



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

Telephone: (202) 514-3642

Austin Evers
American Oversight
Suite B255
1030 15th Street, NW
Washington, DC 20005

June 2, 2020

Re: Appeal No. A-2020-00738
Request No. EOUSA-2020-001827
DRC:JNW

foia@americanoversight.org

VIA: Online Portal

Dear Austin Evers:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your Freedom of Information Act request for access to communications between certain officials in the United States Attorney's Office for the Eastern District of Missouri and the Office of the Attorney General or the Office of the Deputy Attorney General concerning any review, evaluation, assessment, or investigation related to Michael Flynn and/or his criminal investigation and/or prosecution; and communications of certain officials in the United States Attorney's Office for the Eastern District of Missouri containing several listed terms. I note that your appeal concerns EOUSA's full denial of your request.

After carefully considering your appeal, I am affirming, on partly modified grounds, EOUSA'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. EOUSA properly withheld this information in full because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. 552(b)(7)(A) and it is reasonably foreseeable that disclosure of this information would harm the interests protected by this provision. This provision concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings. Because EOUSA properly withheld responsive records in full pursuant to Exemption 7(A), this Office did not review EOUSA's assertion of other exemptions cited in its response. Once Exemption 7(A) is no longer applicable to these records, other exemptions may still be applicable.

As to your appeal concerning the adequacy of EOUSA's search for responsive records

subject to the FOIA, I have determined that EOUSA'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 EOUSA 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 5U.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; 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,



X

Matthew Hurd,
Acting Chief, Administrative Appeals Staff