642*

Bruce R. DeTorres

(b) (6)  
[REDACTED]  
[REDACTED]  
[REDACTED]@gmail.com

Re: Appeal No. DOJ-AP-2019-006254  
Request No. 1441140  
MWH:EMY

**VIA: Email**

Dear Bruce DeTorres:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the FBI's full denial of your request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/22/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
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William F. Marshall  
Judicial Watch, Inc.  
Suite 800  
425 Third Street, SW  
Washington, DC 20024  
[bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org)

Re: Appeal No. DOJ-AP-2018-007270  
Request No. 1391974  
CDT:JNW

**VIA: Email**

Dear William Marshall:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to all physical and electronic calendar, scheduler, and/or day planner entries for FBI attorney Lisa Page from January 1, 2015 to the present. I note that your appeal concerns the FBI's determination that your request is not reasonably described. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/26/2019

X

---

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

William F. Marshall  
Judicial Watch, Inc.  
Suite 800  
425 Third Street, SW  
Washington, DC 20024  
[bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org)

Re: Appeal No. DOJ-AP-2018-007273  
Request No. 1391973  
CDT:JNW

**VIA: Email**

Dear William Marshall:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to all physical and electronic calendar, scheduler, and/or day planner entries for FBI official Peter Strzok from January 1, 2015 to the present. I note that your appeal concerns the FBI's determination that your request is not reasonably described. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/26/2019

X 

---

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Emma Best  
MuckRock  
DEPT MR 66506  
411A Highland Avenue  
Somerville, MA 02144-2516  
66506-38586970@requests.muckrock.com

Re: Appeal No. DOJ-AP-2019-004189  
Request No. 1425767-000  
MWH:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the fee waiver determination made by the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Operation Greyford.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further consideration of your requested fee waiver and processing of responsive records. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/26/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Donatos Sarras

(b) (6)

Re: Appeal No. DOJ-AP-2019-005687  
Request No. 1434562  
MWH:EMY

**VIA: U.S. Mail**

Dear Donatos Sarras:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the FBI's denial in full of your request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of your request. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/26/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Anne L. Weismann, Esq.  
Citizens for Responsibility and  
Ethics in Washington  
Sixth Floor  
455 Massachusetts Avenue, NW  
Washington, DC 20001  
[aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)

Re: Appeal No. DOJ-AP-2019-000579  
Request No. 1368371-000  
MWH:PJA

**VIA: Email**

Dear Anne Weismann:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning any FBI investigations of companies owned by, or associated with, President Donald J. Trump, including, but not limited to, investigations under the Foreign Corrupt Practices Act. I note that your appeal concerns the FBI's full denial of your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/28/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Emma Best  
DEPT MR 60157  
411A Highland Avenue  
Somerville, MA 02144-2516  
[60157-07498998@requests.muckrock.com](mailto:60157-07498998@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-004188  
Request No. 1427563-000  
MWH:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning threats against members of Congress between January 1, 2011 and December 31, 2017. I note that your appeal concerns the adequacy of the search conducted by the FBI.

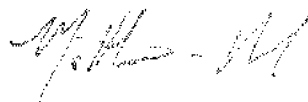
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/28/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD





**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

William F. Marshall  
Judicial Watch, Inc.  
Suite 800  
425 Third Street, SW  
Washington, DC 20024  
[bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org)

Re: Appeal No. DOJ-AP-2018-007896  
Request No. 1406756  
MWH:RNB

**VIA: Email**

Dear William Marshall:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to the following: (1) the transcript of an intercepted call between LTG Michael Flynn and Russian Ambassador Sergey Kislyak, which resulted in Flynn's subsequent questioning by the FBI and any notes and reports generated by FBI officials and/or their contractors from the monitoring of the Flynn/Kislyak call; (2) all reports/302's and notes generated by FBI officials in their questioning of Flynn regarding his conversations with Ambassador Kislyak; and (3) all reports, transcripts, 302's and notes generated by FBI officials from the March 15, 2017 briefing by then-Director Comey to members of the Senate Judiciary Committee regarding Flynn-related issues. I note that your appeal concerns the FBI's full denial of your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding subpart two of your request to the FBI for further processing. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. As to subpart one of your request, the FBI properly refused to confirm or deny the existence of such records because the existence or nonexistence of any such records is currently and properly classified. See 5 U.S.C. § 552(b)(1). If you would like to challenge the classification of the existence or nonexistence of any such records, you may appeal to the Department of Justice's Department Review Committee (DRC) by writing to this Office. If you

seek such review, the DRC will determine if the existence or nonexistence of any such records should remain classified under Executive Order No. 13,526, and will inform you if any information is declassified. Please note that seeking such review does not affect your right to pursue litigation of the Department's FOIA determination on your request

Additionally, the existence or nonexistence of such records is protected from disclosure pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by a statute other than the FOIA (in this instance, 50 U.S.C. § 3024(i)(1), which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949);

5 U.S.C. § 552(b)(7)(A), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

For all of these exemptions, I have determined that there would be a reasonably foreseeable harm from any disclosure of the existence or nonexistence of such records.

As to subpart three of your request, the FBI informed you that it could locate no responsive main file records subject to the FOIA in its files. I have determined that the FBI's action was correct and that it conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

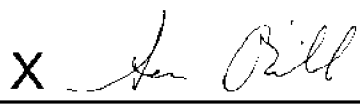
If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison

for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/29/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

**Timothy Cunningham, Jr.**

**(b) (6)**

**Re: Appeal No. DOJ-AP-2019-005377**  
**Request No. 1434577-000**  
**MWH:DRC**

**VIA: U.S. Mail**

**Dear Timothy Cunningham:**

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Timothy Cunningham, Sr. I note that your appeal concerns the FBI's full denial of your request.

