United States Department of State

Washington, D.C. 20520

August 15, 2022

Case No. F-2022-04927/FL-2022-00052

Carrie DeCell
Knight First Amendment Institute
At Columbia University
475 Riverside Dr., Suite 302
New York, NY 10115

Dear Ms. DeCell:

This letter is in response to your request dated February 15, 2022, under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The Department of State has completed processing Part 1 of your request. We have located one record responsive to Part 1 and determined that the document must be withheld in full pursuant to FOIA Exemptions 1, 5, and 7(E), 5 U.S.C. § 552(b)(1), (b)(5), and (b)(7)(E).

The Department has begun processing Part 2 of your request and thus far located 4 responsive records. Upon review, we have determined that all four records must be withheld in full pursuant to FOIA Exemption 5, 5 U.S.C. § 552(b)(5).

An enclosure explains the FOIA exemptions and other grounds for withholding material.

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. To the extent another agency asserts that it can neither confirm nor deny the existence of certain records, the Department of State will similarly take the position that it neither confirms nor denies the existence of those records.

The processing of your request is ongoing. If you have any questions, your attorney may contact Assistant United States Attorney Samuel Dolinger at Samuel.Dolinger@usdoj.gov or 212-637-2677. Please refer to the case number, FL-2022-00052 and the civil action number, 1:22-cv-03003, in all correspondence about this case.

Sincerely,

Jeanne Miller
Chief, Programs and Policies Division
Office of Information Programs and Services

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester