

From: [OIP.Consult.Referrals](#)
To: [Hotchkiss, Eric \(OIP\)](#)
Subject: FW: Request for status update & estimated date of completion on FOIA No. DOJ-2018-005357 (OIP)
Date: Tuesday, December 18, 2018 6:39:56 PM

Can you look into this. It was a case of Kims

From: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Sent: Tuesday, December 18, 2018 4:01 PM
To: OIP.Consult.Referrals <OIP.Consult.Referrals@jmd.usdoj.gov>
Subject: FW: Request for status update & estimated date of completion on FOIA No. DOJ-2018-005357 (OIP)

From: Adam Marshall <amarshall@rcfp.org>
Sent: Tuesday, December 18, 2018 3:10 PM
To: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Subject: Re: Request for status update & estimated date of completion on FOIA No. DOJ-2018-005357 (OIP)

To whom it may concern:

I am following up again to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). I have not received any response to my last email of December 12, 2018.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#)

On Wed, Dec 12, 2018 at 9:15 AM Adam Marshall <amarshall@rcfp.org> wrote:

To whom it may concern:

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). This request was submitted on May 17, 2018. It has now been 209 days since this request was submitted, and the Reporters Committee has yet to receive a determination.

Thank you in advance for your assistance.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press

| amarshall@rcfp.org | (202) 795-9308 | [GPG](#)

From: foia@regulations.gov
Sent: Friday, May 18, 2018 12:59 PM
To: Kimberley.Kochurka@usdoj.gov
Subject: FOIA Assignment for DOJ-2018-005357

You have been assigned to the FOIA request DOJ-2018-005357. Additional details for this request are as follows:

- Assigned By: Valeree Villanueva
- Request Tracking Number: DOJ-2018-005357
- Due Date: 06/15/2018
- Requester: Adam Marshall
- Request Track: Simple
- Short Description: Communications containing specific keywords (OIP # only)
- Long Description: Please see attached request.
- Assigned Comments: Due 6/15/18 - Processing on behalf of OIP - Search MAP/CLM/BT ... Email them the request (cc VAV) and from there we will decided if they can search themselves/provide any responsive records or if we should put their emails into CW... They may advise of additional people in OIP to search...Any Qs let me know.

Kochurka, Kimberley (OIP)

From: Kochurka, Kimberley (OIP)
Sent: Friday, May 18, 2018 4:52 PM
To: Villanueva, Valeree A (OIP)
Subject: Cases of significance - week of 5/14

DOJ-2018-005143, Chris Jaye, No Affiliation (AG) - communications between OAG and US attorneys, NJ's AG office, and NJ Judiciary.

DOJ-2018-005331, William Marshall of Judicial Watch (OIP for OSC) - Draft and final versions of 'scope memo.'

DOJ-2018-005357, Adam Marshall of Reporters Committee for Freedom of the Press (OIP) – communications containing terms: “H.R. 5253,” “HR 5253,” “Office of Government Information Services Empowerment Act of 2018,” or “OGIS Empowerment.”

Kim Kochurka
Government Information Specialist
Office of Information Policy
U.S. Department of Justice
Ph: (202) 616-9712
Kimberley.Kochurka@usdoj.gov

Mallon, Carmen L (OIP)

From: Mallon, Carmen L (OIP)
Sent: Monday, June 18, 2018 10:30 AM
To: Pustay, Melanie A (OIP)
Subject: FW: ASAP NTC Speaking Invitation
Attachments: ASAP 2018 NTC Program v3 (Public).pdf

ASAP wants OIP teachers for their conference. I don't think we can participate in this conference as instructors, thoughts? I'll need to respond to Claire. TKS

From: ASAP <asap@accesspro.org>
Sent: Thursday, June 14, 2018 1:20 PM
To: Mallon, Carmen L (OIP) <cmallon@jmd.usdoj.gov>
Subject: ASAP NTC Speaking Invitation

Dear Carmen:

I hope all is well. I know that your Office is really busy, but I wanted to follow up on our previous conversations. The National Training Conference Planning Committee, chaired by Amy Bennett, is finalizing instructors for our July 23-25 event in Arlington, Virginia at the Renaissance Capital View Hotel. We cordially invite you (or designated staff person) to participate as instructors. A draft program is attached for your review. Specifically, we would really like OIP participation for the following sessions, noting that not all suggested co-presenters have been invited yet:

Monday, July 23

11:00 am – 12:30 pm – What to Expect in FOIA Litigation (with Anne Weismann, possibly) Amy Bennett suggested that Matt Hurd or Dan Castellano might be the point person for this session.

1:45-3:00 pm – FOIA Exemptions: One to Nine (with Stephanie Carr, possibly)

Tuesday, July 24

1:45 – 3:00 pm - The National Portal (possibly with Adam Marshall, RCFP or Michael Morisy (MuckRock)

Wednesday, July 25

3:00 – 4:30 pm – Agency Breakout – this could be for non-specific agency OR, if we have enough attendees from DoJ and its agencies, we could make this a DOJ breakout.

Please let me know if you are able to accept our invitation. We feel that it is very important to have the Office of Information Policy on the teaching platforms. Of course, anyone teaching gets a free pass to the training as a small token of great appreciation.

Also, Chief Judge Beryl Howell is confirmed to deliver the keynote on Tuesday morning, July 24.

Thanks, and I look forward to your reply.

Warm regards,

Claire

Claire Shanley, Executive Director
American Society of Access Professionals

1120 20th Street, NW Suite 750

Washington, DC 20036-3441

Tel: 202-712-9054 Direct: (b) (6) Cell: (b) (6)

E-fax: 202-216-9646 Fax: 202-216-0246

www.accesspro.org

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Check out ASAP webinars at <http://accesspro.org/programs/webinars.cfm>

National Training Conference, July 23-25, 2018, Arlington, Virginia

FOIA-Privacy Act Workshop, September 5-7, 2018, Chicago, Illinois

 please consider the environment before printing this email

CONFIDENTIALITY NOTICE: This communication is confidential, may be privileged and is meant only for the intended recipient. If you are not the intended recipient, please notify the sender and delete this message from your system.



American Society of Access Professionals, Inc.

11th Annual National Training Conference
July 23-25, 2018
Renaissance Capital View Hotel - Arlington, Virginia
(Revised 6/13/2018)

Three day training qualifies for IAPP credit for IAPP certification holders, CMP for Institute of Certified Records Managers = pending Virginia CLE = pending; may be submitted to your State(s) Bar for CLE, retroactively.

Sessions, Instructors and Room assignments are subject to change

Sunday, July 22

7:00 pm-9:00 pm ASAP Program Registration/Help Desk – 2nd Floor, Salon Ballroom Area
- An opportunity for our hotel guests to avoid the morning rush.

Monday, July 23

7:30 am-4:30 pm ASAP Program Registration/Help Desk – 2nd Floor, Salon Ballroom Area
- Check in with ASAP Registrars (Only check in one time for all days in attendance)

7:30 am-9:15 am Morning Coffee – Salon Foyer – Visit with Sponsors

7:55 am-8:00 am **Welcome and Introductions for Bonus Class – Amy Bennett, ASAP President – Salon 4**

8:00 am-9:00am **BONUS CLASS - Session 1.01 – Salon 4**
(Session in Development)

9:00 am–9:15 am Morning Refreshments – Salon Foyer – Visit with Sponsors

9:20 am-9:30 am **2018 NTC Welcome & Announcements – Amy Bennett, ASAP President - Salon 4**

9:30 am-10:45 am **Session 1.02 – Salon 4**
Updates on the FOIA Advisory Committee
Over the last two years, FOIA agency professionals and nongovernment representatives on the FOIA Advisory Committee have worked together to identify some of the greatest challenges in the administration of FOIA, and to find common ground on ways to improve the process. On April 17, 2018, the Committee approved its Final Report and Recommendations to the Archivist of the United States, which includes specific actions for the Archivist to take to address FOIA search technology, FOIA and accessibility, and FOIA performance standards and an extensive set of best practices to improve implementation.

10:45 am-11:00 am Refreshment/Stretch Break – Salon Foyer – Visit with Sponsors

11:00 am-12:30 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 1.03 –

Basic/Refresher Track - FOIA

FOIA Processing: Key Procedural Elements

We've been refining the FOIA process for over 50 years, and just when we thought we had it figured out, the FOIA Improvement Act of 2016 mandates some new procedures. Instructors will discuss the key procedural elements of the statute including those under the new law. This session will provide a strong foundation for growth and is perfect for newcomers, those seeking a refresher, and those needing an overview of the changes provided in the FOIA Improvement Act of 2016.

Session 1.04 –

Basic/Refresher Track – Privacy

The Privacy Act of 1974: Scope, Disclosure and Requirements

Allegations of governmental abuse led Congress to pass the Privacy Act in 1974 (remember Watergate?). The Act's purpose is to balance the Government's need to maintain information about individuals with protecting the rights of those individuals from unwarranted invasion of privacy. This session will cover the basic policy objectives of the Act and compliance; an overview of disclosure of records with and without consent; and agency requirements including civil remedies and criminal penalties. This session is a great basic foundation course and can also be used as the perfect refresher.

Session 1.05 –

Intermediate/Advanced Track –

What to Expect in FOIA Litigation

What happens once a FOIA lawsuit is filed? How do you even learn that your agency has been sued and what your duties and obligations are? The instructors will detail what needs to be done, how to do it and when to do it. You will come away with an understanding of administrative remedies, discovery, Vaughn indices, declarations, duty to segregate, waiver of exemptions in litigation, attorney fees, and much, much more.

12:15 pm-1:45 pm Lunch – On Your Own (Have extra time? – Visit with Sponsors)

1:45 pm-3:00 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 1.06 –

Basic/Refresher Track - FOIA

FOIA Exemptions: One to Nine

Classified information. Business or proprietary information. Attorney Client privilege. Attorney work product. Investigatory records. Pre decisional information. Agency regulations and procedures. Discretionary exemptions. What do the FOIA's nine exemptions cover and how are they applied? This session provides an overview understanding of each exemption and whether you can use discretion in its application. It is a perfect foundation course that is complemented by other sessions that delve into the specific exemptions.

Session 1.07 –

Basic/Refresher Track – Privacy

Privacy Act Conditions of Disclosure

Now that you have a Privacy Act request, what can you release? This session will help you understand Systems of Records Notice and exemption rules as well as the 12 reasons a record may be released without an individual's authorization.

Session 1.08

Intermediate/Advanced Track –

FOIA/PRIVACY

Hear Ye: FOIA Updates from the Courts

This session will provide an "up to the minute" review of recent rulings in FOIA and Privacy Act cases. Dick Huff will cite the cases, correlate them to the specific FOIA or Privacy Act requirement, and review the decisions with tips on their impact for FOIA or Privacy Act processing.

3:00 pm-3:15 pm Refreshment/Stretch Break – Salon Foyer – Visit with Sponsors

3:15 pm-4:30 pm

CONCURRENT SESSIONS – PLEASE CHOOSE ONE

Session 1.09

Basic/Refresher Track – FOIA

Exemption 1: Protecting National Security Information

Protecting classified national security information has been a newsmaker in recent months. Public interest continues to increase, and that translates into complex FOIA requests. In this session you will gain an understanding of how a disclosure statute FOIA also protects classified national security information. An overview of the Mandatory Declassification Review process, which differs from the FOIA de class process, also will be covered.

Session 1.10

Basic/Refresher Track – FOIA/Privacy Sister Statutes: FOIA and the Privacy Act

While there are many similarities between the two Acts, the differences are distinct. This session compares the two Acts including processing time limits, appeal rights, fees, exemptions, litigation and more. Instructors will also present various scenarios that will help you think through the processing of each Act.

Session 1.11

Other/Specialty/Niche Track-FOIA Defining a Federal Record

What is a federal record and what is “records management?” Explore the life cycle of a record and gain an understanding of how to treat drafts, emails, and other matters including disposition schedules and understanding the definition of a record in the Federal Records Act versus the FOIA.

