



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

June 18, 2020

Austin R. Evers
Executive Director
American Oversight
foia@americanoversight.org

**Re: FOIA Tracking No. FY19-211;
American Oversight v. Dep't of Justice, D.D.C. No. 19-cv-3540**

Dear Mr. Evers:

This letter partially responds to your September 4, 2019 Freedom of Information Act ("FOIA") request to the Office of Legal Counsel ("OLC") and others seeking "email communications . . . sent by the [listed] officials . . . containing any of the [listed] key terms." As you know, the request was assigned the tracking number FY19-211, is also the subject of the above-captioned litigation, and has been narrowed in certain ways by negotiation through counsel.

OLC has completed a search of its records and, as agreed through counsel, OLC has processed a portion of the identified responsive records. Since the last letter in this matter, OLC has processed 68 records totaling 532 pages.

We have referred 32 records totaling 312 pages to two other entities for direct response to you. We have referred 21 records totaling 225 pages to the Office of Information Policy, which may be reached as follows: Douglas Hibbard, Chief, Initial Request Staff, Office of Information Policy, Department of Justice, Suite 11050, 1425 New York Avenue, N.W., Washington, D.C. 20530, Tel: 202-514-FOIA. And we have referred 11 records totaling 87 pages to the Department of State, which may be reached as follows: U. S. Department of State, Office of Information Programs and Services, A/GIS/IPS/RL, 2201 C Street N.W., Suite B266, Washington, D.C. 20520, Tel: 202-261-8484.

We have withheld in full the remaining 36 records totaling 222 pages, pursuant to FOIA Exemption Five, 5 U.S.C. § 552(b)(5). For your information, Exemption Five exempts material protected by the attorney-client, deliberative process, and presidential communications privileges, as well as the attorney work product doctrine and other privileges. We have determined that none of the withheld material is appropriate for discretionary release. We are continuing to process responsive records.

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). 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.

Your counsel may contact Andrew Freidah of the Civil Division, Federal Programs Branch, at 202-305-0879 or at andrew.f.freidah@usdoj.gov, to discuss any aspect of your request. 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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Although your request is the subject of ongoing litigation, and administrative appeals are not ordinarily acted upon in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. You may administratively appeal by writing to the Director, Office of Information Policy ("OIP"), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 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,


for Paul P. Colborn
Special Counsel

cc: Andrew Freidah, Trial Attorney
Civil Division, Federal Programs Branch

Daniel McGrath, Counsel
American Oversight