



Office of Inspector General United States Department of State

March 17, 2021

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

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

This is the final response to your Freedom of Information Act Request dated September 30, 2019 addressed to the Department of State (DOS) Office of Inspector General (OIG) seeking:

“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 was given the FOIA Case number of 2019-111. DOS OIG previously made six interim releases to you on August 17, 2020, September 17, 2020, October 17, 2020, November 17, 2020, December 16, 2020, January 22, 2021, and February 18, 2021.

FOIA 2019-111:

For the final response, DOS OIG searched the OIG’s Office of Investigations, Office of Evaluation and Special Projects, Office of General Counsel, and the Front Office (which, as previously discussed by DOJ Counsel, is an unclassified email account). Those searches identified 1 record (5 pages) responsive to your request. We reviewed the responsive record under the FOIA to determine whether it may be disclosed to you. Based on that review, this office is withholding the record in full.

DOS OIG is withholding the enclosed document pursuant to Exemptions b(3), b(6), b(5), and b(7)(D) due to the inability to segregate any releasable information.

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)(b). In this instance Section 7 of The Inspector General Act of 1978, as

Office of Inspector General | U.S. Department of State | 1700 North Moore Street | Arlington, Virginia 22209
www.stateoig.gov
UNCLASSIFIED

amended and 41 U.S.C. 4712(b)(3) exempt from disclosure identifying information related to complaints without the individual's consent. Accordingly, DOS OIG is withholding names of complainants and witnesses.

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). As this information relates to non-final DOS-OIG work product that cannot be segregated, 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). DOSOIG 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(D), 5 U.S.C. § 552(b)(7)(D)

Exemption 7(D) protects records or information compiled for law enforcement purposes, the release of which could reasonably be expected to disclose the identities of confidential sources. 5 U.S.C. § 552(b)(7)(D). DOS-OIG is invoking Exemption 7(D) to protect information that could reasonably be expected to identify confidential informants and information furnished by those individuals.

Appeal

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 DOSOIG'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 DOSOIG'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
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,

/s/ Jillian M. Clouse

Jillian M. Clouse
Assistant Counsel to the Inspector General

Enclosure