4:30 pm

Daily Program Ends - Return daily evaluations, Certificates issued for July 23 only attendees

Tuesday, July 24

7:30 am-4:30 pm

ASAP Program Registration/Help Desk – 2nd Floor, Salon Ballroom Area
- Check in with ASAP Registrars (Only check in one time for all days in attendance)

7:30 am-9:15 am

Morning Coffee – Salon Foyer – Visit with Sponsors

7:55 am-8:00 am

Welcome and Introductions for Bonus Class – Amy Bennett, ASAP President

8:00 am-8:45 am

BONUS CLASS – Session 2.01 – Salon 4
Improving FOIA Responsiveness and Performance to Address Increasing Demand
(Content in Development)

8:30 am -9:15 am

Morning Refreshments – Salon Foyer– Visit with Sponsors

8:55 am-9:00 am

Welcome, Announcements and Introductions – Amy Bennett, ASAP President

9:00 am-9:30 am

Session 2.02 – Salon 4 –KEYNOTE ADDRESS
– The Honorable Beryl A. Howell
Chief Judge for the U.S. District Court for the District of Columbia

9:35 am – 9:55 am

Special Presentation

10:00 am-11:00 am **Session 2.03 – Salon 4**
Why Requesters Sue?
(Content in Development)

11:00 am-11:15 am Refreshment/Stretch Break – Salon Foyer – Visit with Sponsors

11:15 am-12:30 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 2.04 – Intermediate/Advanced Track – FOIA Exemption 5: It’s a Privilege
New requirements in the FOIA Improvement Act of 2016 directly affect Exemption 5. In addition to the new requirement, instructors will help you understand the Exemption’s complexities, particularly when you need to articulate the potential harm of release. They also will discuss the elements and privileges incorporated in Exemption 5, including threshold requirements, and the elements of the deliberative process, the attorney client, and the attorney work product privileges.

Session 2.05 – Intermediate/Advanced Track– Privacy Privacy Scenarios: Real-Life Situations – You make the Call
Put your privacy knowledge to use in this interactive session where instructors walk you through various scenarios and help you determine what the correct course of action should be. This session was so popular last year that we thought an encore was in order.

Session 2.06 – Other/Specialty/Niche Track Strategies for Reducing FOIA Backlogs
The word alone makes both agencies and requesters cringe. The harsh reality is that a majority of federal agencies struggle with FOIA backlogs, often leading to adverse consequences. In this session, you will learn tested and proven tips to successfully reduce your FOIA backlog. The session will explore how you can take these tips and implement them at your agency successfully.

12:30 pm-1:45 pm Lunch – On Your Own and Opportunity to Visit with Sponsors

1:45 pm-3:00 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 2.07 – Intermediate/Advanced Track – FOIA Exemption 4: It’s Proprietary
Exemption 4 is one of the most burdensome and complicated of all of the FOIA Exemptions. There are many moving parts to processing these requests with a lot at stake for the businesses involved. Agency considerations and obligations in handling data submitted by business and government contractors will be covered in great detail. Learn how to recognize trade secret and confidential, commercial information. This session will also focus on submitter notice under Executive Order 12600 and contracts.

Session 2.08 – Intermediate/Advanced Track– Privacy Batten down the Hatches . . . We have a Breach!
Unfortunately, it is all too common to hear about another massive breach suffered at a major retailer, health care organization or government agency. Clearly, major security threats and vulnerabilities abound. Are your agency systems, programs, policies AND personnel capable of protecting PII? In this session, you will learn strategies for effectively responding to breaches as well as how to effectively mitigate risks associated with large data breaches.

Session 2.09 – Other/Specialty/Niche Track The National FOIA Portal
In March of this year, the Department of Justice launched its new redesign of FOIA.gov and the first iteration of the National FOIA Portal, a government wide FOIA request portal that allows the public to submit a Freedom of Information Act (FOIA) request to any agency from a single place. You will learn about how the portal works the centralization of agency specific resources.

3:00 pm-3:15 pm Refreshment Break – Salon Foyer – Visit with Sponsors

3:15 pm-4:30 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 2.10 -

Intermediate/Advanced Track – FOIA Exemptions 6 and 7(C): The Privacy Interest

Exemptions 6 and 7(C) are the FOIA’s key privacy exemptions, and the most used exemptions government wide. In this session, you will learn about the protections provided for personal information in general government and investigative files. It will help you understand what is considered private information in your agency’s records, and the factors for balancing it with the public interest. You will also learn about categorical withholding and segregation.

Session 2.11 –

Basic/Intermediate/Refresher Track – Sister Statutes: FOIA and the Privacy Act

While there are many similarities between the two Acts, the differences are distinct. This session compares the two Acts including processing time limits, appeal rights, fees, exemptions, litigation and more. Instructors will also present various scenarios that will help you think through the processing of each Act.

Session 2.12 –

Other/Specialty/Niche Track Privacy Roots: SORNs and PIAs

This session will provide an understanding of where privacy is rooted by describing the fundamentals of the Privacy Act and E Government compliance through SORNs (Systems of Records Notices) and PIAs (Privacy Impact Assessments). The instructor will detail what a SORN is and how to merge or rescind SORNs. PIA requirements as defined in the E Government Act of 2002 will be discussed as well as the PIA process, legal and policy distinctions, and SORNs v. PIAs.

4:30 pm Daily Program Ends - Return daily evaluations, Certificates issued for July 24-25 only attendees

Wednesday, July 25

7:30 am-4:30 pm ASAP Program Registration/Help Desk – 2nd Floor, Salon Ballroom Area
- Check in with ASAP Registrars (Only check in one time for all days in attendance)

7:30 am-9:15 am Morning Coffee – Salon Foyer

7:55 am-8:00 am **Welcome and Introductions for Bonus Class - Amy Bennett, ASAP President – Salon 4**

8:00 am-9:00 am **BONUS CLASS - Session 3.01 – Salon 4**
Scenarios – Easy Things to Do
Things do not always go as smoothly as hoped when processing requests, but no one wants unhappy customers. There are some things you can do to resolve disputes and still end up on the side of excellent customer service.

8:45 am-9:15 am Morning Refreshments Available – Salon Ballroom Foyer – Visit with Sponsors

9:10 am – 9:15 am **Welcome and Announcements – Amy Bennett, ASAP President**

9:15 am-10:30 am **Plenary Session 3.02 – Salon 4**
Improve FOIA Processes – Technical Solutions to Current FOIA Problems
(Content in Development)

10:30 am-10:45 am Refreshment Break – Salon Foyer -Visit our Sponsors!
10:45 am-12:00 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 3.03 – Intermediate/Advanced Track – FOIA Redaction Workshop – Part I

This session is the culmination of the previous sessions on how exemptions are used during FOIA processing. Instructors will review the necessary knowledge, skills, abilities, best practices, and applicable statutes to applying redaction. Then they will launch into various scenarios requiring audience participation to determine the correct redactions and exemption cites.

Session 3.04 – Intermediate/Advanced Track–Records Management

Records Management – Complex Issues
The rapid acquisition and implementation of office related technology may make it difficult for agencies to maintain “adequate and proper” documentation of their organizations’ activities. This session will examine current policies and technologies that challenge our basic recordkeeping understandings. A few recommended solutions to battle the future’s “information gap” will also be offered.

Session 3.05 – Other/Specialty/Niche Track Working with Litigious Groups
(Content in Development)

12:00 pm-1:30 pm Lunch – On Your Own – Visit with Sponsors

1:30pm-2:45 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 3.03 _ Part II Intermediate/Advanced Track – FOIA Redaction Workshop – Part II

Continuation of session from 10:45 am

Session 3.06 – Intermediate/Advanced Track - FOIA Everything You Ever Wanted to Know About FOIA Fees

Fee categories and fee waivers confuse even the most seasoned FOIA requesters and processors. Learn the criteria for determining fee categories, i.e., where do bloggers fit in, and factors in deciding fee waiver requests. A recent court case may even change the way agencies consider one type of requester. You will also learn administrative tips on how to keep the process moving and what to do as you wait for other agencies’ offices to respond.

Session 3.07 – Intermediate/Advanced Track– FOIA Decoding FOIA Exemption 7 (A), (B), (D), (E), and (F)

Exemption 7 is FOIA’s law enforcement tool dealing with records or information compiled for law enforcement purposes literally a matter of life or death in some cases. Instructors will delve into the “how to” of processing for these exemptions.

2:45 pm-3:00 pm Refreshment Break – Salon Foyer – Visit with Sponsors

3:00 pm-4:30 pm **Session 3.08 Agency Breakouts (Agencies scheduled are tentative, unless otherwise noted)**
Perhaps the most popular feature of the NTC, breakout sessions by agency will be organized based on the program attendance. All attendees are expected to attend their specific agency session. There will also be a session for “non-specific” so that all can attend a session.

- *Non-specific Agency - CONFIRMED*
- *Exemption 8 – NEW!*
- *Bureau of Reclamation*
- *Department of Defense – CONFIRMED*
- *Department of Energy – CONFIRMED*
- *Department of Homeland Security*
- *Department of State*
- *Department of Transportation*
- *Department of Veterans Affairs*

4:30 pm Daily Program Ends - Return Daily Evaluations, Certificates of Completion Issued

Disclaimers & Copyright

1) Programs are subject to change. While ASAP endeavors to ensure that all its program materials are in accordance with the law and established U.S. Government policies, none of the procedures or policies presented in any ASAP training session or set forth in any ASAP publication should be considered official U.S. Government or U.S. Government Agency policy. Official policy is set forth in the appropriate directives and regulations governing each agency's activities. ASAP, its Board of Directors, Officers, employees or volunteers are not liable for any and all claims or actions that may be brought against them arising out of or relating to speaker presentations.

2) Speakers/Instructors appear in their individual capacities.

3) ASAP strongly encourages all federal government speakers who have prepared presentations under the auspices of their respective agencies, to comply with their agency guidelines in terms of making materials publically available. Participants should NOT assume that all of these presentations are available for sharing and posting on agency sites. Some presenters are not federal government employees and may retain rights to their materials. Some presenters who are federal employees may have prepared materials on their own time. All have generously given of their time to bring the best in education. If you are interested in sharing any of the presentations, please contact the ASAP office, and we are happy to work with you.

4) The names of participants registered for ASAP training may be shared among fellow attendees including agency/company affiliation and city/state location (as submitted for registration purposes or pulled from the database). Registrants also may specifically opt in for email address sharing. By registering for the event, participants agree to be included in the List of Attendees (name, affiliation and city/state) that will be distributed in hard copy. (This is NOT posted on our website.) The List of Attendees is available for event attendees, event sponsors/vendors and ASAP members in order to facilitate networking among parties. Additionally, by registering, participants give permission to use photographs and video which may include them for marketing purposes including social media marketing. Those who do not wish to have their information included on the roster of attendees or appear in any photos should contact us at asap@accesspro.org.

5) ASAP does not endorse any products or services.

Mallon, Carmen L (OIP)

From: Mallon, Carmen L (OIP)
Sent: Thursday, June 21, 2018 3:35 PM
To: Pustay, Melanie A (OIP)
Subject: FW: ASAP NTC Speaking Invitation

From: Mallon, Carmen L (OIP)
Sent: Thursday, June 21, 2018 3:35 PM
To: 'ASAP' <asap@accesspro.org>
Subject: RE: ASAP NTC Speaking Invitation

Hi Claire,

Thanks for reaching out and my apologies for just now getting back to you. Unfortunately, we're going to have to decline the invitation to teach for ASAP. Because we offer FOIA training free-of-charge to agency personnel, it's not appropriate for us to serve as instructors for training programs that charge for FOIA instruction.

Thanks for understanding.

Carmen

From: ASAP <asap@accesspro.org>
Sent: Thursday, June 21, 2018 1:29 PM
To: Mallon, Carmen L (OIP) <cmallon@jmd.usdoj.gov>
Subject: RE: ASAP NTC Speaking Invitation

Hi Carmen:

I just wanted to follow up on this invitation and see if you are able to accept it.

Hope all is well and the kids are doing great.

Thanks,

Claire

From: ASAP [<mailto:asap@accesspro.org>]
Sent: Thursday, June 14, 2018 1:20 PM
To: Mallon, Carmen <Carmen.L.Mallon@usdoj.gov>
Subject: ASAP NTC Speaking Invitation

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Thanks, and I look forward to your reply.

Warm regards,

Claire

Claire Shanley, Executive Director
American Society of Access Professionals

1120 20th Street, NW Suite 750

Washington, DC 20036-3441

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www.accesspro.org

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Check out ASAP webinars at <http://accesspro.org/programs/webinars.cfm>

National Training Conference, July 23-25, 2018, Arlington, Virginia

FOIA-Privacy Act Workshop, September 5-7, 2018, Chicago, Illinois

 please consider the environment before printing this email

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Jones, Priscilla A (OIP)

From: Jones, Priscilla A (OIP)
Sent: Wednesday, December 12, 2018 11:37 AM
To: Hibbard, Douglas (OIP)
Subject: FW: Request for status update & estimated date of completion on FOIA No. DOJ-2018-005357 (OIP)

Assigned to Kim??

