



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
1212.1-DOI-OS-2021-000878

February 16, 2021

Via email: foia@americanoversight.org

Austin R. Evers
Executive Director
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Dear Mr. Evers:

The Office of the Secretary FOIA office received your Freedom of Information Act (FOIA) request, dated November 23, 2020, on November 23, 2020 and assigned it control number **DOI-OS-2021-000878**. Please cite this number in any future communications with our office regarding your request.

Your request seeks the following:

1. All records reflecting leave taken by adviser Thomas Baptiste, including but not limited to the type of leave taken and dates requested and granted off. Examples of responsive records may include—but should not be limited to—time and attendance information as well as any requests for extended leave or leave without pay.

From October 1, 2020, through November 18, 2020.

2. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by adviser Thomas Baptiste containing any of the following key terms:
 - a. “Voter Integrity Fund”
 - b. VIF
 - c. “election fraud”
 - d. “election integrity”
 - e. “ballot fraud”
 - f. “vote fraud”
 - g. “voter fraud”
 - h. MAGA
 - i. “Keep America Great”
 - j. KAG

- k. “Trump campaign”
- l. Braynard
- m. Rigged
- n. GiveSendGo

From August 30, 2020, through November 18, 2020.

On December 7, 2020, we acknowledged your request, classified you as an “other user” requester, granted your fee waiver, and placed your request into the Normal processing track.

On December 22, 2020, we informed you of our need for a 10-day extension to search and collect records.

On January 8, 2021, we informed you of our continued effort to make a determination of your request.

Response

We are writing to respond to your request on behalf of the Office of the Secretary.

We have enclosed our first and final response to your FOIA request. This partial grant contains an email communication providing the leave data contained in our Federal Personnel Payroll System for Mr. Thomas Baptiste.

Although it is not required that an agency create records, we have determined it would be less burdensome to the agency, more transparent to you, and would not create any additional processing costs to create this responsive record for item 1 of your request. *See 383 DM HB 53, 4.4 (B) (1-3).*

We have enclosed one (1) electronic file consisting of **one (1) page**, which is being released to you in part. Portions of this material are being withheld under the following FOIA Exemption:

Exemption 6

Exemption 6 allows an agency to withhold “personnel 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). We are withholding **one (1) page** in part under Exemption 6.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed

against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of leave type and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

We reasonably foresee disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

In response to item 2, we performed a thorough search of our files, and it has been determined that the Office of the Secretary did not locate records responsive to this portion of your request.

Jeffrey Scott, Attorney- Advisor with the Office of the Solicitor, was consulted in reaching this decision. Chloe Waugh, Government Information Specialist, Office of the Secretary FOIA Office, is responsible for this partial denial.

Appeals

You may appeal this decision to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final letter responding to your FOIA request.

Appeals arriving or delivered after 5 PM Eastern Time, Monday through Friday, will be deemed received on the next workday. **Your appeal must be made in writing** and addressed to:

Attn: FOIA/Privacy Act Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS6556 MIB
Washington, D.C. 20240

Fax: 202-208-6677

E-mail: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the response letter. You must also include, in as much detail as possible, an explanation of why you believe the Office of the Secretary's response was in error. Failure to include this documentation

with your appeal will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Officer determines (in her sole discretion) that good cause exists to accept the defective appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." The appeal should include your name, mailing address, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available) in case the Department needs additional information or clarification. For more information on FOIA administrative appeals, including how the Department will respond to your appeal, please refer to Subpart H of the Department's FOIA regulations, 43 C.F.R. § 2.57-§ 2.64.

Fees

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. (see 43 C.F.R. § 2.37(g)). Therefore, there is no billable fee for the processing of this request.

Conclusion

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 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.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer 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. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

The National Archives and Records Administration
Office of Government Information Services
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact Chloe Waugh by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240.

Additionally, contact information for the Department's FOIA Requester Centers and FOIA Public Liaison is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

CHLOE WAUGH

Digitally signed by
CHLOE WAUGH
Date: 2021.02.16
15:02:31 -05'00'

Chloe Waugh
Office of the Secretary
FOIA Office

Electronic enclosure

Re: Search Request - DOI-OS-2021-000878

Crespo, Rachael L <Rachael.Crespo@bsee.gov>

Thu 12/3/2020 1:36 PM

To: Tschida, Jackie S <Jackie.Tschida@bsee.gov>

Hi Jackie,

It ended up being easier to just go in to FPPS. Here is the information they are requesting:

Date	(b) (6)	(b) (6)
10/20/2020	8	
11/2/2020	8	
11/3/2020	8	
11/4/2020	7.5hrs	
11/10/2020	8	
11/12/2020	8	
11/13/2020	8	
11/16/2020	5	3
11/17/2020	4	4
11/18/2020	6	2

Rachael Crespo
Benefits & Support Branch
Office: 703-787-1478
Fax: 703-787-1447

From: Tschida, Jackie S <Jackie.Tschida@bsee.gov>

Sent: Thursday, December 3, 2020 9:50 AM

To: Crespo, Rachael L <Rachael.Crespo@bsee.gov>

Subject: Re: Search Request - DOI-OS-2021-000878

Hi Rachael.

I wanted to follow up on this FOIA.

Thank you,

Jacquelyn (Jackie) Tschida
Budget Analyst
Human Resources Division
45600 Woodland Road
Sterling, VA 20166
703-787-1160

From: Tschida, Jackie S <Jackie.Tschida@bsee.gov>

Sent: Monday, November 30, 2020 8:50 AM