As a result of discussions between FBI personnel and this Office, I am remanding your request for a search for responsive records. While the FBI properly informed you that it could not process your request until you submitted third-party consent, proof of death, or an overriding public interest, I note that you have provided valid proof of death with your appeal. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your request, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/30/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20001*

---

*Telephone: (202) 514-3642*

Larry McShane

(b) (6)

Re: Appeal No. DOJ-AP-2019-004462  
Request No. 1433473-000  
CDT:DRC

**VIA: U.S. Mail**

Dear Larry McShane:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning Carmine John Persico. I note that you have appealed the adequacy of the FBI's search for responsive records.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for additional responsive records other than those located on the FBI's Vault. If the FBI locates and determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/28/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Tracy Ullman

(b) (6)

tracy@unlimitedbliss.net

Re: Appeal No. DOJ-AP-2019-003182  
Request No. 1428690-000  
CDT:DRC

**VIA: Email**

Dear Tracy Ullman:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning John Wayne Gacy, Jr. I note that you have appealed the adequacy of the FBI's search for responsive records.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/29/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Emma Best  
MuckRock News  
DEPT MR 60015  
Somerville, MA 02144-2516  
[60015-91682489@requests.muckrock.com](mailto:60015-91682489@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-005303  
Request No. 1415274-000  
CDT:DRC

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning Lawrence Joseph Denardis. I note that you have appealed the adequacy of the FBI's search for responsive records.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records, including cross-reference files. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/29/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Mike Eckel

(b) (6)

[schreckc@rferl.org](mailto:schreckc@rferl.org)

Re: Appeal No. DOJ-AP-2019-005001  
Request No. 1433410-000  
CDT:DRC

**VIA: Email**

Dear Mike Eckel:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Vladimir Kara-Murza. I note that your appeal concerns the FBI's refusal to confirm or deny the existence of records responsive to your request.

As a result of discussions between FBI personnel and this Office, I am remanding your request for a search for responsive records. While the FBI properly informed you that it could not process your request until you submitted third-party consent, proof of death or an overriding public interest, I note that you have provided such consent with your appeal. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your request, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/29/2019

X

---

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

David Schied

(b) (6)

Re: Appeal No. DOJ-AP-2019-005939  
Request No. 1434849-000  
SRO:PJA

**VIA: U.S. Mail**

Dear David Schied:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning you. I note that your appeal concerns the FBI's April 29, 2019 correspondence asking for additional information in order to conduct an accurate search of its Central Records System.<sup>1</sup>

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/4/2019

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL

<sup>1</sup> I note that the FBI divided your request into four request files, and that you are also appealing other FBI determinations made on those four requests. This Office is separately handling the other aspects of your appeal under Appeal Nos. DOJ-AP-2019-005935 and DOJ-AP-2019-005938.



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Grant F. Smith  
Institute for Research:  
Middle Eastern Policy  
Calvert Station  
Post Office Box 32041  
Washington, DC 20007

Re: Appeal No. DOJ-AP-2018-003778  
Request No. 1219849-001  
MWH:JNW

**VIA: U.S. Mail**

Dear Grant Smith:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Marc Rich. I note that your appeal concerns the withholdings made by the FBI in its first three Vault releases. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI in part for further processing of certain pages that were withheld pursuant to Exemptions 6, 7C, and 7E. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. Alternatively, it may post those records on the FBI Vault and inform you of the same. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to the secrecy of grand jury proceedings; and 18 U.S.C. § 3123(d), which pertains to the issuance of an order for a pen register or a trap and trace device);

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency records protected by the attorney work-product privilege;

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources;

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions; and

5 U.S.C. § 552(b)(7)(F), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/4/2019

A handwritten signature in black ink, appearing to read "Sean O'Neill", is written over a horizontal line. To the left of the signature is a large, bold, handwritten "X".

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Nate Jones  
The National Security Archive  
Suite 701  
Gelman Library  
2130 H Street N.W.  
Washington, D.C. 20037  
[foiamail@gwu.edu](mailto:foiamail@gwu.edu)

Re: Appeal No. DOJ-AP-2019-006045  
Request No. 1435267-000  
MWH:DRC

**VIA: Email**

Dear Nate Jones:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Charlie Parker. I note that your appeal concerns the FBI's full denial of your request.

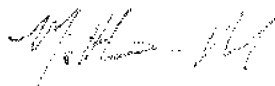
As a result of discussions between FBI personnel and this Office, I am remanding your request for a search for responsive records. While the FBI properly informed you that it could not process your request until you submitted third-party consent, proof of death, or an overriding public interest, I note that you have provided valid proof of death with your appeal. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your request, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/6/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



U.S. Department of Justice  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Emma Best  
MuckRock  
DEPT MR 73120  
411A Highland Avenue  
Somerville, MA 02144-2516  
[73120-26219205@requests.muckrock.com](mailto:73120-26219205@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-005678  
Request No. 1437520  
SRO:RNB

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Operation Ouraborus. I note that your appeal concerns the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further review and processing of records located subsequent to its original response to your request.<sup>1</sup> If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/6/2019

X

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL

<sup>1</sup> Please note that the FBI found potentially responsive records and reopened your request on June 17, 2019. Your request is currently being processed.



