



BOARD OF GOVERNORS

March 8, 2021

Austin Evers
American Oversight
1030 15th Street NW Suite B255
Washington DC 20005-1503

RE: Freedom of Information Act Request – FOIA Case No. 2020-FRPO-01845

Dear Mr. Evers:

This is in response to your request under the Freedom of Information Act (FOIA), case number 2020-FRPO-01845 submitted on August 25, 2020. This office has been asked to respond to your request for: 1) All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between (a) the Postal Service Governors and (b) Treasury Secretary Steven Mnuchin, Deputy Chief of Staff John Baylor Myers, Deputy Chief of Staff Zac McEntee, or anyone else communicating from an email address ending in treasury.gov; and 2) All records reflecting meetings (including calendar entries, meeting notes or summaries, meeting agendas, participant lists, and any materials exchanged between parties during the meetings) between (a) the USPS Governors and (b) Treasury Secretary Steven Mnuchin, Deputy Chief of Staff John Baylor Myers, Deputy Chief of Staff Zac McEntee, or anyone else from an email address ending in treasury.gov.

The Postal Service has conducted a search for responsive documents. This search uncovered thirteen (13) pages of responsive documents, including seven (7) pages of e-mails, three (3) calendar invitations, a letter from Postal Service Board of Governors Chairman Robert M. Duncan to Secretary Mnuchin referring to a meeting in February 2020, and a summary of a call between Chairman Duncan, Postal Service Governor Roman Martinez, and Secretary of Treasury Steven Mnuchin. Redacted copies of the e-mails and calendar invitations are attached to this letter.

We are disclosing these materials to you with redactions. These redactions are made under Exemption 6 and Exemption 3. Further, the letter and call summary are being withheld in full under Exemption 5. In total, three (3) pages have been withheld in full.

Under Exemption 6, the Postal Service may withhold “personnel files and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). This exemption covers all records and information about an individual and is not limited to intimate details or highly personal information. The personal privacy interests protected under Exemption 6 include, but are not limited to, an individual’s interest in avoiding embarrassment, harassment, retaliation, annoyance or other adverse effect that would result from the public disclosure of the information pertaining to the individual. Under Exemption 6, a requester may overcome an individual’s privacy interest only if the requester shows that the requester seeks to advance a public interest and disclosure of the records will advance that public interest. The only public interest cognizable under Exemption 6 is the extent to which public disclosure of the record or information would significantly contribute to public understanding of the federal government’s operations or activities. *Id.* Under Exemption 6, even a very slight privacy interest by an individual may be enough “to outweigh a negligible or non-

UNITED STATES POSTAL SERVICE
475 L'ENFANT PLAZA SW ROOM 10300
WASHINGTON DC 20260-1000
usps.com

existent public interest." U.S. Dep't of Def. v. Fed. Labor Relations Auth., 510 U.S. 487, 497, 500 (1994).

In the attached documents, we have redacted email addresses and contact information under Exemption 6.

Exemption 3 provides that agencies may withhold records that are exempted from disclosure by another statute that "establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). We consider that 39 U.S.C. § 410(c)(2) operates independently as an exempting statute within the scope of Exemption 3.

Section 410(c)(2) of Title 39, U.S. Code, provides that "information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed" is exempt from the disclosure requirements of the FOIA. This section was enacted as part of the Postal Reorganization Act, 39 U.S.C. § 101 et seq., (1970), which established the Postal Service as an independent establishment of the executive branch and generally directed it to conduct its operations in accordance with sound business principles.

To determine what constitutes "good business practice" under § 410(c)(2), courts consider the customs of the commercial world, management techniques, and business law, as well as the standards of practice adhered to by large corporations. The Postal Service may withhold information of a commercial nature if large businesses would do the same. It would not be good business practice to release the requested information, and private businesses would not release information of this nature to the public.

Exemption 5 permits the Postal Service to withhold inter-agency or intra-agency memorandums or letters that would also be protected by a privilege in the context of civil discovery. 5 U.S.C. § 552(b)(5). The deliberative process privilege of Exemption 5 protects from disclosure records that reflect opinions, advice, recommendations, and other deliberations comprising part of a process by which federal governmental decisions and policies are formulated. *Dep't of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 8 (2001). Certain records withheld here consist of deliberations between agency officials all of which are predecisional and deliberative in nature. They have accordingly been withheld from disclosure.

