



Office of Inspector General
United States Department of State

February 21, 2024

SENT VIA EMAIL TO: nsus@citizensforethics.org

Mr. Nikhel Sus
Citizens for Responsibility and Ethics (CREW)
Washington, D.C.

Subject: Department of State Office of Inspector General Freedom of Information Act Request
No. 2020-F-123 Final Response
Department of State FOIA Request No. F-2020-06482

Dear Nikhel Sus:

This responds to your Freedom of Information Act (FOIA) request to the Department of State (DoS), dated June 26, 2020. You seek communications sent to, copied to, or received by Stephen Akard between 1/3/2019 and 9/28/2020 regarding requests for documents or testimony as specified in the request, and related to CREW's complaint to the Department's Office of Inspector General to review Department practices related to congressional oversight responses (copy enclosed for reference). DoS referred a portion of your request to the DoS Office of Inspector General (OIG) for processing and direct response to you. DOS-OIG received that referral on September 28, 2020.

In response to your request, we conducted a search of the OIG's Front Office. That search identified 20 pages of records 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:

3 page(s) are released in full;
11 page(s) are released in part;
6 page(s) are withheld in full.

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 5 and 6 of the FOIA further discussed below.

Exemption 5, 5 U.S.C. § 552(b)(5)

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters that 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 and attorney client privileges 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 protect third parties, the names of lower level staff, and staff email addresses and phone numbers.

Appeal

You have the right to appeal this response.¹ Your appeal must be received within 90 calendar days of the date of this letter. Please address any appeal to:

Appeals Officer
Office of Information Programs and Services (A/GIS/IPS)
U.S. Department of State
2201 C Street NW
Washington, DC 20520
Facsimile: 202-485-1718
Email: FOIAAppeals@state.gov

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

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.

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,

Abigail Sebastian
Associate General Counsel

Enclosure(s)

From: Diana Shaw
Sent: Fri, 19 Jun 2020 13:50:35 +0000
To: Stephen Akard
Subject: FW: CREW article and letter to Acting IG
Attachments: Letter to CLC from OIG.pdf

FYSA



Diana R. Shaw
Deputy Inspector General
U.S. Department of State, Office of Inspector General

T: (571) 348-(b)(6)

(b)(6)

From: Sarah Breen (b)(6)@stateoig.gov>
Sent: Friday, June 19, 2020 8:00 AM
To: Diana Shaw (b)(6)@stateoig.gov>; Jill Baisinger (b)(6)@stateoig.gov>
Cc: Ryan Holden (b)(6)@stateoig.gov>
Subject: RE: CREW article and letter to Acting IG

Attached is an example of an acknowledgment letter we sent to the Campaign Legal Center.

(b)(5) Deliberative Process

(b)(5) Deliberative Process

Thanks!
Sarah

From: Diana Shaw (b)(6)@stateoig.gov>
Sent: Thursday, June 18, 2020 5:29 PM
To: Sarah Breen (b)(6)@stateoig.gov>; Jill Baisinger (b)(6)@stateoig.gov>
Cc: Ryan Holden (b)(6)@stateoig.gov>
Subject: RE: CREW article and letter to Acting IG

How do we normally handle requests from advocacy groups like this?



Diana R. Shaw
Deputy Inspector General
U.S. Department of State, Office of Inspector General

T: (571) 348-(b)(6)

(b)(6)

From: Sarah Breen (b)(6)@stateoig.gov>
Sent: Thursday, June 18, 2020 10:07 AM
To: Diana Shaw (b)(6)@stateoig.gov>; Jill Baisinger (b)(6)@stateoig.gov>
Cc: Ryan Holden (b)(6)@stateoig.gov>
Subject: CREW article and letter to Acting IG

FYI - <https://www.citizensforethics.org/press-release/state-department-politicized-records-requests/>

The letter is attached.

FOR IMMEDIATE RELEASE

June 18, 2020

CONTACT: Jenna Grande

203-815-2160 jgrande@citizensforethics.org

CREW COMPLAINT: INVESTIGATE STATE DEPARTMENT FOR POLITICIZED RESPONSES

Washington—The State Department’s Office of Inspector General (OIG) should investigate allegations that the Department is improperly politicizing its approach to high-profile congressional investigations and stonewalling oversight requests from Democratic congressional committee chairs, according to a complaint sent today by Citizens for Responsibility and Ethics in Washington (CREW). Withholding information and testimony from committee chairs based on party affiliation would violate federal law as well as Executive Branch policies.

There is evidence to suggest that the State Department has failed to provide documents, information, and witness testimony in response to requests from Democratic committee chairs with direct legislative authority over the agency. At the same time, the State Department readily complied with requests from Republican committee chairs investigating President Trump’s political rival. The Department voluntarily cooperated with document requests from Republican Senate chairs regarding former Vice President Joe Biden, his son Hunter Biden, and Burisma, while

refusing to comply with numerous requests from Chairman Engel for information and testimony about alleged corruption by President Trump and officials in his administration.