From: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Sent: Wednesday, December 12, 2018 11:31 AM
To: Jones, Priscilla A (OIP) <pajones@jmd.usdoj.gov>
Subject: FW: Request for status update & estimated date of completion on FOIA No. DOJ-2018-005357 (OIP)

From: Adam Marshall <amarshall@rcfp.org>
Sent: Wednesday, December 12, 2018 9:16 AM
To: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Subject: Request for status update & estimated date of completion on FOIA No. DOJ-2018-005357 (OIP)

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Thank you in advance for your assistance.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#)

Google Alerts

From: Google Alerts
Sent: Friday, January 25, 2019 7:32 PM
To: carmen.l.mallon@usdoj.gov
Subject: Google Alert - FOIA



FOIA

As-it-happens update - January 26, 2019

NEWS

["Tell Us What to FOIA" — Watchdog Asks Federal Workers for Help Uncovering Trump ...](#)

YubaNet

American Oversight's "Tell Us What to FOIA" campaign comes on the 35th day of the government shutdown. As the White House and Congress remain ...

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[The FOIA – How the act came to be](#)

Selma Times-Journal

FOIA also plays an important role in keeping the government transparent and accountable and has been used to expose a wide range of government ...

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[Leading Dem calls for more time on FOIA changes](#)

E&E News

The newly empowered Democratic chairman of the House Natural Resources Committee is urging the Interior Department to slow down and open up ...

• • • [Flag as irrelevant](#)

[Ex-Mayor Richard M. Daley's testimony in Koschman case stays secret: high court](#)

Chicago Sun-Times

Citing the Illinois Freedom of Information Act, the BGA and the Sun-Times tried to obtain records from City Hall regarding Webb's investigation, ...

• • • [Flag as irrelevant](#)

[Interior proposal to limit records requests draws challenge](#)

[interior proposal to limit records requests draws challenge](#)

WHYY

The **Freedom of Information** Act codifies the right of the public to access records from any federal agency, with narrow exceptions. Adam Marshall, an ...

• • • [Flag as irrelevant](#)

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OIP.Consult.Referrals

From: OIP.Consult.Referrals
Sent: Monday, January 28, 2019 3:30 PM
To: Hibbard, Douglas (OIP)
Subject: FW: Request for status update & estimated date of completion on FOIA No. DOJ-2018-005357 (OIP)

Doug,

This is one of Kim's requests, R is seeking a status update and EDC.

Thanks,

Eric

From: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Sent: Monday, January 28, 2019 12:54 PM
To: OIP.Consult.Referrals <OIP.Consult.Referrals@jmd.usdoj.gov>
Subject: FW: Request for status update & estimated date of completion on FOIA No. DOJ-2018-005357 (OIP)

From: Adam Marshall <amarshall@rcfp.org>
Sent: Wednesday, January 02, 2019 8:49 AM
To: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Subject: Re: Request for status update & estimated date of completion on FOIA No. DOJ-2018-005357 (OIP)

To whom it may concern:

I am following up again to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). I have not received any response to my emails of December 12 and 18, 2018, requesting this information.

Sincerely,
Adam Marshall

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#)

On Tue, Dec 18, 2018 at 3:09 PM Adam Marshall <amarshall@rcfp.org> wrote:

To whom it may concern:

I am following up again to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). I have not received any response to my last email of December 12, 2018.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#)

On Wed, Dec 12, 2018 at 9:15 AM Adam Marshall <amarshall@rcfp.org> wrote:

To whom it may concern:

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). This request was submitted on May 17, 2018. It has now been 209 days since this request was submitted, and the Reporters Committee has yet to receive a determination.

Thank you in advance for your assistance.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#)

Hotchkiss, Eric (OIP)

From: Hotchkiss, Eric (OIP)
Sent: Wednesday, January 30, 2019 1:06 PM
To: Hibbard, Douglas (OIP)
Subject: FW: Request for status update -- DOJ-2018-005357

This is the same one of Kim's I emailed you about Monday (forwarding his email of 1/2/19).

From: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Sent: Tuesday, January 29, 2019 12:19 PM
To: OIP.Consult.Referrals <OIP.Consult.Referrals@jmd.usdoj.gov>
Subject: FW: Request for status update -- DOJ-2018-005357

From: Adam Marshall <amarshall@rcfp.org>
Sent: Monday, January 28, 2019 11:45 AM
To: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Subject: Request for status update -- DOJ-2018-005357

To whom it may concern:

I am following up, again, to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). I have not received any response to my emails of December 12 and 18, 2018, and January 2, 2019, requesting this information. It has now been approximately 256 days since this request was submitted.

Sincerely,
Adam Marshall

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#) | [@a_marshall_plan](#)

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Wednesday, January 30, 2019 1:47 PM
To: amarshall@rcfp.org
Subject: FW: Request for status update -- DOJ-2018-005357

Mr. Marshall,

I apologize for the delay in our response, in part caused by the government shutdown from 12/22/18 to 1/25/19. At this time, we are continuing to search within OIP to locate any potentially responsive records concerning your request. Without yet knowing the volume of records our search may identify, it is difficult to provide an accurate estimated date of completion. With that said, at this time, I would estimate it will take an additional three months to fulfill your request.

Doug Hibbard
FOIA Public Liaison
Office of Information Policy

From: Adam Marshall <amarshall@rcfp.org>
Sent: Monday, January 28, 2019 11:45 AM
To: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Subject: Request for status update -- DOJ-2018-005357

To whom it may concern:

I am following up, again, to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). I have not received any response to my emails of December 12 and 18, 2018, and January 2, 2019, requesting this information. It has now been approximately 256 days since this request was submitted.

Sincerely,
Adam Marshall

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#) | [@a_marshall_plan](#)

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Wednesday, January 30, 2019 7:07 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP); Talebian, Bobak (OIP)
Subject: Re: Marshall, 18-005357

No. But it can await your return.

Sent from my iPhone

On Jan 30, 2019, at 5:20 PM, Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov> wrote:

(b) (5) Can you all search remotely?

From: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Sent: Wednesday, January 30, 2019 2:17 PM
To: Mallon, Carmen L (OIP) <cmallon@jmd.usdoj.gov>; Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>; Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>
Subject: RE: Marshall, 18-005357

OK (b) (5)

From: Mallon, Carmen L (OIP) <cmallon@jmd.usdoj.gov>
Sent: Wednesday, January 30, 2019 2:14 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>; Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>; Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>
Subject: RE: Marshall, 18-005357

(b) (5)

From: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Sent: Wednesday, January 30, 2019 2:13 PM
To: Mallon, Carmen L (OIP) <cmallon@jmd.usdoj.gov>; Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>; Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>
Subject: RE: Marshall, 18-005357

It hasn't been reassigned. (b) (5)

(b) (5)

From: Mallon, Carmen L (OIP) <cmallon@jmd.usdoj.gov>
Sent: Wednesday, January 30, 2019 2:12 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>; Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>; Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>
Subject: RE: Marshall, 18-005357

Actually not Kim – not sure who you've assigned this to now that Kim has departed. I can run a quick search myself to see if anything pops up.

From: Mallon, Carmen L (OIP)
Sent: Wednesday, January 30, 2019 2:10 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>; Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>; Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>
Subject: RE: Marshall, 18-005357

Not sure if I would have anything but Kim can certainly search my computer.

From: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Sent: Wednesday, January 30, 2019 1:34 PM
To: Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>; Mallon, Carmen L (OIP) <cmallon@jmd.usdoj.gov>; Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>
Subject: Marshall, 18-005357

We have received a status inquiry into the attached request, seeking OIP records since 1/1/18 concerning the Office of Government Information Services Empowerment Act of 2018.

Kim Kochurka sent the three of you a search notification email on 6/14/18 but I see nothing in file in terms of a response from any of you. Would OIP have records on this matter?

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Friday, March 29, 2019 8:40 AM
To: Talebian, Bobak (OIP); Pustay, Melanie A (OIP)
Subject: FW: Marshall, 18-005357
Attachments: 01. Initial Request (5.17.18).pdf

We have received another status inquiry into the attached request, seeking OIP records since 1/1/18 concerning the Office of Government Information Services Empowerment Act of 2018. Carmen previously indicated that, if anyone within OIP would have records, it would be the three of you and that she did have a few records.

If that is the case (there are records but not many), perhaps it would be easier to just search your emails directly. Thoughts?

From: Hibbard, Douglas (OIP)
Sent: Wednesday, January 30, 2019 1:34 PM
To: Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>; Mallon, Carmen L (OIP) <cmallon@jmd.usdoj.gov>; Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>
Subject: Marshall, 18-005357

We have received a status inquiry into the attached request, seeking OIP records since 1/1/18 concerning the Office of Government Information Services Empowerment Act of 2018.

Kim Kochurka sent the three of you a search notification email on 6/14/18 but I see nothing in file in terms of a response from any of you. Would OIP have records on this matter?

REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

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CAROL ROSENBERG
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THOMAS C. RUBIN
Quinn Emanuel

CHARLIE SAVAGE
The New York Times

BEN SMITH
BuzzFeed

JENNIFER SONDAG
Bloomberg News

PIERRE THOMAS
ABC News

SAUNDRA TORRY
USA TODAY

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Senior Advisor:
PAUL STEIGER
ProPublica

Adam A. Marshall
Reporters Committee for Freedom of the Press
1156 15th St. NW, Suite 1250
Washington, DC 20005
amarshall@rcfp.org

Office of Information Police
United States Department of Justice
Washington, DC

May 17, 2018

VIA FOIAONLINE

RE: FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

This letter constitutes a request under the federal Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and is submitted on behalf of the Reporters Committee for Freedom of the Press (“RCFP” or the “Reporters Committee”) to the Office of Information Policy (“OIP”) at the Department of Justice (“DOJ”). The Reporters Committee is a nonprofit association of news reporters and editors.

I. Records Requested

Pursuant to the FOIA, I, on behalf of RCFP, request access to and copies of all communications (including but not limited to letters, memos, emails, text messages, and other electronic messages), sent or received since January 1, 2018, that contain any of the following terms or phrases:

1. “H.R. 5253”,
2. “HR 5253”,
3. “Office of Government Information Services Empowerment Act of 2018”,
or
4. “OGIS Empowerment”.

Please provide all responsive records in electronic format, preferably via email to amarshall@rcfp.org

II. Fees

As a representative of the news media, the Reporters Committee is only required to pay for the direct cost of duplication after the first 100 pages. 5 U.S.C. § 552(a)(4)(A). These records are being sought on behalf of the

Reporters Committee for free dissemination to the general public through multiple avenues, including RCFP's website,¹ social media accounts,² and email newsletters.

In the event there are fees for responding to this request, I am willing to pay up to \$25.00. Please inform me if the fees will exceed that amount before proceeding.

III. Conclusion

If this request is denied in whole or part, please justify all such denials by reference to specific exemptions and provide an explanation of why OIP “reasonably foresees that disclosure would harm an interest” protected by that exemption or why “disclosure is prohibited by law[.]” 5 U.S.C. § 552(a)(8). Please also ensure all segregable portions of otherwise exempt material are released.

If you have any questions regarding this request, please do not hesitate to contact me via email at amarshall@rcfp.org

I look forward to your determination within 20 working days of this request, as is required by law. Thank you in advance for your assistance in this matter.

Sincerely,

Adam A. Marshall
Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press

¹ <https://www.rcfp.org/>.

² <https://twitter.com/rcfp>; <https://www.facebook.com/ReportersCommittee/>.

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Friday, March 29, 2019 8:44 AM
To: Adam Marshall
Subject: RE: Request for status update -- DOJ-2018-005357

Mr. Marshall,

I apologize for the delay. We are still conducting our records search. I am reaching out to the relevant custodians in order to facilitate completing that step of our process. Once we have a sense of the volume of material responsive to your request, we can provide a more accurate estimated date of completion.

Please let me know if you have any additional questions on this matter.

Doug Hibbard
FOIA Public Liaison

From: Adam Marshall <amarshall@rcfp.org>
Sent: Thursday, March 28, 2019 5:08 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Cc: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Subject: Request for status update -- DOJ-2018-005357

Dear Mr. Hibbard:

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). It has been approximately 315 days since this request was submitted, far in excess of OIP averages for both simple and complex requests.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#) | [@a_marshall_plan](#)

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Monday, April 1, 2019 7:12 AM
To: Villanueva, Valeree A (OIP)
Subject: RE: Request for status update -- DOJ-2018-005357

I already responded to Mr. Marshall.