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Susan B. Long, Ph.D.  
TRAC  
360 Newhouse II  
Syracuse, NY 13244-2100  
[trac@syr.edu](mailto:trac@syr.edu)

Re: Appeal No. DOJ-AP-2019-001460  
Request No. 1379175-000  
MWH:PJA

**VIA: Email**

Dear Dr. Long:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to a case-by-case listing of all FOIA requests received by the FOIA office from October 1, 2012 to June 30, 2017, with certain data fields. Your appeal specifically concerned the format in which the responsive records were provided to you by the FBI. You also noted that the records provided by the FBI do not cover the entire period you requested. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am releasing CSV files in full to you, copies of which I have enclosed. These CSV files contain FBI FOIA log records for Fiscal Years 2013, 2014 and 2015.

Regarding your request for FBI FOIA log records for Fiscal Years 2016 and 2017, please be advised that these records have already been made publicly available. As a result, the FBI is not obligated to process such records in response to your request made under section 552(a)(3) of the FOIA. *See, e.g., DOJ v. Tax Analysts*, 492 U.S. 136, 152 (1989). For your information, the records that you seek are available on the following web pages:  
<https://www.justice.gov/oip/departments-justice-annual-foia-report-fy-16> and  
<https://www.justice.gov/oip/departments-justice-annual-foia-report-fy17>.

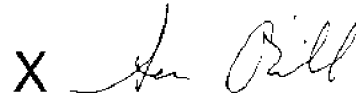
Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/6/2019

A handwritten signature in black ink, appearing to read "Sean O'Neill", is written over a horizontal line.

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Emma Best  
MuckRock News  
DEPT MR 63868  
411A Highland Avenue  
Somerville, MA 02144-2516  
[63868-13167971@requests.muckrock.com](mailto:63868-13167971@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002528  
Request No. 1422702  
SRO:JNW

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the practice or theory of de-anonymizing users of The Onion Router and/or the associated Tor Browser. I note that your appeal concerns the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/6/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20001*

---

*Telephone: (202) 514-3642*

Patrick Eddington  
1000 Massachusetts Avenue, NW  
Washington, DC 20001  
[peddington@cato.org](mailto:peddington@cato.org)

Re: Appeal No. DOJ-AP-2019-005222  
Request No. 1438191-000  
CDT:DRC

**VIA: Email**

Dear Patrick Eddington:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning Al Gore, Sr. I note that your appeal concerns the adequacy of the FBI's search for responsive records.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records other than those records located on the FBI's Vault, including cross-reference files. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/5/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Maxwell S. Mishkin, Esq.  
Ballad Spahr LLP  
12th Floor  
1909 K Street, NW  
Washington, DC 20006  
[miskinm@ballardspahr.com](mailto:miskinm@ballardspahr.com)

Re: Appeal No. DOJ-AP-2019-006562  
Request No. 1439410  
MWH:JNW

**VIA: FOIAonline**

Dear Maxwell Mishkin:

This is to advise you that your administrative appeal on behalf of your clients, Kim Zetter and Politico, from the action of the Federal Bureau of Investigation was received in this Office on August 20, 2019. You appealed from the FBI's denial of your clients' request for expedited treatment of their Freedom of Information Act request.

The Director of Public Affairs considered your request for expedited processing under the fourth standard and determined that your request should be granted expedited processing because the subject of your request constitutes a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv) (2018). I concur in that determination. Accordingly, I am remanding your request to the FBI, where it will be processed as quickly as practicable.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If your clients are dissatisfied with my action on your appeal for expedited treatment of your clients' request, they may file a lawsuit in accordance with 5 U.S.C. § 552(a)(6)(E)(iii).

Sincerely,

9/9/2019

X

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Kay Sieverding

(b) (6)

[REDACTED]

[REDACTED]@gmail.com

Re: Appeal No. DOJ-AP-2019-003013  
Request No. NFP-10433  
CDT:DRC

**VIA: FOIAonline**

Dear Kay Sieverding:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning yourself located within the emails of William McKinsey from January 1, 2016 to present. I note that your appeal concerns the FBI's response that your request was not reasonably described.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/9/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20001*

---

*Telephone: (202) 514-3642*

Jay Stallard

(b) (6)

Re: Appeal No. DOJ-AP-2019-005567  
Request No. 1438053-000  
MWH:DRC

**VIA: Email**

Dear Jay Stallard:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning yourself. I note that you have requested a copy of the FBI's previous release which you never received.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI so that the FBI may resend its January 29, 2010 response, including any accompanying records. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/11/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



U.S. Department of Justice  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Ryan N. Shapiro, PhD

(b) (6)

[REDACTED]

[REDACTED]

[rshapiro@propertyofthepeople.org](mailto:rshapiro@propertyofthepeople.org)

Re: Appeal No. DOJ-AP-2019-000603  
Request No. 1177151  
ADF:RNB

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the National Conference on Organized Resistance. I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for further processing of certain responsive records withheld pursuant to FOIA Exemption 7(D). If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

With regard to your allegation that the FBI improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.


Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/11/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
441 G Street, NW  
Washington, DC 20001

---

*Telephone: (202) 514-3642*

Dan L. Hardway, Esq.  
Dan Hardway Law Office  
Post Office Box 625  
Cowen, WV 26206  
[dan@hardwaylaw.com](mailto:dan@hardwaylaw.com)

Re: Appeal No. DOJ-AP-2019-000482  
Request No. 1382235  
MWH:RNB

**VIA: Email**

Dear Dan Hardway:

You appealed on behalf of your clients, the Assassination Archives and Research Center, G. Robert Blakey, Dan Hardway, and Edwin Lopez, from the action of the Federal Bureau of Investigation on your clients' Freedom of Information Act request for access to records concerning Gaeton Fonzi. I note that your appeal concerns the withholdings made by the FBI, the adequacy of the FBI's search, the FBI's determination that certain records have been transferred to NARA, and its determination that records which may have been responsive to your request were destroyed. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your clients' request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your clients' request.

In order to provide your clients with the greatest possible access to responsive records, your clients' request was reviewed under both the Privacy Act of 1974 and the FOIA. I have determined that the records responsive to your clients' request are exempt from the access provision of the Privacy Act. See 5 U.S.C. § 552a(j)(2); see also 28 C.F.R. § 16.96 (2018). For this reason, I have reviewed your appeal under the FOIA.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:



5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Please be advised that the FBI has found a reference to other records that might be responsive to your request. These records, however, were transferred to the National Archives and Records Administration (NARA). If you have not done so already, you may wish to submit a request directly to NARA for the records you seek at the following address<sup>1</sup>:

National Archives and Records Administration  
Special Access and FOIA Staff  
NWCTF-Room 5500  
8601 Adelphi Road  
College Park, MD 20740

Additionally, the FBI informed you that certain records that might have been responsive to your request were destroyed pursuant to the agency's record retention and disposition schedules approved by the National Archives and Records Administration. Because these records were destroyed, the FBI could not determine whether they would have been responsive to your request. I have determined that the FBI's response was correct.<sup>2</sup>

With regard to your allegation that the FBI improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the

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<sup>1</sup> For your reference, the file numbers for the files transferred to NARA are: 161-HQ-12863; HQ 62-109060 Serials 4445, 7697, and 7681; HQ 62-117290 Serials 320-P1 and 274-P1; HQ 62-117228 Serial 1; and 94-HQ-63733 Serials 2, 3, and 5.

<sup>2</sup> To the extent that you are seeking records concerning the destruction of these files, your client will need to submit a new FOIA request.

1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your clients' underlying request, and the action of the FBI in response to your clients' request.

If your clients are dissatisfied with my action on your appeal, the FOIA permits them to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your clients' right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/11/2019

X 

---

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20001

---

Telephone: (202) 514-3642

Ryan N. Shapiro, Ph.D.

(b) (6)

[REDACTED]

[REDACTED]

[rshapiro@propertyofthepeople.org](mailto:rshapiro@propertyofthepeople.org)

Re: Appeal No. DOJ-AP-2019-000601  
Request No. 1169574  
MWH:RNB

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for further processing of certain responsive records withheld pursuant to FOIA Exemption 7(A). If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 18 U.S.C. § 5038, which pertains to the Juvenile Delinquency Records Statute);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

As to your appeal concerning the withholding of duplicates, the FBI's determined that certain responsive records were previously released to you. I have determined that the FBI's response was correct. It provided you with the Bates Stamp numbers of the pages of the prior releases, which is sufficient for you to locate the previously processed pages.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road,

College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/12/2019

X 

---

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Paul Galante  
MuckRock News  
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411A Highland Avenue  
Somerville, MA 02144-2516  
[56725-54990886@requests.muckrock.com](mailto:56725-54990886@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-001601  
Request No. 1409727-000  
CDT:PJA

**VIA: Email**

Dear Paul Galante:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to a copy of FBI File No. 105-HQ-217671. I note that your appeal concerns the withholdings made by the FBI as well as the adequacy of the FBI's search for records responsive to your FOIA request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for it to provide you with any additional records that it determines are releasable as a result of a pending consultation with another government agency, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 U.S.C. § 3024(i)(1), which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/12/2019

X 

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Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
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*441 G Street, NW*  
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Re: Appeal No. DOJ-AP-2019-002007  
Request No. 1367351  
MWH:EMY

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records relating to or mentioning Tzvetan Todorov. I note that your appeal concerns the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

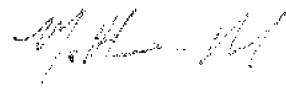
If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/13/2019

X

  
Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD





**U.S. Department of Justice**  
**Office of Information Policy**  
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---

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Re: Appeal No. DOJ-AP-2019-006015  
Request No. 1419043-000  
MWH:DRC

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning Marty Balin. I note that you have appealed the adequacy of the FBI's search for responsive records.

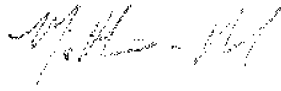
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records other than previously processed records, including cross reference files. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/16/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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Scott Present

(b) (6)

live.com

Re: Appeal No. DOJ-AP-2019-005776  
Request No. 1441219-000  
MWH:PJA

**VIA: FOIAonline**

Dear Scott Present:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note you appealed the FBI's full denial of your FOIA request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/16/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
Office of Information Policy  
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---

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Re: Appeal No. DOJ-AP-2019-002527  
Request No. 1421625  
DRC:JNW

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning investigations of or attempts to monitor Soviet efforts to influence U.S. leaders and elites. I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. A portion of the information responsive to your request is classified. I am affirming the FBI's withholding of this information pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. Additionally, if you would like to challenge the classification of these records, you may appeal to the Department of Justice's Department Review Committee (DRC) by writing to this Office. If you seek such review, the DRC will determine if this information should remain classified under Executive Order No. 13,526, and will inform you if any information is declassified. Please note that seeking such review does not affect your right to pursue litigation of the Department's FOIA determination on your request.