If you consider this response to be a denial of your request for records, you have the right to file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 6100, Washington, D.C. 20260-1100, or via email to FOIAAppeal@usps.gov. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response to your request. The letter of appeal should include, as applicable:

- (1) A copy of the request, of any notification of denial or other action, and of any other related correspondence;
- (2) The FOIA tracking number assigned to the request;
- (3) A statement of the action, or failure to act, from which the appeal is taken;
- (4) A statement identifying the specific redactions to responsive records that the requester is challenging;
- (5) A statement of the relief sought;
- (6) A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact the FOIA Public Liaison at the Postal Service:

FOIA Public Liaison: Nancy Chavannes-Battle
Privacy and Records Office
U.S. Postal Service
475 L'Enfant Plaza SW Room 1P830
Washington, D.C. 20260-1101
Phone: 202-268-2608
Fax: 202-268-5353

In regards to the records from the United States Department of Treasury, you have the right to appeal this decision within 90 days from the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for your appeal. Please also cite the FOIA case number noted above.

Your appeal should be addressed to:

FOIA Appeal
FOIA and Transparency
Office of Privacy, Transparency, and Records
Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, D.C. 20220-0002

If you submit your appeal by mail, clearly mark the letter and the envelope with the words "Freedom of Information Act Appeal." Your appeal must be postmarked or electronically transmitted within 90 days from the date of this letter.

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:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001

Email: ogis@nara.gov | Telephone: 202-741-5770 | Toll free: 877-684-6448 | Facsimile: 202-741-5769

Sincerely,



Jennifer Selde
Senior Government Relations Liaison

Enclosures

cc: Brenda Rahe, Sr. Govt. Information Specialist

Selde, Jennifer L - Washington, DC

From: Baylor.Myers@treasury.gov
Sent: Thursday, January 16, 2020 12:25 PM
To: (b) (6)
Cc: Treasury (b) (6)@treasury.gov; Treasury (b) (6)@treasury.gov;
(b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Secretary Mnuchin Meeting with USPS Board
Categories: Responsive

Mike,

I understand you and the Secretary spoke about setting up a meeting with the USPS Board. Are we able to find time between January 28 and February 7?

Thank you and I look forward to speaking soon,

Baylor

J. Baylor Myers | o: 202-622-0987 | c: Treasury (b) (6)
Deputy Chief of Staff | U.S. Department of the Treasury
1500 Pennsylvania Ave., NW, Washington, D.C. 20220

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert <(b) (6)>
Sent: Thursday, January 23, 2020 1:28 PM
To: Elston, Michael J - Washington, DC
Subject: Accepted: Catch-Up Conversation w/ S. Mnuchin
Categories: Responsive

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Wednesday, April 22, 2020 10:19 PM
To: Elston, Michael J - Washington, DC
Subject: [EXTERNAL] Re: Clarification for Treasury

Categories: Responsive

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Mike I gave (b) (5)

Sent from my iPhone

On Apr 22, 2020, at 9:28 PM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governor Duncan,

Please see below for a message I'd like to send to (b) (6) and Baylor. (b) (5)

Michael

(b) (6) and Baylor,

Thank you again for your time yesterday (b) (5)

(b) (5)

As always if you have any questions, please do not hesitate to ask.

Best regards,
Mike

MICHAEL J. ELSTON
SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-4800

Selde, Jennifer L - Washington, DC

From: Treasury (b) (6)@treasury.gov
Sent: Thursday, April 23, 2020 11:56 AM
To: (b) (6)
Cc: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] RE: Call with Secretary Mnuchin

Categories: Responsive

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Hello Mr. Duncan! Per the below, would a call work tomorrow, Friday, Apr. 24th at 10:30am ET? If this works I will send around a dial-in. Let me know and thanks very much!

Treasury (b) (6)

Executive Assistant to the Secretary
Department of the Treasury
1500 Pennsylvania Ave., NW
Washington, DC 20220
Tel: Treasury (b) (6)
Cell: Treasury (b) (6)
email: Treasury (b) (6)@treasury.gov

From: M. -Mike- Duncan Robert (b) (6)
Date: April 22, 2020 at 4:15:45 PM EDT
To: Myers, Baylor <Baylor.Myers@treasury.gov>
Subject: RE: Call with Secretary Mnuchin

Baylor,

I should be ready by Friday. I'm available between 10 and 2.

Thanks,

Mike

From: Baylor.Myers@treasury.gov [<mailto:Baylor.Myers@treasury.gov>]
Sent: Wednesday, April 22, 2020 4:05 PM
To: M. -Mike- Duncan Robert (b) (6)
Subject: Call with Secretary Mnuchin

Mike – please let me know if Friday or Monday work best for a call with Secretary Mnuchin. Thanks!