From: Villanueva, Valeree A (OIP) <vvillanueva@jmd.usdoj.gov>
Sent: Friday, March 29, 2019 7:16 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Subject: FW: Request for status update -- DOJ-2018-005357

Status Request for KJK case, advise on respond to inquiry.

From: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Sent: Thursday, March 28, 2019 5:10 PM
To: OIP.Consult.Referrals <OIP.Consult.Referrals@jmd.usdoj.gov>
Subject: FW: Request for status update -- DOJ-2018-005357

From: Adam Marshall <amarshall@rcfp.org>
Sent: Thursday, March 28, 2019 5:08 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Cc: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Subject: Request for status update -- DOJ-2018-005357

Dear Mr. Hibbard:

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). It has been approximately 315 days since this request was submitted, far in excess of OIP averages for both simple and complex requests.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#) | [@a_marshall_plan](#)

admin

From: admin@foiaonline.gov
Sent: Tuesday, April 9, 2019 12:00 PM
To: douglas.hibbard@usdoj.gov
Subject: FOIA Request DOJ-2019-003338 Withdrawn

The FOIA request - DOJ-2019-003338 has been withdrawn by the requester, Mr. Adam Marshall. Please assign this request a disposition of "Request Withdrawn" and close out the request. Additional details for this request are as follows:

- Tracking Number: DOJ-2019-003338
- Requester: Mr. Adam Marshall
- Request Track: Simple
- Submitted Date: 03/28/2019
- Due Date: N/A
- Short Description: No Attachment (Need to Check w/R)(ERH emailed R on 4/9/19 seeking the attachment)
- Description: Please see attached request.

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Thursday, May 9, 2019 1:18 PM
To: Hibbard, Douglas (OIP)
Subject: RE: dr 5.8

See my comments in black.

From: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Sent: Thursday, May 9, 2019 7:59 AM
To: Delake, Nadege (OIP) <NDe lake @jmd.usdoj.gov>
Subject: RE: dr 5.8

The following are closed but we're granted expedition which has not yet coded correctly into FOIAonline (meaning, there's not granted expedition task):

19-003150- **completed**
19-003251 - **completed**
19-003258 - **completed**
19-003164 - **completed**

And 19-003175 is not actually closed out yet. – **completed.**

From: De lake, Nadege (OIP) <NDe lake @jmd.usdoj.gov>
Sent: Wednesday, May 08, 2019 5:38 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Subject: dr 5.8

19-003706
Emailed Eric/Sara and Steffon re: search of FOIA requests seeking copy of SC Mueller Report

SC Mueller Report response to Rs
Sent out one email response to Rs
Emailed DRH advising that I accidentally sent response to instead of bcc

19-003265
Sent out final
Closed in FO
Case note update

19-003150
Sent out final
Closed in FO
Case note update

19-003251
Sent out final
Closed in FO
Case note update

19-003258
Sent out final
Closed in FO
Case note update

Case note update

19-003278

Sent out final

Closed in FO

Case note update

19-003133

Sent out final

Closed in FO

Case note update

19-0033164

Sent out final

Closed in FO

Case note update

DOJ-2019-003165	Request	Complex	(b) (6)	03/25/2019	04/22/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003167	Request	Complex	(b) (6)	03/25/2019	04/22/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003168	Request	Complex	(b) (6)	03/25/2019	04/22/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003169	Request	Complex	(b) (6)	03/25/2019	04/22/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003170	Request	Complex	(b) (6)	03/25/2019	04/22/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003172	Request	Complex	(b) (6)	03/25/2019	04/22/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003174	Request	Complex	(b) (6)	03/25/2019	04/22/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003175	Request	Complex	(b) (6)	03/25/2019	04/22/2019	Restricted Materials Uploaded	Assign	closed

DOJ-2019-003223	Request	Complex	(b) (6)	03/26/2019	04/23/2019	Assignment Determination	Assign	closed
DOJ-2019-003339	Request	Complex	Mr. Adam Marshall	03/28/2019	04/25/2019	Initial Evaluation	Assign	closed
DOJ-2019-003369	Request	Complex	(b) (6)	03/28/2019	04/25/2019	Initial Evaluation	Assign	closed
DOJ-2019-003419	Request	Complex	(b) (6)	04/01/2019	04/29/2019	Initial Evaluation	Assign	closed
DOJ-2019-003654	Request	Complex	(b) (6)	04/03/2019	05/01/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003656	Request	Complex	(b) (6)	04/03/2019	05/01/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003657	Request	Complex	(b) (6)	04/03/2019	05/01/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003667	Request	Complex	(b) (6)	04/03/2019	05/02/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003692	Request	Complex	(b) (6)	04/04/2019	05/02/2019	Restricted Materials Uploaded	Assign	closed
DOJ-2019-003751	Request	Complex	(b) (6)	04/09/2019	05/07/2019	Initial Evaluation	Assign	closed

DOJ-2019-003765	Request	Complex	(b) (6)	04/08/2019	05/06/2019	Restricted Materials Uploaded	Assign	close d
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Adam Marshall

From: Adam Marshall
Sent: Friday, May 31, 2019 8:25 AM
To: Hibbard, Douglas (OIP)
Cc: Melanie.A.Pustay@usdoj.gov
Subject: Re: Request for status update -- DOJ-2018-005357

Dear Mr. Hibbard,

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). It has been approximately 379 days since this request was submitted, and OIP has yet to provide a determination. According to DOJ's [FY2018 FOIA Report](#), OIP's average processing time for simple requests is 14 days. If you could please advise as to why this request--which is in the simple track--has been pending for over a year, I would appreciate it.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [@a_marshall_plan](#) | *GPG/Signal available*

On Fri, Mar 29, 2019 at 8:44 AM Hibbard, Douglas (OIP) <Douglas.Hibbard@usdoj.gov> wrote:

Mr. Marshall,

I apologize for the delay. We are still conducting our records search. I am reaching out to the relevant custodians in order to facilitate completing that step of our process. Once we have a sense of the volume of material responsive to your request, we can provide a more accurate estimated date of completion.

Please let me know if you have any additional questions on this matter.

Doug Hibbard

FOIA Public Liaison

From: Adam Marshall <amarshall@rcfp.org>
Sent: Thursday, March 28, 2019 5:08 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>

CC: DOJ.OIP.FOIA (SMU) <EX_DOJOIPFOIA@jmd.usdoj.gov>

Subject: Request for status update -- DOJ-2018-005357

Dear Mr. Hibbard:

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). It has been approximately 315 days since this request was submitted, far in excess of OIP averages for both simple and complex requests.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney

Reporters Committee for Freedom of the Press

amarshall@rcfp.org | (202) 795-9308 | [GPG](#) | [@a_marshall_plan](#)

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Friday, May 31, 2019 8:52 AM
To: Devitt, Dawn (JMD); Reynolds, Keisha (JMD)
Subject: Data Request Submission, Marshall 18-005357
Attachments: 01. Initial Request (5.17.18).pdf; OIP FOIA Search A. Marshall DOJ-2018-005357.eml; 01. Initial Request (5.17.18).pdf; Data Request Form (signed).pdf

This should be placed in the Small Narrow queue.

NOTE: This pull is limited to three OIP custodians and the requester inquiries regularly into status. To the extent possible, I would like this search completed by June 30, 2019.

Kochurka, Kimberley (OIP)

From: Kochurka, Kimberley (OIP)
Sent: Thursday, June 14, 2018 8:53 AM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP); Talebian, Bobak (OIP)
Subject: OIP FOIA Search A. Marshall DOJ-2018-005357
Attachments: 01. Initial Request (5.17.18).pdf

Good morning,

Please see the attached FOIA request seeking the following information:

- Communications containing the following keywords: "H.R. 5253," "HR 5253, "Office of Government Information Services Empowerment Act of 2018" or "OGIS Empowerment."
- Timeframe: Since January 1, 2018.

I am writing in hopes that you could provide the above-referenced records in response to this request. Furthermore, if you believe any other individuals in this Office may have records related to this request, please let me know and I can reach out to them as well.

In the interest of being complete, I am enclosing our standard search language below:

When conducting your records search, please be certain to include a review of both paper and electronic records, which includes e-mail, e-mail that has been archived, computer (e.g. C or H drive) files, text or voice messages, and any classified systems, either in paper or electronic form, that may maintain responsive material. With regard to unclassified e-mail records, including e-mails that have been archived, you may simply advise if you have any records, and we will conduct a search of e-mail records remotely. Alternatively, you may send me copies of anything you may have by email.

Please note that the Federal Records Act, as amended in 2014 and [DOJ Policy Statement 0801.04](#) provide that government employees should not use a non-official account including, but not limited to, email, text, or instant message, for official business. However, should this occur, the communication must be fully captured in a DOJ recordkeeping system – either by copying any such messages to one’s official account or forwarding them to one’s official account within twenty days. Should any records custodians have official records responsive to this FOIA request, which are maintained only in a non-official account, and not copied into an official account, then those records should be provided to OIP.

If you have any questions or would like to discuss, please feel free to give me a call.

Thank you,

Kim Kochurka
Government Information Specialist
Office of Information Policy
U.S. Department of Justice
Ph: (202) 616-9712
Kimberley.Kochurka@usdoj.gov

Data Request

Date

05/31/19

Requestor

Adam Marshall

Approved by:

Doug Hibbard

Office Tracking Number

DOJ-2018-005357

Case/Matter Name

OGIS Empowerment Act

Level of Urgency

Other

Small Narrow

Access requested for:

Doug Hibbard
Vanessa Brinkmann

Due Date

Custodians:

Melanie Pustay (OIP)
Carmen Mallon (OIP)
Bobby Talebian (OIP)

Search Terms:

"HR 5253"
"H.R. 5253"
"Office of Government Information
Services Empowerment Act of
2018"
"OGIS Empowerment"

Data Type

- Email
- Electronic Documents
- Paper
- Web Logs
- Other

Date Range

January 1, 2018, to June 14, 2018

Digital Signature

DOUGLAS HIBBARD Digitally signed by DOUGLAS
HIBBARD
Date: 2019.05.31 08:49:13 -04'00'

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Friday, May 31, 2019 9:06 AM
To: Adam Marshall
Cc: Pustay, Melanie A (OIP)
Subject: RE: Request for status update -- DOJ-2018-005357

Mr. Marshall,

I apologize for the continued delay. Your request is currently pending a search within our ediscovery queue, which is utilized to search the emails of Department officials. At this time, I have requested that our ediscovery team endeavor to complete your search by the end of June. Once we have the results of the ediscovery search, we will have a better sense of the volume and complexity of the records required to respond to your request.

Please let me know if you have any further questions on this matter.

Doug Hibbard
Chief, Initial Request Staff

From: Adam Marshall <amarshall@rcfp.org>
Sent: Friday, May 31, 2019 8:25 AM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Cc: Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>
Subject: Re: Request for status update -- DOJ-2018-005357

Dear Mr. Hibbard,

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). It has been approximately 379 days since this request was submitted, and OIP has yet to provide a determination. According to DOJ's [FY2018 FOIA Report](#), OIP's average processing time for simple requests is 14 days. If you could please advise as to why this request--which is in the simple track--has been pending for over a year, I would appreciate it.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | @a_marshall_plan | GPG/Signal available

On Fri, Mar 29, 2019 at 8:44 AM Hibbard, Douglas (OIP) <Douglas.Hibbard@usdoj.gov> wrote:

Mr. Marshall,

I apologize for the delay. We are still conducting our records search. I am reaching out to the relevant custodians in order to facilitate completing that step of our process. Once we have a sense of the volume of material responsive to your request, we can provide a more accurate estimated date of completion.

Please let me know if you have any additional questions on this matter.

Doug Hibbard
FOIA Public Liaison

From: Adam Marshall <amarshall@rcfp.org>
Sent: Thursday, March 28, 2019 5:08 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Cc: DOJ.OIP.FOIA (SMO) <Ex DOJOIPFOIA@jmd.usdoj.gov>
Subject: Request for status update -- DOJ-2018-005357

Dear Mr. Hibbard:

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). It has been approximately 315 days since this request was submitted, far in excess of OIP averages for both simple and complex requests.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [GPG](#) | [@a_marshall_plan](#)

Reynolds, Keisha (JMD)

From: Reynolds, Keisha (JMD)
Sent: Monday, June 3, 2019 2:00 PM
To: Hibbard, Douglas (OIP); Devitt, Dawn (JMD)
Cc: OCIO eDiscovery Team
Subject: Request 1748 OIP Marshall RE: Data Request Submission, Marshall 18-005357

Good afternoon all,

This request will be 1748 OIP Marshall

Best,
Keisha

From: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Sent: Friday, May 31, 2019 8:52 AM
To: Devitt, Dawn (JMD) <ddevitt@jmd.usdoj.gov>; Reynolds, Keisha (JMD) <kreynolds@jmd.usdoj.gov>
Subject: Data Request Submission, Marshall 18-005357

This should be placed in the Small Narrow queue.