Additionally, the FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/17/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



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**Office of Information Policy**  
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[60328-57390547@requests.muckrock.com](mailto:60328-57390547@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-005372  
Request No. 1416904-000  
CDT:PJA

**VIA: FOIAonline**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning "malicious drones" or malicious unmanned aircraft systems. I note that your appeal concerns the FBI's response that your FOIA request was not reasonably described.

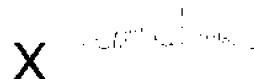
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/16/2019

X 

---

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Jose Angel Gutierrez

(b) (6)

Re: Appeal Nos. DOJ-AP-2019-006011  
Request No. 1434478-000  
CDT:DRC

**VIA: U.S. Mail**

Dear Jose Gutierrez:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Rosalio Urias Munoz. I note that your appeal concerns the withholdings made by the FBI.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/18/2019

X *Christina D. Troiani*

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
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---

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Re: Appeal No. DOJ-AP-2019-002236  
Request No. 1416828  
MWH:EMY

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records relating to or mentioning "Mike Ansara AKA James Michael Ansara AKA Ansare." I note that your appeal concerns the FBI's full denial of your request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records.<sup>1</sup> If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/19/2019

X

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD

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<sup>1</sup> Please be advised that as a matter of administrative discretion this Office located sufficient proof of death of the subject.



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
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*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Keith S. Labella

(b) (6)

Re: Appeal Nos. DOJ-AP-2019-002600 &  
DOJ-AP-2019-002601  
Request Nos. 1404857 & 1404858  
CDT:PJA

**VIA: U.S. Mail**

Dear Keith Labella:

You appealed from the actions of the Federal Bureau of Investigation on your Freedom of Information Act requests for access to records concerning yourself and any investigation which involved or pertained to Fordham University Law School professor Daniel Richman. I note that your appeals concern the adequacy of the FBI's searches for records responsive to your FOIA requests.

After carefully considering your appeals, and as a result of discussions between FBI personnel and this Office, I am remanding your requests to the FBI for further processing. If the FBI locates and determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determinations made by the FBI. If you would like to inquire about the status of these remanded requests or to receive estimated dates of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeals, you may contact this Office's FOIA Public Liaison for your appeals. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/18/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: CHRISTINA TROIANI





**U.S. Department of Justice**  
**Office of Information Policy**  
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[60029-16007179@requests.muckrock.com](mailto:60029-16007179@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002879  
Request No. 1416909  
SRO:JNW

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Ivan Illich. I note that your appeal concerns the FBI's decision to provide you with only preprocessed records.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/19/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
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*Washington, DC 20001*

---

*Telephone: (202) 514-3642*

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Re: Appeal No. DOJ-AP-2019-002958  
Request No. 1425726  
SRO:RNB

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Village Voice. I note that your appeal concerns the adequacy of the FBI's search.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/19/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
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Emma Best  
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411A Highland Avenue  
Somerville, MA 02144-2516  
[62964-76167173@requests.muckrock.com](mailto:62964-76167173@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002959  
Request No. 1421115  
SRO:RNB

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to a copy of file number 62-99724. I note that your appeal concerns the adequacy of the FBI's search.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/19/2019

X 

---

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Chelsie Warner, Esq.  
Aylstock, Witkin, Kreis & Overholtz, PLLC  
Suite 200  
17 East Main Street  
Pensacola, FL 32502  
[cwarner@awkolaw.com](mailto:cwarner@awkolaw.com)

Re: Appeal No. DOJ-AP-2019-006081  
Request No. 1436627-000  
CDT:PJA

**VIA: FOIAonline**

Dear Chelsie Warner:

You appealed on behalf of your client, Kelsey Hanner, from the action of the Federal Bureau of Investigation on your client's Freedom of Information Act request for access to records concerning your client. I have construed your appeal to concern the FBI's refusal to confirm or deny the existence of records concerning your client.

As a result of discussions between FBI personnel and this Office, the FBI has agreed to conduct a search for responsive records concerning your client. While the FBI properly refused to confirm or deny the existence of records responsive to your client, I note that you submitted a notarized signature or a certification of your client's identity under penalty of perjury with your appeal. If the FBI locates and determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your client's request, please contact FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If your client is dissatisfied with my action on your appeal, the FOIA permits your client to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/19/2019

X

---

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Patrick Eddington  
Cato Institute  
1000 Massachusetts Avenue NW  
Washington, DC 20001  
[peddington@cato.org](mailto:peddington@cato.org)

Re: Appeal No. DOJ-AP-2019-005578  
Request No. 1435747  
SRO:RNB

**VIA: Email**

Dear Patrick Eddington:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the Society of Professional Journalists. I note that your appeal concerns the adequacy of the FBI's search.<sup>1</sup>


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/19/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL

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<sup>1</sup> You also raise FOIA Exemption 7(A) in your appeal, but this appears to be standard language included in all of your appeals rather than a specific challenge to any material withheld from you in this request.



**U.S. Department of Justice**  
**Office of Information Policy**  
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*Telephone: (202) 514-3642*

Emma Best  
MuckRock News  
DEPT MR 63900  
411A Highland Avenue  
Somerville, MA 02144-2516  
[63900-02524798@requests.muckrock.com](mailto:63900-02524798@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002883  
Request No. 1422706  
CDT:JNW

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the Electronic Frontier Foundation. I note that your appeal concerns the adequacy of the FBI's search.