“By selectively complying with requests for materials and documents and refusing others, apparently along partisan lines, the State Department impedes Congress’s ability to conduct oversight, which is a crucial check on executive power,” said CREW Executive Director Noah Bookbinder. “State Department resources should not be used to further the President’s political rivalries or protect his political fortunes.”

The Executive Branch has a longstanding policy to comply with requests for documents and other related materials from congressional committees, subcommittees, or chairpersons who are constitutionally authorized to conduct such oversight. The State Department’s noncompliance with Democratic chairs’ requests appears to violate executive branch policy requiring agencies to accommodate requests from committee chairs regardless of party. Such actions also likely violate federal law prohibiting the use of appropriated funds to “pay the salary of any federal official who prohibits or prevents another federal employee from communicating with Congress.”

“Transparent and timely congressional oversight is essential to holding those in positions of power accountable for their actions, and it only works if agencies comply with congressional requests. Without this crucial piece of our system of checks and balances, government agencies run the risk of aiding and abetting improper behavior motivated by political agendas,” said Bookbinder.

[Click here to view the complaint.](#)

Sarah S. Breen
Communications Director
Office of Inspector General | U.S. Department of State

571-348-(b)(6)





Office of Inspector General
United States Department of State

November 18, 2019

Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, DC 20005

Dear

(b)(6)

Thank you for your letter dated November 8, 2019. We appreciate your interest and will review your request. Please note that, in deciding whether to pursue work, we assess several factors, including resources, competing priorities, jurisdictional considerations, and the public interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Breen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sarah Breen
Communications Director
Office of Inspector General | U.S. Department of State

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Withheld pursuant to exemption

(b)(5) Attorney-Client

of the Freedom of Information

Page 08 of 27

Withheld pursuant to exemption

(b)(5) Attorney-Client

of the Freedom of Information

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Withheld pursuant to exemption

(b)(5) Attorney-Client

of the Freedom of Information

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(b)(5) Attorney-Client

of the Freedom of Information

Page 11 of 27
Withheld pursuant to exemption
(b)(5) Attorney-Client
of the Freedom of Information

Page 12 of 27

Withheld pursuant to exemption

(b)(5) Attorney-Client

of the Freedom of Information

From: Kevin Donohue
Sent: Thu, 21 May 2020 20:30:45 +0000

To: Stephen Akard; (b)(6)

(b)(6) Arne Baker; (b)(6) Lisa Rodely; Sandra Lewis; (b)(6) Kathryn McMahon;
(b)(6) Laura Shane

Cc: Ryan Holden; Jill Baisinger

Subject: (b)(5) Attorney-Client

Attachments:

(b)(5) Attorney-Client

Thanks,
Kevin

Kevin S. Donohue
Acting General Counsel
United States Department of State
Office of the Inspector General
1700 North Moore Street
Suite 800, SA-39
Arlington, VA 22309
(b)(6)@stateoig.gov
571.349 (b)(6)

From: Diana Shaw
Sent: Fri, 19 Jun 2020 16:23:47 +0000
To: Stephen Akard
Subject: RE: CREW article and letter to Acting IG

Ok, will do.



Diana R. Shaw
Deputy Inspector General
U.S. Department of State, Office of Inspector General
T: (571) 348-(b)(6)
C: (b)(6)

From: Stephen Akard (b)(6)@stateoig.gov>
Sent: Friday, June 19, 2020 11:13 AM
To: Diana Shaw (b)(6)@stateoig.gov>
Subject: RE: CREW article and letter to Acting IG

We should acknowledge.

From: Diana Shaw (b)(6)@stateoig.gov>
Sent: Friday, June 19, 2020 9:51 AM
To: Stephen Akard (b)(6)@stateoig.gov>
Subject: FW: CREW article and letter to Acting IG

FYSA



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FYI - <https://www.citizensforethics.org/press-release/state-department-politicized-records-requests/>

The letter is attached.

FOR IMMEDIATE RELEASE
June 18, 2020

CONTACT: Jenna Grande
203-815-2160 jgrande@citizensforethics.org

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FOR POLITICIZED RESPONSES**

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[Click here to view the complaint.](#)

Sarah S. Breen
Communications Director
Office of Inspector General | U.S. Department of State
571-348-(b)(6)



From: Stephen Akard
Sent: Fri, 19 Jun 2020 15:13:06 +0000
To: Diana Shaw
Subject: RE: CREW article and letter to Acting IG

We should acknowledge.

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To: Stephen Akard <[REDACTED]@stateoig.gov>
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C: [REDACTED]

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571-348-(b)(6)