NOTE: This pull is limited to three OIP custodians and the requester inquiries regularly into status. To the extent possible, I would like this search completed by June 30, 2019.

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Monday, August 12, 2019 2:54 PM
To: Adam Marshall
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA request No. DOJ-2018-005357 (OIP)

Mr. Marshall,

We have completed our records search and located around 300 documents that require a closer review to determine if they are responsive to your request. That review is ongoing. We will endeavor to provide you with the response by the end of October.

Doug Hibbard
Chief, Initial Request Staff

From: Adam Marshall <amarshall@rcfp.org>
Sent: Monday, August 12, 2019 9:23 AM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Cc: Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>
Subject: RE: FOIA request No. DOJ-2018-005357 (OIP)

Dear Mr. Hibbard,

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP). It has been approximately 452 days since this request was submitted, more than 33 times OIP's average for simple requests. No determination has been issued.

When we last communicated about this request on May 31, 2019, you represented that you asked OIP's "ediscovery team [to] endeavor to complete [the] search by the end of June." Approximately 42 days have passed since that deadline: if you could please advise as to which records were located as a result of OIP's search and how long the agency anticipates it will take to render a determination, I would appreciate it.

Sincerely,
Adam Marshall

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | [@a_marshall_plan](https://twitter.com/a_marshall_plan) | *GPG/Signal available*

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Thursday, August 22, 2019 7:35 PM
To: Hibbard, Douglas (OIP)
Subject: dr 8.22

Office Moving Day
Packing stuff

18-005357
Reviewed the file- new assigned case
Emailed JMD to grant me access to CW docs
Case notes update

18-001186
Addressed DRH's comments for 18# 001604
Located and extracted docs in response to Holden lit
Drafted interim response-closing 001604 #
Tasked DRH for review
Emailed DRH to advise
Case notes update

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Friday, August 23, 2019 10:53 PM
To: Hibbard, Douglas (OIP)
Subject: dr 8.23

8.23.2019
Office Move Project
Unpacking stuff (GAO)

18-005357
JMD granted me access to CW docs
Extracted CW docs
Quick review

19-000026
Sent out response
Closed out request in FO
Case notes update

18-006316
Sent final out
Closed out in FO
Case notes update

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Thursday, August 29, 2019 7:49 PM
To: Hibbard, Douglas (OIP)
Subject: dr 8.29

18-008305
Reviewing CW docs

18-005357
Processing CW docs (pdf) -263 pages

19-005829
Drafted final response
Tasked DRH for review
Case notes update

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Friday, August 30, 2019 5:38 PM
To: Hibbard, Douglas (OIP)
Subject: dr 8.30

18-008305
Reviewing CW docs-cont'd

18-005357
Processing CW docs (pdf) -cont'd

19-005829
Closed request in FO
Case notes update

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Tuesday, September 3, 2019 5:41 PM
To: Hibbard, Douglas (OIP)
Subject: dr 9.3

Drafted email and sent to DRH re: TW agreement

Issues with Voicemail/phone
Emailed JMD
Called Help/Desk for assistance
Created an account
Setting up voice mail (phone)

IR Meeting re; concerns/questions moving forward -after office move
Tour of the new Auditorium

18-005357- due in Oct
Processing CW docs (pdf)

Calendar former Acting AG Whitaker
Processing records

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Wednesday, September 4, 2019 5:36 PM
To: Hibbard, Douglas (OIP)
Subject: dr 9.4

Sent out weekly reports (OLA, PAO, OLP)

19-003883

Reassigned the case to myself per DRH's email
Discussed the case w/ Sara since R seeks records prior to 2000.
Bc these will normally be RMS and no guarantee of records location- discussed language sample to address this
Googled search Congressman Inslee
Based on the search- called R to inquire into continued interest
Sent out an email memorializing communication (R no longer interested)
Closed out the pending task
Closed it out in FO
Case notes update
Emailed DRH to advise

19-003882

Google search Congressman
Based on the search- called R to inquire into continued interest
R advised that she is still interested
Ran a congressional log in IQ
Created spreadsheet- sanitizing spreadsheet for pdf conversion

16-000297

DOD (Air force) requested consultation docs
Resent consult docs to DOD –Air Force
DOD-Air Force called me advising that they are missing part 3 of 3 of the documents resent
I Split Part 3 of 3 in 2 part (3A & 3B)- Reviewed docs and located OIP #32 and resent each parts individually via email.
Case notes update

18-005357- due in Oct

Processing CW docs (pdf)

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Friday, September 6, 2019 5:35 PM
To: Hibbard, Douglas (OIP)
Subject: dr 9.6

9.6
18-003356
Response sent yesterday but email bounced back
Split docs into 3 and resent but emails bounced back
Emailed Sara to assist with this issue since it involved encrypted information

19-003699
Responded to email about consult sent to EOUSA re: consult

18-004731
Saved final in the final copies folder
Closed in FO
Case notes update

18-004021-
Saved final in the final copies folder
Closed in FO
Case notes update

18-003791
Saved final in the final copies folder
Emailed final
Closed in FO
Case notes update

18-003716
Saved final in the final copies folder
Emailed final
Closed in FO
Case notes update

19-003882
Drafted ola consult
Sent it out
Drafted final (Got OLA's response)
Tasked DRH for review
Case notes update

18-005357- due in Oct
Processing CW docs (pdf)

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Monday, September 9, 2019 5:23 PM
To: Hibbard, Douglas (OIP)
Subject: dr 9.9

9.9
18-003716
Email bounced back-address no longer working
Printed and mailed final
Case notes update

19-003356
Skype discussion of the issue –email encryption- w/ BF
Per our discussion sent out final successfully

19-003882
Sent out final response
Closed it in FO
Case note update

18-005357- due in Oct
Processing CW docs (pdf)- Cont'd

19-000912
Reviewing IQ hits (554) cont'd
Including reviewing some documents

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Tuesday, September 10, 2019 5:27 PM
To: Hibbard, Douglas (OIP)
Subject: dr 9.10

Computer & phone issue-locked accounts-called JCON to assist
Prepped Weekly reports-advised DRH
sent them out

19-000912
Reviewing IQ hits (554)
Including reviewing some documents

18-005357- due in Oct
Processing CW docs (pdf)- Cont'd

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Wednesday, September 11, 2019 4:47 PM
To: Hibbard, Douglas (OIP)
Subject: RE: Marshall, 18-005357

Completed processing- now this is ready for your review. See CW working copy –pdf.
Deleted a lot dupes.
Path: G:\OIP\IR Staff Requests\Fiscal Year 18\2018-005357\Working File\CW docs

From: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Sent: Tuesday, August 13, 2019 8:50 AM
To: Delake, Nadege (OIP) <NDelake@jmd.usdoj.gov>
Subject: Marshall, 18-005357

This is a request I'm reassigning to you. Clearwell search has come back, and I've already tagged what's response (as First Pass Review: Responsive), (b) (5). At this point, you need to have those documents exported and start the processing.

The requester has been inquiring regularly, and yesterday I advise him that we could provide a response by the end of October. Given the small volume and (b) (5) request concerns draft OGIS legislation), we should be able to pull that off.

See case notes for further details.

Delake, Nadege (OIP)

From: Delake, Nadege (OIP)
Sent: Wednesday, September 11, 2019 5:32 PM
To: Hibbard, Douglas (OIP)
Subject: dr 9.11

18-005357- due in Oct
Completed Processing CW docs (pdf)
Emailed DRH to advise
Tasked DRH for review
Case notes update

18-008338
Sent out final
Closed it in FO
Case notes update

19-000912
Reviewing IQ hits (554) cont'd
Including reviewing some documents

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Thursday, December 19, 2019 5:05 PM
To: Adam Marshall
Cc: Talebian, Bobak (OIP)
Subject: Re: FOIA request No. DOJ-2018-005357 (OIP)

Mr Marshall,

I'm currently on leave, but I will try to answer your questions from memory.

1. The Office of Legal Counsel, Office of Legislative Affairs, and Office of Privacy and Civil Liberties have equity in the material, and possibly others that might be later identified upon further review of the records.
2. The delay until January 2020 to get out the consults is simply a product of myself being on leave until then as I serve as the reviewer on such requests.
3. We cannot provide our final determination until we receive responses to the consults we send out. Those consults take time for the other federal entities to complete themselves.
4. The change in the track in FOIAonline was simply an administrative step we did recently as part of data cleanup. In truth, your request has always been in the "complex" track (I don't have access to the acknowledgement letter but I assume it did state that your request is in the "complex" track). We just didn't get around to technically changing the track in FOIAonline from the default track (which is "simple") to the correct track ("complex") until recently. I'm not sure where your request is within the "complex" track, but, given it was received in May 2018, I can safely state that there are several hundred pending requests that were received before it, most of which would be in the "complex" track.

Doug Hibbard

Sent from my iPhone

On Dec 19, 2019, at 2:55 PM, Adam Marshall <amarshall@rcfp.org> wrote:

Dear Mr. Hibbard,

Thank you for your response and your willingness to answer additional questions about this matter. I do have some questions I hope you can answer:

1. Which "federal entities" is OIP sending the responsive records to?
2. If OIP has already identified responsive records and the "federal entities" that it intends to send those records to, why does OIP intend to wait until at least January 2020 to do so?
3. Can you please advise as to why OIP anticipates a two month delay between when it will send the responsive records to the other "federal entities" and when it will be

provide a determination?

4. According to FOIAOnline, this request is currently in OIP's "complex" track, but for the vast majority of the time this request has been pending it was in OIP's "simple" track. Can you advise as to (a) when this request was moved from the simple to the complex track, (b) why it was moved, and (c) its number in the current track?

Thanks,
Adam

Adam A. Marshall | Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press
amarshall@rcfp.org | (202) 795-9308 | @a_marshall_plan | GPG/Signal available

On Wed, Dec 18, 2019 at 11:06 AM Hibbard, Douglas (OIP) <Douglas.Hibbard@usdoj.gov> wrote:

Mr. Marshall,

We are currently reviewing approximately 200 pages of material that appear to be responsive to your request. Because this material contains equity of interest to other federal entities, we will need to consult with them on their information before making our disclosure determinations. We will endeavor to get this material out on those consults early in January 2020. At this time, we believe we can provide you with a response on this material sometime in March 2020.

I apologize for the delay in our response. The reasons for this multifaceted but, in brief, are a result of our historically high number of incoming requests and our general practice to process requests in a first-in, first-out basis within their corresponding track. While I recognize that your request has been pending since May 2018, I assure that it is being processed in a manner similar to other requests received around that same time that are in the same track as your request.

Please let me know if you have any questions on this matter.

Doug Hibbard

Chief, Initial Request Staff

Office of Information Policy

From: Adam Marshall <amarshall@rcfp.org>

Sent: Tuesday, December 17, 2019 4:02 PM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Cc: Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>
Subject: Re: FOIA request No. DOJ-2018-005357 (OIP)

Dear Mr. Hibbard,

I am following up on my email from last week, for which I have not received a response.

Sincerely,

Adam A. Marshall | Knight Foundation Litigation Attorney

Reporters Committee for Freedom of the Press

amarshall@rcfp.org | (202) 795-9308 | @a_marshall_plan | GPG/Signal available

On Thu, Dec 12, 2019 at 4:13 PM Adam Marshall <amarshall@rcfp.org> wrote:

Dear Mr. Hibbard,

I am writing to request a status update and estimated date of completion for FOIA request No. DOJ-2018-005357 (OIP), which was submitted by the Reporters Committee for Freedom of the Press to OIP on May 17, 2018. No determination has been issued.

On January 30, 2019, you stated that it would take "an additional three months" to fulfill the Reporters Committee's request. On August 12, 2019, you stated that OIP anticipated providing a response "by the end of October."

It is now almost a month and a half since OIP's latest self-imposed deadline has passed and approximately 574 days since this request was submitted, more than 42 times OIP's average for simple requests.

If you could please advise as to (1) the status of the Reporters Committee's request, (2) when OIP will provide a determination, and (3) the reasons for the amount of time it has taken to process this request, I would appreciate it.