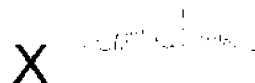
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/19/2019

X 

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Tom Secker

(b) (6)

yahoo.co.uk

Re: Appeal No. DOJ-AP-2019-003766  
Request No. 1414755  
MWH:JNW

**VIA: FOIAonline**

Dear Tom Secker:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to logs of requests the IPPAU has received for production assistance from Hollywood producers from 2014 to 2018. I note that your appeal concerns the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the

action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/20/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD





**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

William Edwards

(b) (6)

gmail.com

Re: Appeal No. DOJ-AP-2019-002229  
Request No. 1420519-000  
MWH:PJA

**VIA: FOIAonline**

Dear William Edwards:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning: (1) certain records related to the FIFA World Cup taking place in Russia; and (2) certain communications involving Christopher Steele that contain certain search terms. I note that your appeal concerns the FBI's full denial of your request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding the first subpart of your request to the FBI for additional processing. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request. As to subpart two of your request, I am affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly refused to confirm or deny the existence of records responsive to subpart two of your request. Confirming or denying the existence of such records, including law enforcement records, concerning a third-party individual would constitute a clearly unwarranted invasion of personal privacy, and could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6), (7)(C). Additionally, it is reasonably foreseeable that confirming or denying the existence of such records would harm the interests protected by these exemptions. See, e.g., People for the Ethical Treatment of Animals v. NIH, 745 F.3d 535, 544 (D.C. Cir. 2014) (upholding agency's refusal to confirm or deny existence of records that would confirm whether investigation of third party had occurred); see also Antonelli v. FBI, 721 F.2d 615, 618 (7th Cir. 1983) (finding that confirming whether third party has been

the subject of investigation would likely "constitute an invasion of that person's privacy that implicates the protections of Exemptions 6 and 7").

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/23/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Ryan N. Shapiro  
Property of the People

(b) (6)

[REDACTED]

[REDACTED]

[rshapiro@propertyofthepeople.org](mailto:rshapiro@propertyofthepeople.org)

Re: Appeal No. DOJ-AP-2019-002361  
Request No. 1211692  
CDT:JNW

**VIA: Email**

Dear Ryan Shapiro:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of certain responsive records withheld pursuant to Exemption 7(E). If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

With regard to your allegation that the FBI improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.


If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll

free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/23/2019

X 

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Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

Wesley Richard Carroll

(b) (6)

Re: Appeal No. DOJ-AP-2019-006326  
Request No. 1440736  
MWH:RNB

**VIA: U.S. Mail**

Dear Wesley Carroll:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the Second Step Act. I note that your appeal concerns the adequacy of the FBI's search.

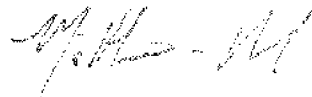
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/24/2019

X 

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Grant Smith  
Institute for Research: Middle Eastern Policy  
Calvert Station  
Post Office Box 32041  
Washington, DC 200007  
[info@irmep.org](mailto:info@irmep.org)

Re: Appeal Nos. DOJ-AP-2019-005200  
Request No. 1417848-001  
CDT:PJA

**VIA: Email**

Dear Grant Smith:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Odigo, Inc. I note that your appeal is limited to the adequacy of the FBI's search for records responsive to your FOIA request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates and determined that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/23/2019

X 

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20001*

---

*Telephone: (202) 514-3642*

Benjamin Filip Ologeanu

(b) (6)

Re: Appeal No. DOJ-AP-2019-006532  
Request No. 1440412-000  
CDT:PJA

**VIA: U.S. Mail**

Dear Benjamin Ologeanu:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/23/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI





**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Peter S. Herrick, Esq.  
Peter S. Herrick, P.A.

(b) (6)  
[REDACTED]  
[REDACTED]  
[REDACTED]@gmail.com

Re: Appeal No. DOJ-AP-2019-006804  
Request No. 1444718-000  
MWH:PJA

**VIA: Email**

Dear Peter Herrick:

You appealed on behalf of your client, (b) (6), from the action of the Federal Bureau of Investigation on your client's Freedom of Information Act request for access to records concerning your client. I note that you appeal the FBI's full denial of your client's FOIA request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your client's request to the FBI for a search for responsive records. While the FBI properly informed you that it could not process your client's request until your client submitted a notarized signature or a certification of identity under penalty of perjury, I note that your client provided such a certification with your appeal. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/24/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Emma Best  
DEPT MR 74850  
411A Highland Avenue  
Somerville, MA 02144-2516  
[74850-60753146@requests.muckrock.com](mailto:74850-60753146@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-006496  
Request No. 1439135-000  
MWH:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the actions of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Robert Cutler. I note that your appeal concerns the adequacy of the search for records responsive to your FOIA request.

