



United States Department of State

Washington, D.C. 20520

August 23, 2021

Case No. F-2021-03846/
FL-2021-00512

[REDACTED]
Citizens for Responsibility & Ethics in Washington
[REDACTED]

Dear [REDACTED]

This letter is in response to your request dated March 11, 2021, under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Thus far, the Department has located two responsive records subject to the FOIA. Upon review, we have determined that both records must be withheld in their entirety. The processing of your request is ongoing.

An enclosure explains the FOIA exemptions and other grounds for withholding material. The records withheld in full are exempt from release pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552 (b)(5) and (b)(6).

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.

We will keep you informed as your case progresses. If you have any questions, your attorney may contact Assistant U.S. Attorney Derek S. Hammond at 202-252-2511. Please refer to the case number, F-2021-03846/FL-2021-00512, and the civil action number, 21-cv-01246, in all correspondence about this request.

Sincerely,

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

Enclosures: As stated.

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

Withheld pursuant to exemption

(b)(5); (b)(6)

Withheld pursuant to exemption

(b)(5)

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(b)(5)