



United States
Department of
Agriculture

Office of the General Counsel
1400 Independence Ave. SW
Washington, DC 20250-1400

December 23, 2019

Delivered via Electronic Mail

Hart Wood
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: Final Response for Freedom of Information Act (FOIA) Request No. 2019 DA-06466-F

Dear Mr. Wood:

This is the Departmental FOIA Office's (DFO) final response to the above-referenced FOIA request, which sought:

All email communications (including emails, email attachments, and calendar invitations) regardless of subject matter sent by (a) any of the employees listed in Column A [of table included in the request letter] to (b) any of the individuals or entities listed in Column B [of table included in the request letter], including but not limited to at the email addresses and domains specified[.]

The request further identified various responsiveness parameters, as follows:

- “for communications with all entities in column B except Tim Murtaugh, Linda McMahon, Stefan Passantino, and Nick Ayers from June 1, 2018 to the date the search is conducted.”
- “for communications with Nick Ayers outside of his tenure at the White House from February 19, 2019 to the date the search is conducted.”
- “for communications with Stefan Passantino outside of his tenure at The White House from August 31, 2019 to the date the search is conducted.”
- “for communications with Tim Murtaugh outside of his tenure at USDA from February 23, 2019, to the date the search is conducted.”
- “for communications with Linda McMahon outside of her tenure at SBA from April 13, 2019, to the date the search is conducted.”

On September 10, 2019, the request was partially routed to the Office of the General Counsel (OGC), Rural Development (RD), and the Farm Service Agency (FSA) for separate processing and direct response to you regarding the parts of the request pertaining to their respective employees. You will be receiving separate responses directly from the OGC, RD, and FSA for their portions of the request.

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On October 4, 2019, the DFO provided you an interim response. Please note a correction to information provided in the interim response letter regarding the search efforts. It incorrectly stated that the email accounts associated with Linda McMahon, Stefan Passantino, and Nick Ayers were searched. The email accounts that were searched were those associated with the following employees identified under Column A of the table included in the request: Sonny Perdue, Hailey Ghee, Lauren Sullivan, Ray Starling, Carly Miller, Michawn Rich, Tim Murtaugh, and Brian Klippenstein. These email accounts were searched for responsive correspondence with Linda McMahon, Stefan Passantino, and Nick Ayers, pursuant to the information provided for them under Column B of the request and the specific responsiveness time frames for each.

Your request was processed under the FOIA, 5 U.S.C. § 552.

Searches for responsive records were conducted by the DFO's telecommunications provider, the Client Experience Center (CEC). The CEC provides comprehensive, fee-for-service information technology (IT) associated operations, security, and technical support services to USDA end users, as well as implements and manages enterprise IT solutions for users Department-wide. The Outlook accounts associated with Sonny Perdue, Hailey Ghee, Lauren Sullivan, Ray Starling, Carly Miller, Michawn Rich, Tim Murtaugh, and Brian Klippenstein were searched for responsive communications with the individuals and entities identified under Column B of the table included in the request. A search was also conducted for email communications between these individuals and Tim Murtaugh outside of his tenure at USDA since February 23, 2019. The cutoff date for all responsive records is October 4, 2019. Responsive records totaling one (1) page were identified.

Following a review of the responsive records, the DFO has determined that certain information contained therein should be withheld pursuant to 5 U.S.C. §552(b)(6) (FOIA Exemption 6). Below is an explanation of the information that has been withheld.

FOIA Exemption 6

Exemption 6 generally is referred to as the "personal privacy" exemption. It provides that the disclosure requirements of FOIA do not apply to "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Application of the exemption involves balancing the public's interest in disclosure against individuals' privacy interests.

The information withheld under Exemption 6 consists of a personal email address and cell phone number. This information qualifies as "similar files" because it is information in which individuals have a privacy interest. Releasing this information could subject the individuals to unwarranted or unsolicited communications, even harassment, and would reveal little about the operations or activities of the Government. Because there are viable privacy interests that would be threatened by disclosure, Exemption 6 authorizes this office to withhold this information. Accordingly, we have determined that the public interest in the information's release does not outweigh the overriding privacy interests in keeping it confidential.

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You may appeal this response by email at USDAFOIA@usda.gov, or by mail to Inga Bumbarly-Langston, Deputy General Counsel, Room 101-W, Jamie L. Whitten Federal Building, U.S. Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-0103. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The OGC will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above, a copy of the original request, the DFO's response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." You should also reference FOIA No. 2019-DA-06466-F.

You may seek dispute resolution services from the DFO's FOIA Public Liaison, Ms. Camille Aponte. Ms. Aponte may be contacted by telephone at 202-690-5260, or electronically at Camille.Aponte@usda.gov or USDAFOIA@usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://ogis.archives.gov/mediation-program/request-assistance.htm> for information about how to request OGIS assistance in relation to a FOIA request.

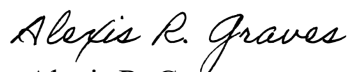
Provisions of the FOIA allow us to recover part of the cost of processing your request. In this instance, no fees will be charged.

If you have any questions regarding the processing of this request, please contact Ms. Camille Aponte at (202) 694-5260, or electronically at Camille.Aponte@usda.gov or USDAFOIA@usda.gov.

For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dm.usda.gov/foia.

The DFO appreciates the opportunity to assist you with this matter.

Sincerely,



Alexis R. Graves
Departmental FOIA Officer
Office of the General Counsel

Enclosure: Responsive Records (1 page)

From: (b) (6)
To: hailey.ghee@usda.gov
Subject: Hey There
Date: Wednesday, April 10, 2019 6:22:25 PM

How's it going? Hope you are well.

Can you give me a call?

(b) (6)

Tim Murtaugh