Sincerely,

Adam Marshall

Adam A. Marshall | Knight Foundation Litigation Attorney

Reporters Committee for Freedom of the Press

amarshall@rcfp.org | (202) 795-9308 | @a_marshall_plan | GPG/Signal available

Veleva, Brittne R (OIP)

From: Jones, Priscilla A (OIP) <pajones@jmd.usdoj.gov>
Sent: Wednesday, June 3, 2020 3:18 PM
To: Hibbard, Douglas (OIP)
Subject: FW: New FOIA request received for Office of Information Policy
Attachments: 6-3-20 RCFP FOIA to OIP.pdf; FOIA Request confirmation #132621.pdf

FOIA-2020-01282

From: OIP.FOIARequest.1 <OIP.FOIARequest.1@jmd.usdoj.gov>
Sent: Wednesday, June 3, 2020 2:51 PM
To: Jones, Priscilla A (OIP) <pajones@jmd.usdoj.gov>
Subject: FW: New FOIA request received for Office of Information Policy

[Mail](#)

[Request received 6/3](#)

From: National.FOIAPortal@usdoj.gov <National.FOIAPortal@usdoj.gov>
Sent: Wednesday, June 03, 2020 2:40 PM
To: OIP.FOIARequest.1 <OIP.FOIARequest.1@jmd.usdoj.gov>
Subject: New FOIA request received for Office of Information Policy

Hello,

A new FOIA request was submitted to your agency component:

The following list contains the entire submission submitted June 03, 2020 02:40:02pm ET, and is formatted for ease of viewing and printing.

Contact information

First name Adam
Last name Marshall

Mailing Address 1156 15th St. NW
Suite 1020
City Washington
State/Province DC
Postal Code 20005
Country United States
Phone 2027959308
Fax 2027959310
Company/Organization Reporters Committee for Freedom of the Press
Email amarshall@rcfp.org

Request

Request ID 133146
Confirmation ID 132621
Request description Please see attached request.

Supporting documentation

Additional Information 6-3-20 RCFP FOIA to OIP.pdf

Fees

Request category ID media
Fee waiver no
Willing to pay 25

Expedited processing

Expedited Processing no

The following table contains the entire submission, and is formatted for ease of copy/pasting into a spreadsheet.

request_id	confirmation_id	address_city	address_country	address_line1	address_line2	address_state_province	address_zip_postal_code	attachments_supporting_documentation
133146	132621	Washington	United States	1156 15th St. NW	Suite 1020	DC	20005	6-3-20 RCFP FOIA to OIP.pdf

The following list contains the entire submission submitted June 03, 2020 02:40:02pm ET, and is formatted for ease of viewing and printing.

Contact information

First name	Adam
Last name	Marshall
Mailing Address	1156 15th St. NW Suite 1020
City	Washington
State/Province	DC
Postal Code	20005
Country	United States
Phone	2027959308
Fax	2027959310
Company/Organization	Reporters Committee for Freedom of the Press
Email	amarshall@rcfp.org

Request

Request ID	133146
Confirmation ID	132621
Request description	Please see attached request.

Supporting documentation

Additional Information	6-3-20 RCFP FOIA to OIP.pdf
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Fees

Request category ID	media
Fee waiver	no
Willing to pay	25

Expedited processing

Expedited Processing	no
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Administrator Email

From: Administrator Email
Sent: Thursday, June 4, 2020 10:05 AM
To: douglas.hibbard@usdoj.gov
Subject: Event Notification Adam Marshall FOIA-2020-01282

Request Number: FOIA-2020-01282

Requester Name: Adam Marshall

Request Summary:

Event assigned by: sedmonds

Event created by: sedmonds

Event Category: Acknowledgement

Event: Acknowledgement Review

Due Date: 07/01/2020

Comment: FOIA-2020-01282 Due Date: 7/1/20 Review ack ltr and notification

Administrator Email

From: Administrator Email
Sent: Monday, June 8, 2020 2:27 PM
To: douglas.hibbard@usdoj.gov
Subject: Event Notification Adam Marshall FOIA-2020-01282

Request Number: FOIA-2020-01282

Requester Name: Adam Marshall

Request Summary: Records of the Office of Information Policy concerning DOJ-2018-005357, Reporters Committee, or the requester since May 17, 2018.

Event assigned by: sedmonds

Event created by: sedmonds

Event Category: Acknowledgement

Event: Acknowledgement Review

Due Date: 07/01/2020

Comment: FOIA-2020-01282 Due Date: 7/1/20 Review ack ltr and notification

American Society of Access Professionals

From: American Society of Access Professionals
Sent: Wednesday, July 15, 2020 9:33 AM
To: douglas.hibbard@usdoj.gov
Subject: FOIA-Privacy Act Training Features Keynote Address from OIP Director

[3 target=" blank" rel="noopener">](#)



FOIA-Privacy Act Training Features Keynote
Address from OIP Director

[4 target=" blank" rel="noopener">Visit](#)

[our website](#)

Dear ASAP Members and Colleagues:

On behalf of the ASAP Planning Committee, we are very proud to announce that Bobak Talebian will deliver the keynote address at the ASAP Virtual National Training Conference (VNTC) on July 28 and 29, 2020. Bobby Talebian was appointed Director of the Office of Information Policy (OIP), U.S. Department of Justice in February of 2020. Prior to that, Mr. Talebian served as the Acting Director of OIP, Acting Chief of Staff of OIP, and Chief of OIP FOIA Compliance Staff. Mr. Talebian will focus on the mission, goals, and activities of the Office of Information Policy, and how, under his direction, the OIP can serve your needs.

The two-day ASAP VNTC covers overview FOIA and Privacy Act sessions as well as in-depth sessions on various FOIA Exemptions and Hot Topic. As always, the ever-popular session, "The Requesters" is back. ASAP training prides itself on providing varying perspectives, including those among the requester community as well as those among various agencies.

Get all the program details and registration information at [5 >https://www.accesspro.org/training-education-programs/2020-asap-virtual-national-training-conference/](https://www.accesspro.org/training-education-programs/2020-asap-virtual-national-training-conference/),

NEW INFORMATION! Registration for this program will close on Monday, July 27 at noon, EDT. This will help facilitate the upload of registrant sign on information for unique access codes.

We thank the Planning Committee for their hard work in finding a creative solution to bring the best in training to you in these trying times. Committee members are: Chair Amy Bennett; Ramona Branch Oliver; Ginger McCall; Michael Morisy; Ryan Mulvey; Patrice Parker; and Kellie Robinson. Here's a peek at the program.

FOIA Processing: Key Procedural Elements - Instructors will discuss the key procedural elements of the statute including those under the FOIA Improvement Act of 2016. This session will provide a strong foundation for growth and is perfect for newcomers, those seeking a refresher, and those needing an overview of the changes provided in the FOIA Improvement Act of 2016.

-Stephanie Carr, Department of Defense

-Michael Bell, Department of Transportation

The Privacy Act of 1974: Scope, Disclosure and Requirements - Allegations of governmental abuse led Congress to pass the Privacy Act of 1974. Think Watergate. The Act's purpose is to balance the Government's need to maintain information about individuals with protecting the rights of those individuals from unwarranted invasion of privacy. This session will cover the basic policy objectives of the Act; compliance; an overview of disclosure of records with and without consent; and agency requirements including civil remedies and criminal penalties. This session is a great basic, foundation course and can also be used as the perfect refresher.

Ramona Branch Oliver, Department of Labor

FOIA Exemptions: One to Nine - What do the FOIA's nine exemptions cover and how are they applied? This session provides an overview understanding of each exemption and whether you can use discretion in its application. It is a perfect foundation course that is complemented by other sessions that delve into the specific exemptions.

Scott Hodes, FOIA and Privacy Expert

Martha Murphy, National Archives and Records Administration, OGIS

Session 1.04 – Privacy Act Conditions of Disclosure - Now that you have a Privacy Act request, what can you release? This session will help you understand an individual's authorization

Agency Representative to be Confirmed

KEYNOTE ADDRESS - *Bobak Talebian, Director, Office of Information Policy, U.S. Department of Justice*

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« ‹ › »

Gare Shanley, Executive Director

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American Society of Access Professionals

From: American Society of Access Professionals
Sent: Tuesday, July 21, 2020 4:42 PM
To: douglas.hibbard@usdoj.gov
Subject: Last Call – Virtual Training on July 28-29

[7 target=" blank" rel="noopener">](#)



Last Call – Virtual Training on July 28-29

[8 target=" blank" rel="noopener">Visit
our website](#)

Attention ASAP Members and Colleagues:

Time is running out. You have this week to register for the best in Privacy and FOIA training. The first-ever ASAP virtual training, scheduled for July 28 and 29, will be closing its registration portal.

We have a strict cut-off date and time of Monday, July 27 at 12:00 pm, EDT. That's when the system locks down so that we can upload the registrant sign on information for unique access codes.

The two-day ASAP VNTC covers overview FOIA and Privacy Act sessions as well as in-depth sessions on various FOIA exemptions, recent court cases, and hot topics. Presenters include well-known experts in the field. We are very excited that Bobak Talebian, Director of the Office of Information Policy at the U.S. Department of Justice, will deliver the keynote. Mr. Talebian will focus on the mission, goals, and activities of the Office of Information Policy, and how, under his direction, the OIP can serve your needs.

We thank the Planning Committee for their hard work in coordinating this great opportunity: Chair Amy Bennett and members Ramona Branch Oliver; Ginger McCall; Michael Morisy; Ryan Mulvey, Patrice Parker and Kellie Robinson.

Get all the program details and registration information at

[9>https://www.accesspro.org/AccessPro/assets/2020%20Virtual%20NTC/ASAP%202020%20Virtual%20NTC%20Program%20\(Public8-1\).pdf](https://www.accesspro.org/AccessPro/assets/2020%20Virtual%20NTC/ASAP%202020%20Virtual%20NTC%20Program%20(Public8-1).pdf)

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Edmonds, Steffon L (OIP)

From: Edmonds, Steffon L (OIP)
Sent: Tuesday, September 15, 2020 11:16 AM
To: Hibbard, Douglas (OIP)
Subject: RE: Notification of Records Search to be Conducted in Response to the FOIA, Adam Marshall, OIP No. FOIA-2020-01282 (OIP)

I was instructed to just to send it to you and bobby, but he still hasn't sent me a reply. I sent a follow up a while back and still no reply, so I sent one today.

From: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Sent: Tuesday, September 15, 2020 11:12 AM
To: Edmonds, Steffon L (OIP) <sledmonds@jmd.usdoj.gov>
Subject: RE: Notification of Records Search to be Conducted in Response to the FOIA, Adam Marshall, OIP No. FOIA-2020-01282 (OIP)

We have started the Clearwell search yet. The next step is the submit the DRF for my review once you hear back from everyone in OIP on whether or not they need to be part of the Clearwell search.

From: Edmonds, Steffon L (OIP) <sledmonds@jmd.usdoj.gov>
Sent: Tuesday, September 15, 2020 11:10 AM
To: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Subject: RE: Notification of Records Search to be Conducted in Response to the FOIA, Adam Marshall, OIP No. FOIA-2020-01282 (OIP)

Good afternoon, I checked your Clearwell and couldn't find any records.

From: Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Sent: Tuesday, June 9, 2020 10:41 AM
To: Edmonds, Steffon L (OIP) <sledmonds@jmd.usdoj.gov>
Subject: RE: Notification of Records Search to be Conducted in Response to the FOIA, Adam Marshall, OIP No. FOIA-2020-01282 (OIP)

I do have records that should be searched via Clearwell.

From: Edmonds, Steffon L (OIP) <sledmonds@jmd.usdoj.gov>
Sent: Tuesday, June 09, 2020 10:39 AM
To: Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>; Hibbard, Douglas (OIP) <dhibbard@jmd.usdoj.gov>
Subject: Notification of Records Search to be Conducted in Response to the FOIA, Adam Marshall, OIP No. FOIA-2020-01282 (OIP)

The purpose of this e-mail is to request that a preliminary search be conducted in the Office of Information Policy for records, which are the subject of the attached Freedom of Information Act/Privacy Act request.

- Records regarding DOJ-2018-005357, Reporters Committee, or the requester since May 17, 2018.

Please review the request for potentially responsive records to this request, reply to the IR staff member with

Please review the request for potentially responsive records to this request, reply to the IR staff member with your response. **Should you have potentially responsive records, they will work with you to conduct a search, including a remote search of your electronic records.**

In your reply, please be certain to include a preliminary review of both paper and electronic records, which includes e-mail, e-mail that has been archived, computer (e.g. C or H drive) files, text or voice messages, and any classified systems, either in paper or electronic form, that may maintain responsive material. With regard to unclassified e-mail records, including e-mails that have been archived, **you may also advise if you have any records, and we will conduct a search of e-mail records remotely.**

Please note that the Federal Records Act, as amended in 2014, and [DOJ Policy Statement 0801.04](#) provide that government employees should not use a non-official account including, but not limited to, email, text, or instant message, for official business. However, should this occur, the communication must be fully captured in a DOJ recordkeeping system – either by copying any such messages to one's official account or forwarding them to one's official account within twenty days. Should any records custodians have official records responsive to this FOIA request, which are maintained only in a non-official account, and not copied into an official account, then those records should be provided to me.