J. BAYLOR MYERS
DEPUTY CHIEF OF STAFF

o: 202-622-0987 | c: Treasury (b) (6)

U.S. Department of the Treasury, Washington, D.C. 20220

Selde, Jennifer L - Washington, DC

Subject: FW: Conference Call - Update with USPS Board

Location: Secretary's Office/Dial-In: (b) (6)

Start: Tue 4/7/2020 2:00 PM

End: Tue 4/7/2020 2:30 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: (b) (6)

Categories: Responsive

-----Original Appointment-----

From: (b) (6)

Sent: Thursday, April 2, 2020 7:49 AM

To (b) (6); (b) (6); (b) (6); (b) (6);

Elston, Michael J - Washington, DC; (b) (6) (b) (6)

Cc: (b) (6); (b) (6); (b) (6); (b) (6)

(b) (6)

Subject: [EXTERNAL] Conference Call - Update with USPS Board

When: Tuesday, April 7, 2020 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Secretary's Office/Dial-In: (b) (6)

Dial-In: (b) (6)

Code: (b) (6)

Treasury:

Secretary Mnuchin

(b) (6)

(b) (6)

Baylor Myers

USPS Board:

Chairman Mike Duncan

Governor Roman Martinez

Michael Elston

POC: Michael J. Elston

Tel: (202) 268-4800

Email: (b) (6), (b)(3) & 410 (c)(2)

Selde, Jennifer L - Washington, DC

Subject: Phone Call with USPS Board Chairman Mike Duncan
Location: Secretary's Office/Dial-In: (b) (6)

Start: Mon 4/27/2020 10:15 AM
End: Mon 4/27/2020 10:45 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: (b) (6)

Categories: Responsive

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Dial-In: (b) (6)

STM's Leader Code: (b) (6)

Participant's Code: (b) (6)

Manifest:

-

Treasury:

Secretary Mnuchin

(b) (6)

(b) (6)

Baylor Myers

USPS Board:

Chairman Mike Duncan

From: Roman Martinez IV
Sent: Monday, April 27, 2020 2:19 PM
To: Treasury (b) (6) @treasury.gov
Subject: RE: Phone Call Availability

All set. Thanks.

From: Treasury (b) (6) @treasury.gov
Sent: Monday, April 27, 2020 2:06 PM
To: Roman Martinez IV <(b) (6)>
Subject: RE: Phone Call Availability

That is correct!

Please let me know if I can be of any further assistance.

Best,

Treasury (b) (6) | o: (202) 622-5102 | c: Treasury (b) (6) | Treasury (b) (6) @treasury.gov
Special Assistant | Office of the Chief of Staff | U.S. Department of the Treasury
1500 Pennsylvania Ave. NW, Washington, D.C. 20220

From: Roman Martinez IV <(b) (6)>
Sent: Monday, April 27, 2020 2:04 PM
To: Treasury (b) (6) <Treasury (b) (6) @treasury.gov>
Subject: Re: Phone Call Availability

**** Caution:** External email. Pay attention to suspicious links and attachments. Send suspicious email to suspect@treasury.gov **

Thank you. To confirm, the call is at 3:30 pm.

Sent from my iPhone

On Apr 27, 2020, at 1:09 PM, "Treasury (b) (6) <[Treasury \(b\) \(6\)@treasury.gov](mailto:Treasury (b) (6)@treasury.gov)>" <[Treasury \(b\) \(6\)@treasury.gov](mailto:Treasury (b) (6)@treasury.gov)> wrote:

Roman,

Please see below for dial-in information for this afternoon's call.

DIAL-IN

Number: (b) (6)

Participant PIN: (b) (6)

Thank you!

Best,

Treasury (b) (6) | o: (202) 622-5102 | c: Treasury (b) (6) | Treasury (b) (6)@treasury.gov
Special Assistant | Office of the Chief of Staff | U.S. Department of the Treasury
1500 Pennsylvania Ave. NW, Washington, D.C. 20220

From: Roman Martinez IV <(b) (6)>
Sent: Monday, April 27, 2020 11:19 AM
To: Treasury (b) (6) <[Treasury \(b\) \(6\)@treasury.gov](mailto:Treasury (b) (6)@treasury.gov)>
Subject: RE: Phone Call Availability

**** Caution:** External email. Pay attention to suspicious links and attachments. Send suspicious email to suspect@treasury.gov **

Yes. Would look forward to it.

From: Treasury (b) (6)@treasury.gov
Sent: Monday, April 27, 2020 10:52 AM
To: Roman Martinez IV <(b) (6)>
Subject: Phone Call Availability

Hello Mr. Martinez,

Do you have availability at 3:30 p.m. for a phone call with Treasury Deputy Chief of Staff Baylor Myers, John Barger, and Assistant Secretary (b) (6) ?

Best,

Treasury (b) (6) | o: (202) 622-5102 | c: Treasury (b) (6) | Treasury (b) (6)@treasury.gov
Special Assistant | Office of the Chief of Staff | U.S. Department of the Treasury
1500 Pennsylvania Ave. NW, Washington, D.C. 20220