

U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

December 16, 2020

Austin R. Evers
Executive Director
American Oversight
foia@americanoversight.org

**Re: FOIA Tracking No. FY21-002;
American Oversight v. Dep't of Justice, 19-cv-3540 (D.D.C.)**

Dear Mr. Evers:

This letter responds to your October 4, 2019 Freedom of Information Act ("FOIA") request to the Department of Justice's Criminal Division ("CRM"), in which you sought three categories of records related to "whether and to what extent the political interests of the president have influenced the administration's policies and actions in Ukraine." In processing your request, CRM referred one document to the Office of Legal Counsel ("OLC") for our direct response to you. We received the referral on October 2, 2020, and it was assigned tracking number **FY21-002**. As you know, the request also the subject of the above-captioned litigation. Pursuant to 28 C.F.R. § 16.5(b), your request was processed in the simple track.

We are enclosing the referred document with redactions made pursuant to FOIA Exemption Six, 5 U.S.C. § 552(b)(6), because disclosure of the redacted material would constitute a clearly unwarranted invasion of personal privacy; and pursuant to FOIA Exemption Seven, § 552(b)(7)(C), because disclosure of the material could reasonably be expected to constitute an unwarranted invasion of personal privacy and the material is contained in records compiled for law enforcement purposes.

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 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.

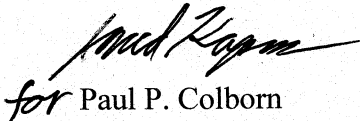
For any further assistance and to discuss any aspect of your request, you may contact Melissa Golden, OLC's FOIA Public Liaison, at usdoj-officeoflegalcounsel@usdoj.gov, (202) 514-2053, or at Office of Legal Counsel, United States Department of Justice, 950 Pennsylvania Ave., N.W., Room 5511, Washington, DC 20530.

Your counsel may contact Andrew Freidah of the Civil Division, Federal Programs Branch, at 202-305-0879 or at andrew.f.freidah@usdoj.gov, to discuss any aspect of your

request. 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, Room 2510, 8601 Adelphi Road, 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.

Although your request is the subject of ongoing litigation, and administrative appeals are not ordinarily acted upon in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. You may administratively appeal by writing to the Director, Office of Information Policy (“OIP”), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”

Sincerely,


for Paul P. Colborn
Special Counsel

Enclosure

cc: Andrew Freidah, Trial Attorney
Civil Division, Federal Programs Branch

Daniel McGrath, Counsel
American Oversight

Benczkowski, Brian (CRM)

From: Engel, Steven A. (OLC)
Sent: Monday, September 2, 2019 1:34 PM
To: Benczkowski, Brian (CRM)
Cc: Whitaker, Henry C. (OLC)
Subject: Re: OLC draft opinion

Yes.

On Sep 2, 2019, at 1:11 PM, Benczkowski, Brian (CRM) <(b) (6), (b) (7)(C) Per CRM@crm.usdoj.gov> wrote:

If you are still in, would you mind sending a copy to K Driscoll's high side account? Thx. b

Brian A. Benczkowski
Assistant Attorney General
Criminal Division
United States Department of Justice
P: (b) (6), (b) (7)(C) Per CRM

On Sep 2, 2019, at 12:05 PM, Engel, Steven A. (OLC) <(b) (6)> wrote:

I will shortly circulate to you on the high-side a draft OLC opinion. Defer to you whether and when you want to review. While we'll need to sign it tomorrow, it is can probably fine for you review tomorrow morning.