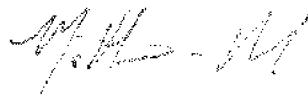
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/25/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20001*

---

*Telephone: (202) 514-3642*

Dr. Bruce E. Krell

(b) (6)

BKrell@SWArchitects.com

Re: Appeal No. DOJ-AP-2019-004239  
Request No. 1426796-000  
SRO:DRC

**VIA: FOIAonline**

Dear Bruce Krell:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning the Mississippi Burning Case Files. I note that you requested reprocessing of the records posted publicly on the FBI's Vault website.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for reprocessing of the records available on the FBI's Vault. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/25/2019

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

James G. Connell, III  
Post Office Box 141  
Cabin John, MD 20818-0414  
[jconnell@connell-law.com](mailto:jconnell@connell-law.com)

Re: Appeal No. DOJ-AP-2019-003000  
Request No. 1427123  
CDT:JNW

**VIA: Email**

Dear James Connell:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning meetings discussing the interrogation techniques employed on Abu Zubaydah between June 1, 2002 and August 30, 2002. I note that your appeal concerns the FBI's refusal to confirm or deny the existence of responsive records.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI locates and determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/26/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Jennifer Granick  
ACLU  
39 Drumm Street  
San Francisco, CA 94111  
[jgranick@aclu.org](mailto:jgranick@aclu.org)

Re: Appeal No. DOJ-AP-2019-003362  
Request No. 1418456  
CDT:DRC

**VIA: FOIAonline**

Dear Jennifer Granick:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to certain records concerning the FBI's Electronic Device Analysis Unit (EDAU). Please note that the FBI administratively divided your request into multiple request files. The subject of this appeal is limited to the portion of your request for records concerning EDAU's requests for, purchases of, or uses of technology for conducting remote searches or bypassing encryption. I note that your appeal concerns the FBI's refusal to confirm or deny the existence of records responsive to your request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing. If the FBI locates and determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at 540-868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/18/2019

X

*Christina D. Troiani*

---

Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals ...  
Signed by: CHRISTINA TROIANI



U.S. Department of Justice  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Emma Best  
MuckRock  
DEPT MR 74652  
411A Highland Avenue  
Somerville, MA 02144-2516  
[74652-85266625@requests.muckrock.com](mailto:74652-85266625@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-006342  
Request No. 1439094-000  
CDT:PJA

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning FBI File No. 9-SU-47237. I have construed your appeal to concern the withholdings made by the FBI to the previously processed records, as well as the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding, in part, your request to the FBI for a further search for responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

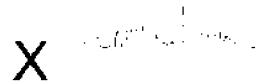
Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/26/2019

X 

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

---

*Telephone: (202) 514-3642*

Mark Anthony Crider

(b) (6)

@hotmail.com

Re: Appeal No. DOJ-AP-2019-006199  
Request No. 1438676-000  
SRO:PJA

**VIA: FOIAonline**

Dear Mark Crider:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning an Office of Professional Responsibility investigation regarding allegations of misconduct in the Milwaukee Career Boards involving you. I note that your appeal concerns the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/26/2019

X

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL





**U.S. Department of Justice**  
**Office of Information Policy**  
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*Telephone: (202) 514-3642*

Emma Best  
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[60371-00230244@requests.muckrock.com](mailto:60371-00230244@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-002049  
Request No. 1416842  
SRO:JNW

**VIA: Email**

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning John Roger Galvin. I note that your appeal concerns the adequacy of the FBI's search.


After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further review and release of records previously processed in 2018. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/26/2019

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: SEAN O'NEILL



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Margaret Sterenberg

(b) (6)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_@hotmail.com

Re: Appeal No. DOJ-AP-2019-002032  
Request No. 1365800  
CDT:JNW

**VIA: Email**

Dear Margaret Sterenberg:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

In order to provide you with the greatest possible access to responsive records, your request was reviewed under both the Privacy Act of 1974 and the FOIA. I have determined that the records responsive to your request are exempt from the access provision of the Privacy Act. See 5 U.S.C. § 552a(j)(2); see also 28 C.F.R. § 16.96 (2018). For this reason, I have reviewed your appeal under the FOIA. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities.

A portion of the information responsive to your request is classified. I am affirming the FBI's withholding of this information pursuant to 5 U.S.C. § 552(b)(1),<sup>1</sup> which protects classified information from disclosure. Additionally, if you would like to challenge the classification of these records, you may appeal to the Department of Justice's Department Review Committee (DRC) by writing to this Office. If you seek such review, the DRC will determine if this information should remain classified under Executive Order No. 13,526, and

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<sup>1</sup> Please be advised that the FBI inadvertently failed to list this exemption in its response letter to you.

will inform you if any information is declassified. Please note that seeking such review does not affect your right to pursue litigation of the Department's FOIA determination on your request.

Additionally, the FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 U.S.C. § 3024(i)(1), which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the

action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/30/2019

X 

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Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Elica Vafaie, Esq.  
C/O Fatima Ladha  
Asian Americans Advancing Justice  
Asian Law Caucus  
55 Columbus Avenue  
San Francisco, CA 94111  
[fatimal@advancingjustice-alc.org](mailto:fatimal@advancingjustice-alc.org)

Re: Appeal No. DOJ-AP-2019-001045  
Request No. 1351741  
MWH:EMY

**VIA: FOIAonline**

Dear Fatima Ladha:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to various records concerning investigations of Chinese-American scientists. I note that your appeal concerns the adequacy of the FBI's search and the withholdings made by the FBI. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 U.S.C. § 3024(i)(1), which pertains to intelligence sources and methods);

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Additionally, a portion of the information responsive to your request is classified. I am affirming the FBI's withholding of this information pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. Additionally, if you would like to challenge the classification of these records, you may appeal to the Department of Justice's Department Review Committee (DRC) by writing to this Office. If you seek such review, the DRC will determine if this information should remain classified under Executive Order No. 13,526, and will inform you if any information is declassified. Please note that seeking such review does not affect your right to pursue litigation of the Department's FOIA determination on your request.

Furthermore, I am denying your request that we itemize and justify each item of the information withheld. You are not entitled to such a listing at the administrative stage of processing FOIA requests and appeals. See, e.g., Citizens for Responsibility & Ethics in Wash. v. FEC, 711 F.3d 180, 187 n.5 (D.C. Cir. 2013).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.