If you have any questions concerning this matter, please feel free to call me or reply to this email.

ATTACHMENT (Initial Request Ltr)

Please do not reply to this e-mail account, as this account is not monitored. Thank you.

From: [Kochurka, Kimberley \(OIP\)](#)
To: [Villanueva, Valeree A \(OIP\)](#)
Subject: FW: OIP FOIA Search A. Marshall DOJ-2018-005357
Date: Thursday, June 14, 2018 8:55:08 AM
Attachments: [01. Initial Request \(5.17.18\).pdf](#)

Forgot to cc you!

From: Kochurka, Kimberley (OIP)
Sent: Thursday, June 14, 2018 8:53 AM
To: Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>; Mallon, Carmen L (OIP) <cmallon@jmd.usdoj.gov>; Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>
Subject: OIP FOIA Search A. Marshall DOJ-2018-005357

Good morning,

Please see the attached FOIA request seeking the following information:

- Communications containing the following keywords: "H.R. 5253," "HR 5253, "Office of Government Information Services Empowerment Act of 2018" or "OGIS Empowerment."
- Timeframe: Since January 1, 2018.

I am writing in hopes that you could provide the above-referenced records in response to this request. Furthermore, if you believe any other individuals in this Office may have records related to this request, please let me know and I can reach out to them as well.

In the interest of being complete, I am enclosing our standard search language below:

When conducting your records search, please be certain to include a review of both paper and electronic records, which includes e-mail, e-mail that has been archived, computer (e.g. C or H drive) files, text or voice messages, and any classified systems, either in paper or electronic form, that may maintain responsive material. With regard to unclassified e-mail records, including e-mails that have been archived, you may simply advise if you have any records, and we will conduct a search of e-mail records remotely. Alternatively, you may send me copies of anything you may have by email.

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If you have any questions or would like to discuss, please feel free to give me a call.

Thank you,

Kim Kochurka
Government Information Specialist
Office of Information Policy
U.S. Department of Justice
Ph: (202) 616-9712
Kimberley.Kochurka@usdoj.gov

From: admin@foiaonline.gov
To: [Delake, Nadege \(OIP\)](#)
Subject: FOIA Assignment for DOJ-2018-005357
Date: Tuesday, August 13, 2019 8:53:37 AM

You have been assigned to the FOIA request - DOJ-2018-005357. Additional details for this item are as follows:

- Tracking Number: DOJ-2018-005357
- Requester: Mr. Adam Marshall
- Request Track: Complex
- Submitted Date: 07/04/2018
- Due Date: 06/15/2018
- Short Description: Communications containing specific keywords (OIP # only)
- Description: Please see attached request.
- Assigned Comments: See DRH email of 8/13/19.

From: admin@foiaonline.gov
To: [Delake, Nadege \(OIP\)](#)
Subject: FOIA Task Completed for Review
Date: Wednesday, January 15, 2020 12:32:08 PM

The FOIA Task - Review was completed. Additional details for this task are as follows:

Task Details:

- Tracking Number: DOJ-2018-005357
- Task Type: Review
- Task Description: N/A
- Assigned To: Douglas Hibbard
- Assigned By: Nadege Delake
- Created Date: 09/11/2019
- Due Date: 09/12/2019
- Closed Date: 01/15/2020
- Outcome: Other
- Task Comments: See my green and red comments on the working copies. Go ahead and draft up/send out the necessary OLA, OLC, OMB, and DOD consults. Even if not noted on the doc, **(b) (5)**

From: [Mallon, Carmen](#)
To: [Talebian, Bobak \(OIP\)](#)
Subject: FW: FOIA-Privacy Act Training Features Keynote Address from OIP Director
Date: Wednesday, July 15, 2020 10:38:12 AM

Very nice announcement about your keynote address at the ASAP Conference😊

From: American Society of Access Professionals <asap@accesspro.org>
Sent: Wednesday, July 15, 2020 9:37 AM
To: Mallon, Carmen <mallonc@SEC.GOV>
Subject: FOIA-Privacy Act Training Features Keynote Address from OIP Director

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FOIA-Privacy Act Training Features Keynote Address from OIP Director

Dear ASAP Members and Colleagues:

On behalf of the ASAP Planning Committee, we are very proud to announce that Bobak Talebian will deliver the keynote address at the ASAP Virtual National Training Conference (VNTC) on July 28 and 29, 2020. Bobby Talebian was appointed Director of the Office of Information Policy (OIP), U.S. Department of Justice in February of 2020. Prior to that, Mr. Talebian served as the Acting Director of OIP, Acting Chief of Staff of OIP, and Chief of OIP FOIA Compliance Staff. Mr. Talebian will focus on the mission, goals, and activities of the Office of Information Policy, and how, under his direction, the OIP can serve your needs.

The two-day ASAP VNTC covers overview FOIA and Privacy Act sessions as well as in-depth sessions on various FOIA Exemptions and Hot Topic. As always, the ever-popular session, "The Requesters" is back. ASAP training prides itself on providing varying perspectives, including those among the requester community as well as those among various agencies.

Get all the program details and registration information at <https://www.accesspro.org/training-education-programs/2020-asap-virtual-national-training-conference/>.

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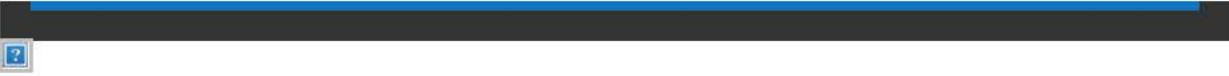
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From: O'Neill, Sean (OIP)
To: Talebian, Bobak (OIP)
Subject: FW: FOIA-Privacy Act Training Features Keynote Address from OIP Director
Date: Monday, July 20, 2020 11:02:22 AM

Just saw this. Congratulations!

From: American Society of Access Professionals <asap@accesspro.org>
Sent: Wednesday, July 15, 2020 9:45 AM
To: O'Neill, Sean (OIP) <soneill@jmd.usdoj.gov>
Subject: FOIA-Privacy Act Training Features Keynote Address from OIP Director

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FOIA-Privacy Act Training Features Keynote Address from OIP Director

Dear ASAP Members and Colleagues:

On behalf of the ASAP Planning Committee, we are very proud to announce that Bobak Talebian will deliver the keynote address at the ASAP Virtual National Training Conference (VNTC) on July 28 and 29, 2020. Bobby Talebian was appointed Director of the Office of Information Policy (OIP), U.S. Department of Justice in February of 2020. Prior to that, Mr. Talebian served as the Acting Director of OIP, Acting Chief of Staff of OIP, and Chief of OIP FOIA Compliance Staff. Mr. Talebian will focus on the mission, goals, and activities of the Office of Information Policy, and how, under his direction, the OIP can serve your needs.

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From: [Alina Semo](#)
To: [Talebian Bobak \(OIP\)](#)
Subject: Fwd: FOIA-Privacy Act Training Features Keynote Address from OIP Director
Date: Wednesday, July 15, 2020 9:52:19 AM

Alina M. Semo
Director, Office of Government Information Services
National Archives and Records Administration
Phone: (202) 741-5771; Fax: (202) 741-5769; Cell: (301) 456-9185



Website: www.archives.gov/ogis
Blog: <https://foia.blogs.archives.gov/>
Twitter: https://twitter.com/foia_ombuds

Physical Address:
732 North Capitol Street, N.W., Suite A702
Washington, DC 20401-0001
Mailing Address:
8601 Adelphi Road – OGIS
College Park, MD 20740-6001

----- Forwarded message -----

From: American Society of Access Professionals <asap@accesspro.org>
Date: Wed, Jul 15, 2020 at 9:48 AM
Subject: FOIA-Privacy Act Training Features Keynote Address from OIP Director
To: <alina.semo@nara.gov>



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**FOIA-Privacy Act Training Features Keynote
Address from OIP Director**

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From: [American Society of Access Professionals](#)
To: [Talebian, Bobak \(OIP\)](#)
Subject: Last Call – Virtual Training on July 28-29
Date: Tuesday, July 21, 2020 4:42:01 PM



Last Call – Virtual Training on July 28-29

[Visit our website](#)

Attention ASAP Members and Colleagues:

Time is running out. You have this week to register for the best in Privacy and FOIA training. The first-ever ASAP virtual training, scheduled for July 28 and 29, will be closing its registration portal.

We have a strict cut-off date and time of Monday, July 27 at 12:00 pm, EDT. That's when the system locks down so that we can upload the registrant sign on information for unique access codes.

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[https://www.accesspro.org/AccessPro/assets/2020%20Virtual%20NTC/ASAP%202020%20Virtual%20NTC%20Program%20\(Public8-1\).pdf](https://www.accesspro.org/AccessPro/assets/2020%20Virtual%20NTC/ASAP%202020%20Virtual%20NTC%20Program%20(Public8-1).pdf)

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From: [Pustay, Melanie A \(OIP\)](#)
To: [Klimavicz, Joseph \(JMD\)](#)
Cc: [Bewtra, Ron \(JMD\)](#); [Talebian, Bobak \(OIP\)](#); [Gardner, Matt \(OIP\)](#)
Subject: RE: (Please note - Change in Room) FOIAonline
Date: Monday, December 10, 2018 2:25:29 PM

(b) (5) This article is pretty scathing. (b) (5)

From: Klimavicz, Joseph (JMD) <jklimavicz@jmd.usdoj.gov>
Sent: Monday, December 10, 2018 2:17 PM
To: Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>; Gardner, Matt (OIP) <mgardner@jmd.usdoj.gov>
Cc: Bewtra, Ron (JMD) <rbewtra@jmd.usdoj.gov>
Subject: FW: (Please note - Change in Room) FOIAonline
Melanie, Matt,
Very interesting email. (b) (5)

Thanks,
Joe

From: Williams, Rebecca A. EOP/OMB (b) (6) per OMB
Sent: Monday, December 10, 2018 1:26 PM
To: Klimavicz, Joseph (JMD) <jklimavicz@jmd.usdoj.gov>; Pustay, Melanie A (OIP) <mpustay@jmd.usdoj.gov>; Moses, Joshua A. EOP/OMB (b) (6) per OMB; Lipton, Adam S. EOP/OMB (b) (6) per OMB Bussow, Mark A. EOP/OMB (b) (6) per OMB; Gardner, Matt (OIP) <mgardner@jmd.usdoj.gov>; Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>
Cc: Bewtra, Ron (JMD) <rbewtra@jmd.usdoj.gov>; Morrison, William W. EOP/OMB (b) (6) per OMB Wieczorek, Aaron J. EOP/OMB (b) (6) per OMB
Subject: RE: (Please note - Change in Room) FOIAonline
-EPA folks

Following the press on FOIAOnline's [PII issues](#), last week there was press on the [UX issues](#):

FOIAonline Still Broken Six Months After Disastrous Redesign

Six months ago the would-be government-wide FOIA portal, [FOIAonline](#), was redesigned and the site lost much of its functionality as a result. (The Reporters Committee's Adam Marshall has a good [run-down of all the things wrong with the site here](#).) In July FOIAonline posted a notice on its homepage saying the setback would only be short-term, claiming that "Much of the information from the previous version of FOIAonline is not yet in 3.0. This process is expected to take **several weeks** to complete. We appreciate your patience as we continue to work through the most recent cases to the oldest."

Several weeks turned into six months and there are still no updates about when we can expect the website, [which the Environmental Protection Agency provides the IT for](#), to return to its previous usability.

<https://unredacted.com/2018/12/06/foiaonline-still-broken-six-months-after-disastrous-redesign-frinforms-12-6-2018/>

-----Original Appointment-----

From: [Talebian, Bobak \(OIP\)](#)
To: [Alina Semo](#)
Subject: RE: EXCELLENT Webinar;
Date: Thursday, April 16, 2020 6:47:00 PM

Thanks so much!

