



Office of Inspector General
United States Department of State

October 19, 2020

Melanie Sloan
American Oversight
1030 15th Street NW
Washington, DC 20005

SUBJECT: OIG Freedom of Information Act Request No. 2019-111

Dear Ms. Sloan:

This responds to your Freedom of Information Act (FOIA) request dated September 30, 2019 addressed to the Department of State (DOS) Office of Inspector General (OIG). You have requested:

"All email communications (email messages, email attachments, calendar invitations, and attachments thereto) sent or received by Inspector General Steve Linick regarding any potential or submitted whistleblower complaints involving allegations that concern the conduct of Secretary Mike Pompeo."

Your request was received in this office on October 3, 2019. Your request given the FOIA Case 2019-111.

FOIA 2019-111:

In response to this request we conducted a search/searches of the OIG's Office(s) of Investigations, Evaluation and Special Projects Office of Investigations, Office of General Counsel, and the Front Office (which DOJ counsel has previously explained to you is an unclassified email account). We processed 500 potentially responsive records and identified 14 records (35 pages) responsive to your request. We reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. Based on that review, this office is providing the following:

14 records(s) are released in part.

OIG redacted from the enclosed documents, names and identifying information of third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemptions (b)(3), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C) of the FOIA.

Exemption 3, 5 U.S.C. § 552(b)(3)

Exemption 3 protects “information specifically exempted from disclosure by another statute.” 5 U.S.C. § 552 (b)(3). In this instance 18 U.S. Code § 3521, exempts from disclosure whistleblower information. Accordingly, DOS-OIG is withholding protected information.

Exemption 5, 5 U.S.C. § 552(b)(5)

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). DOS-OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “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) (emphasis added). DOS-OIG is invoking Exemption 6 to the names of lower level investigative staff, third parties, subjects and any information that could reasonably be expected to identify such individuals.

Exemption 7(A), 5 U.S.C. § 552(b)(7)(A)

Exemption 7(A) authorizes the withholding of “records or information compiled for law enforcement purposes . . . to the extent that production of such law enforcement records or information . . . could reasonably be expected to interfere with enforcement proceedings.” 5 U.S.C. § 552 (b)(7)(A). DOS-OIG is invoking Exemption 7(A) to protect information pertaining to ongoing investigations including ongoing proceedings.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DOS-OIG is invoking Exemption 7(C) to protect the names of lower level investigative staff, third parties, subjects and any information

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contained in these investigative records that could reasonably be expected to identify those individuals.

Appeal

FOR REQUESTS IN LITIGATION:

Although I am aware that your request is the subject of ongoing litigation and appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal.¹ If you choose to file an administrative appeal it must be received within 90 days of the date of this response. Please address any appeal to:

Appeals Officer
Appeals Review Panel
Office of Information Programs and Services
U.S. Department of State
State Annex 2 (SA-2)
515 22nd Street, NW
Washington, DC 20522-8100
Facsimile: 202-261-8571

Both the envelope and letter of appeal should be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter should also clearly identify the DOS-OIG's response. Additional information on submitting an appeal is set forth in the DOS regulations at 22 C.F.R. § 171.13.

Assistance and Dispute Resolution Services

For further assistance and to discuss any aspect of your request you may contact DOS-OIG's FOIA Public Liaison at:

FOIA Officer
Office of General Counsel
Office of Inspector General
U.S. Department of State
1700 North Moore Street
Suite 1400

¹ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. 5 U.S.C. 552(c) (2006 & Supp. IV 2010). 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.

Arlington, VA 22209

foia@stateoig.gov

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, 8601 Adelphi Road-OGIS, 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.

Sincerely,

William Baron

William Baron
Government Information Specialist

Enclosure(s)
2019-111 10.19 interim response

(b) (5) for Today.htm

From: (b) (6)

Sent: (b) (3) (B), (b) (6)

To: (b) (6) Steve Linick

Subject: (b) (5) for Today

Attachments: (b) (5)

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(b) (6) Weekly Meeting Agenda: (b) (3) (B), (b) (6)

Ongoing work

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Sent: (b) (3) (B), (b) (6)

To: Steve Linick; (b) (6)

Subject: RE: (b) (5)

Attachments: (b) (5)

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From: (b) (6)

Sent: (b) (3) (B), (b) (6)

To: (b) (5) Steve Linick; (b) (5)

Subject: (b) (5)

When: (b) (3) (B), (b) (6) Eastern Time (US & Canada).

Where: IG's Office

[Join Microsoft Teams Meeting](#)

(b) (6) United States, Arlington (Toll)

Conference ID: (b) (6)

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

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(b) (6) Weekly Meeting Agenda: (b) (3) (B), (b) (6)

Ongoing work

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From: (b) (6)
Sent: (b) (5)
To: Steve Linick; (b) (6)
Subject: RE: (b) (5)
Attachments: (b) (5)

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From: (b) (6)
Sent: (b) (3) (B), (b) (6)
To: (b) (5) Steve Linick; (b) (5)
Subject: (b) (5)
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Where: IG's Office

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From: (b) (6)

Sent: (b) (3) (B), (b) (6)

To: Steve Linick

CC: (b) (6)

Subject: RE: (b) (5)

Attachments: (b) (5)

Here's the (b) (5) for today. Can you please call me at (b) (6)

Thanks,

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From: Steve Linick (b) (6)

Sent: (b) (3) (B), (b) (6)

To: Steve Linick; (b) (5)

Cc: (b) (6)

Subject: (b) (5)

When: (b) (3) (B) (b) (6) Eastern Time (US & Canada).

Where: IG office

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(b) (6) Weekly Meeting Agenda: (b) (3) (B), (b) (6)

Ongoing work

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Sent: (b) (3) (B), (b) (6)
To: Steve Linick; (b) (6)
Subject: RE: (b) (5)
Attachments: (b) (5)

Today's (b) (5)

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From: (b) (6)
Sent: (b) (3) (B), (b) (6)
To: (b) (5) ; Steve Linick; (b) (5)
Subject: (b) (5)
When: (b) (3) (B), (b) (6) Eastern Time (US & Canada).
Where: IG's Office

[Join Microsoft Teams Meeting](#)

(b) (6) United States, Arlington (Toll)

Conference ID: (b) (6)

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

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(b) (6) Weekly Meeting Agenda: (b) (3) (B), (b) (6)

Ongoing work

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From: (b) (6)

Sent: (b) (3) (B), (b) (6)

To: Steve Linick;(b) (6)

Subject: RE: (b) (5)

Attachments: (b) (5)

Here's my (b) (5) for today. Not much new, (b) (5)

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From: (b) (6)

Sent: (b) (3) (B), (b) (6)

To: (b) (5) Steve Linick; (b) (5)

Subject: (b) (5)

When: (b) (3) (B), (b) (6) Eastern Time (US & Canada).

Where: IG's Office

The change is for (b) (5)

Thanks,(b) (6)

[Join Microsoft Teams Meeting](#)

(b) (6) United States, Arlington (Toll)

Conference ID: (b) (6)

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

(b) (5)

(b) (6) Weekly Meeting Agenda: (b) (3) (B), (b) (6)

Ongoing work

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- 4) (b) (5)
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Today's (b) (5) .htm

From: (b) (6)

Sent: (b) (3) (B), (b) (6)

To: (b) (6) ; Steve Linick

Subject: Today's (b) (5)

Attachments: (b) (5)

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(b) (6) Weekly Meeting Agenda: (b) (3) (B), (b) (6)

Ongoing work

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