If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the

action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/30/2019

X 

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Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

Telephone: (202) 514-3642

Stanley Venne

(b) (6)

gmail.com

Re: Appeal No. DOJ-AP-2019-004736  
Request No. 1436240-000  
MWH:PJA

**VIA: FOIAonline**

Dear Stanley Venne:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning (b) (6). I note that your appeal concerns the FBI's full denial of your request.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/30/2019

X

Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD





**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

Telephone: (202) 514-3642

Dr. Jared McBride

(b) (6)

Re: Appeal No. DOJ-AP-2019-002148  
Request No. 1423167  
JNW:EMY

**VIA: U.S. Mail**

Dear Jared McBride:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Mykhailo Sadowsky. I note that your appeal concerns the adequacy of the FBI's search.

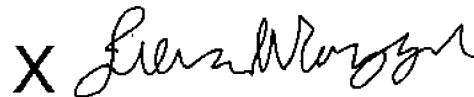
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/30/2019

X 

Jillian Warzynski, for Sean O'Neill,  
Chief, Administrative Appeals Staff  
Signed by: JILLIAN WARZYNSKI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Nicole Robitaille Brown

(b) (6)

Re: Appeal No. DOJ-AP-2019-006558  
Request No. 1438201  
CDT:RNB

**VIA: U.S. Mail**

Dear Nicole Brown:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning yourself. I note that your appeal concerns the FBI's response that it could not process your request.

As a result of discussions between FBI personnel and this Office, the FBI has agreed to conduct a search for responsive records. While the FBI properly informed you that it could not process your request until you submitted your notarized signature or a certification of your identification under penalty of perjury, I note that you have provided such a certification with your appeal. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of your request, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/30/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
*Sixth Floor*  
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*Telephone: (202) 514-3642*

Tim McMillan

(b) (6)

[tim@claibornefirm.com](mailto:tim@claibornefirm.com)

Re: Appeal No. DOJ-AP-2019-004969  
Request No. 1435404-000  
CDT:DRC

**VIA: Email**

Dear Tim McMillan:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning the Dennis Lloyd Martin. I note that your appeal concerns the FBI's withholdings.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search and for reprocessing of records withheld pursuant to Exemption 7A. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/30/2019

X

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Christina D. Troiani, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: CHRISTINA TROIANI



**U.S. Department of Justice**  
**Office of Information Policy**  
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*Telephone: (202) 514-3642*

Katherine E. Pepin, Esq.  
Rodney G. Snow, Esq.  
Clyde Snow & Sessions, P.C.  
Suite 1300  
One Utah Center – Thirteenth Floor  
201 South Main Street  
Salt Lake City, UT 84111-2216

Re: Appeal Nos. DOJ-AP-2019-005394 &  
DOJ-AP-2019-005395  
Request Nos. 1430488 & 1430491  
MWH:PJA

**VIA: U.S. Mail**

Dear Katherine Pepin:

You appealed on behalf of your clients, the Staheli family, from the actions of the Federal Bureau of Investigation on your clients' Freedom of Information Act request for access to records concerning Zora Todd Staheli and Michelle Davis Staheli. I note that your appeals concern the adequacy of the search conducted by the FBI.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your requests to the FBI for further review and processing. If the FBI determines that records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of these remanded requests or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeals, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

9/30/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
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*Telephone: (202) 514-3642*

William F. Marshall  
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425 Third Street SW  
Washington, DC 20024  
[bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org)

Re: Appeal No. DOJ-AP-2018-008519  
Request No. 1414625  
MWH:RNB

**VIA: Email**

Dear William Marshall:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Siraj Ibn Wahhaj and Abdul-Ghani Wahhaj.<sup>1</sup> I note that your appeal concerns the FBI denial in full of your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request, in part, to the FBI for a search for responsive records concerning deceased third party, Abdul-Ghani Wahhaj. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly. I am otherwise affirming, on partly modified grounds, the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. To the extent that non-public responsive records exist, disclosure of law enforcement records concerning a third-party individual would constitute a clearly unwarranted invasion of personal privacy, and could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6), (7)(C). Further, it is reasonably foreseeable that releasing any non-public records, to the extent such records exist, would harm the interests protected by these exemptions. Because any non-public records responsive to the portion of your request concerning Siraj Ibn Wahhaj would be categorically exempt from disclosure, the FBI properly asserted these exemptions and was not required to conduct a search for the

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<sup>1</sup> Please note that Request No. 1414620 concerns that aspect of your request seeking records on the Wahhaj Compound.

requested records. See, e.g., DOJ v. Reporters Committee for Freedom of the Press, 489 U.S. 749, 780 (1989) (holding "as a categorical matter" pursuant to Exemption 7(C) that release of investigatory records concerning a third party "can reasonably be expected to invade" that person's privacy and that such an invasion is unwarranted in the absence of an overriding public interest).

To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any such records because their existence is protected from disclosure pursuant to 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Further, it is reasonably foreseeable that confirming or denying an individual's placement on any government watch list would harm the interests protected by this exemption. See, e.g., Kalu v. IRS, 159 F. Supp. 3d 16, 23 (D.D.C. 2016). This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/1/2019

X 

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
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Re: Appeal No. DOJ-AP-2018-003158  
Request No. 1389297  
SRO:JKD

**VIA: FOIAonline**

Dear (b) (6)

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for certain records concerning your application for FBI employment. I note that your appeal concerns the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/22/2018

X

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: OIP