From: Alina Semo <alina.semo@nara.gov>
Sent: Thursday, April 16, 2020 4:54 PM
To: Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>
Subject: Fwd: EXCELLENT Webinar;

Bobby: Here's one of my homework assignments: Below is the information for the Webinar I participated in earlier this month:

PREVIOUSLY RECORDED

Fighting for open records during the COVID-19 crisis

Co-hosted with Reporters Committee for Freedom of the Press

Speakers: Adam Marshall and Gunita Singh, Reporters Committee for Freedom of the Press; Jason Leopold, BuzzFeed News; hosted by Denise Malan of IRE

Watch: [The recording can be viewed here](#). Closed captioning is available by clicking the CC button in the bottom right of the player and selecting "English CC." Recorded April 1.

Description: Panelists will discuss specific records to ask for to investigate coronavirus response at all levels of government, and resources to help push back against agencies that say they can't fill requests during this crisis. Bring your questions.

This webinar is co-hosted by IRE and the Reporters Committee for Freedom of the Press, which is gathering and continually updating legal resources for reporters covering the crisis here: <https://www.rcfp.org/covid-19-resource/>.

Alina M. Semo

Director, Office of Government Information Services
National Archives and Records Administration
Phone: (202) 741-5771; Fax: (202) 741-5769; Cell: (301) 456-9185





Website: www.archives.gov/ogis

Blog: <https://foia.blogs.archives.gov/>

Twitter: https://twitter.com/foia_ombuds

Physical Address:

732 North Capitol Street, N.W., Suite A702
Washington, DC 20401-0001

Mailing Address:

8601 Adelphi Road – OGIS
College Park, MD 20740-6001

Case Notes

Analyst: Kim Kochurka (KJK)
Reviewer (if assigned): Valeree A. Villanueva (VAV)
Name of Requester: Adam Marshall
Date of Request: 5/17/18
Date of Receipt: 5/17/18
Date Received by Analyst: 5/18/18
Case No(s)/Component(s): DOJ-2018-005357 (OIP)

Subject of Request: OIP communications containing specific keywords.

Background Notes: Note from VAV: Search MAP/CLM/BT ... Email them the request (cc VAV) and from there we will decided if they can search themselves/provide any responsive records or if we should put their emails into CW... They may advise of additional people in OIP to search...Any Qs let me know.

6/14/18

- Drafted acknowledgment letter and emailed search notif to BT/MAP/CLM.

6/15/18

- Acknowledgment letter sent.

1/2/19

- Requester sent an email inquiring into status (note: OIP was on furlough from 12/22/18 to 1/25/19).

1/28/19

- Eric Hotchkiss (ERH) forwards to Doug Hibbard (DRH) the requester's inquiry email of 1/2/19 (which states that the requester also sent into inquiry emails on 12/12/18 and 12/18/18).

1/30/19

- ERH forwards to DRH another inquiry email from the requester (this one dated 1/28/2019). DRH looks into the file and notes that KJK sent search notifications to Carmen, Melanie, and Bobby on 6/14/2018 but there's nothing in the file to suggest that any of them responded. DRH sent a follow up search inquiry to Carmen (CLM), Melanie, and Bobby. See file.
- DRH responded to the requester's inquiry of 1/28/2019 providing an estimated date of completion in three months. See file.
- DRH received a voice message from the requester inquiring into status. See file. Given DRH already provided a status update via email, the call was not returned.
- CLM responded to the search inquiry that it would be only herself, Melanie, and Bobby who would have records within OIP. CLM stated she had "a few items." See file.

3/28/19

- Status inquiry from requester. See file.

3/29/19

- DRH replied to the status inquiry. See file.

5/31/19

- Requester emailed DRH inquiring into status. See file.
- DRH replied to the status inquiry. See file.
- Request submitted to JMD/Clearwell. Clearwell number 1748.

6/27/19

- Search results received from JMD/Clearwell. The search located 208 documents/312 items.

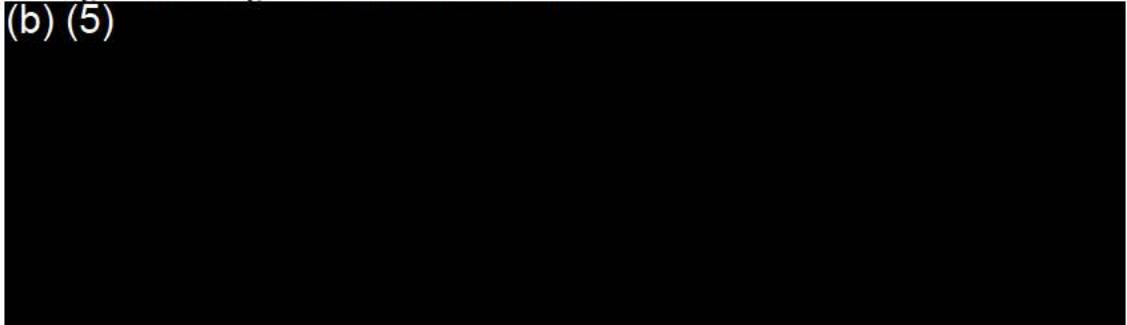
8/12/19

- Requester emailed DRH inquiring into status. See file.
- DRH replied to the status inquiry, stating that the search has been completely, the volume of records located, and our intention to provide a response by the end of October. See file.

8/13/19

- DRH began reviewing the Clearwell search results:

(b) (5)



- All documents in the Clearwell pull have now been appropriately tagged.
- Request reassigned to Nadege Delake for further processing.

ND's Notes

8/22/19

Reviewed file

Sent an email to Dawn to grant me access to CW docs

8.23.2019

Access granted

Extracted CW docs- quick review

9/11/19

Completed processing of CW docs and tasked DRH for review.

1.23.2020

DRH completed review and sent back for consult
Updated Working copy per DRH's comments
Drafted join consult to OMB, OLA, DOD, OPCL, OLC
Sent them out.

2/11/2020

Sent an email follow-up to these Offices.

2/19/2020

OPCL responded-saved in the consult folder.

3.5.2020

OMB responded –saved in the consult folder.

Email follow-up to DOD, OLA, and OLC.

4.3.20

Got DOD consult response-saved in folder

4.17.20

Got OLA's response-saved in folder

OLC consult response is pending.

8/4/20

Case in lit. Now transitioning to lit team!

From: [Robinson-Smith, Andria \(OPCL\)](#)
To: [Delake, Nadege \(OIP\)](#)
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357
Date: Wednesday, February 19, 2020 2:29:43 PM

Good afternoon, Nadege. Hope you are well!

OPCL is fine with the current redactions applied to the document and also requests a few additional redactions.

We note some inconsistencies in regards to the redactions of certain email addresses. In the past, OIP has redacted the email addresses of leadership based on the concern that they could be harassed if their email addresses are released. We request that Peter Winn's email address be redacted from this document (similar to the redaction of Melanie Pustay's email address).

We also note that the email addresses in this document include OPCL internal email addresses, not the publicly released email addresses (e.g., on business cards and the OPCL public-facing web site). (b) (5), (b) (6)

[REDACTED]
[REDACTED]
[REDACTED] We ask that all OPCL internal email addresses be redacted for security reasons.

Finally, we ask that the office phone number for Khaliah Barnes be redacted as this number has been reassigned to another staff member.

Thank you,
Andria Robinson-Smith

From: Delake, Nadege (OIP) <NDelake@jmd.usdoj.gov>
Sent: Tuesday, February 11, 2020 7:13 PM
To: Robinson-Smith, Andria (OPCL) (b) (6) per OPCL [REDACTED]; Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>; Norgren-Markley, Danielle (OLA) <dnorgrenmarkley@jmd.usdoj.gov>; USDOJ-Office of Legal Counsel (SMO) <Ex_OLC@jmd.usdoj.gov>; MBX OMB FOIA (b) (6) per OMB [REDACTED]; whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357

Good evening-
Following up on the consult below!

From: Delake, Nadege (OIP)
Sent: Thursday, January 23, 2020 4:32 PM
To: Robinson-Smith, Andria (OPCL) (b) (6) per OPCL [REDACTED]; Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>; Norgren-Markley, Danielle (OLA) <dnorgrenmarkley@jmd.usdoj.gov>; usdoj-officeoflegalcounsel@usdoj.gov; (b) (6) per OMB [REDACTED]

(b) (6) per DOD

Subject: FOIA Consultation, A. Marshall; DOJ-2018-005357

This concerns the above-referenced Freedom of Information Act request, which was received by this Office. The requester, Adam Marshall of Reporters Committee for Freedom of the Press, seeks Office of Information Policy (OIP) records concerning the Office of Government Information Services Empowerment Act of 2018 since January 1, 2018.

Attached are 162 pages of material, which contain information of interest to the Offices of Legislative Affairs (OLA), Legal Counsel (OLC), Privacy and Civil Liberties (OPCL), Management and Budget (OMB), and Department of Defense (DOD). The material consists of email communications and attachments between Officials in your Offices and OIP regarding the Office of Government Information Services Empowerment Act of 2018. Accordingly, we are forwarding this information to your Offices for consultation. Please provide this Office with your views regarding the disclosure of the documents and the application of any FOIA exemptions. Our preliminary determination is that this material can be released with the information highlighted in yellow withheld pursuant to Exemptions 5 (deliberative process privilege), and 6 of the FOIA (personal privacy).

For your reference, we have maintained all of the responsive emails in one file, however your Office needs to only review the emails identified for your particular Office. As you will note, the number of documents to review is very limited for most components.

OLA documents for consultation

OIP#1, OIP# 3, OIP# 4, OIP#7, OIP#9, OIP#14, OIP#18, OIP#20, and OIP#27

OLC documents for Consultation

OIP #1, OIP# 4, OIP#9, OIP#11, OIP#19, OIP#20, OIP#23, and OIP#27

OPCL documents for consultation

OIP #1, OIP# 6

OMB documents for consultation

OIP #4, OIP#9

DOD documents for consultation

OIP#7, OIP#16, OIP#17

Please be advised that the numbers in the lower right-hand corner are for administrative purposes only and were not on the original documents.

In an effort to streamline this consultation process, we will not be sending you a formal consultation memorandum. We ask that you provide your response by responding to this e-mail.

A copy of the requester's initial request is attached for your reference. If you have any questions, you may contact me directly at **(b) (6)** work cell, or by e-mail at nadege.delake@usdoj.gov. Thank you for your attention to this matter.
Nadege

Sincerely,

Nadege A. Delake
Sr. Gov't Information Specialist
Office of Information Policy
U.S. Department of Justice

From: [Crawford, Ayana K. EOP/OMB \(Contractor\)](#)
To: [Delake, Nadege \(OIP\)](#)
Cc: [Hardy, Dionne M. EOP/OMB](#); [Holt, Michele D. EOP/OMB](#); [Nusraty, Tim H. EOP/OMB](#)
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357 - OMB 20-188 Consult Response
Date: Thursday, March 5, 2020 3:05:47 PM
Attachments: [DOJ Consultation docs - OMB 20-188 Final Redacted Docs.pdf](#)

Hello Nadege,

The attached consultation, assigned tracking number, 20-188 has been reviewed and cleared by our OMB staff for release with no additional suggested redactions. Please find attached OMB Final Redacted documents. This concludes our processing of this consult.

I wanted to inform you OMB only clears for its own agency equities and not White House equities. If you have any questions please contact me.

Ayana Crawford
FOIA Specialist (Contractor)
Executive Office of the President
Office of Management and Budget
Office of General Counsel
Desk: (b) (6) per OMB

(b) (6) per OMB

From: Crawford, Ayana K. EOP/OMB (Contractor)
Sent: Wednesday, February 26, 2020 9:20 AM
To: 'nadege.delake@usdoj.gov' <nadege.delake@usdoj.gov>
Cc: Hardy, Dionne M. EOP/OMB (b) (6) per OMB
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357 - OMB 20-188

Hello Nadege,

This consult is being processed. (b) (5) per OMB

Ayana Crawford
FOIA Specialist (Contractor)
Executive Office of the President
Office of Management and Budget
Office of General Counsel
Desk: (b) (6) per OMB

(b) (6) per OMB

From: MBX OMB FOIA (b) (6) per OMB

Sent: Tuesday, February 25, 2020 3:19 PM

To: Crawford, Ayana K. EOP/OMB (Contractor) (b) (6) per OMB

Subject: FW: FOIA Consultation, A. Marshall; DOJ-2018-005357

Hi Ayana: See status inquiry below.

Thanks.

From: Delake, Nadege (OIP) <Nadege.Delake@usdoj.gov>

Sent: Tuesday, February 25, 2020 1:31 PM

To: Kellner, Kenneth E. (OLA) <Kenneth.E.Kellner@usdoj.gov>; Norgren-Markley, Danielle (OLA) <Danielle.Norgren-Markley2@usdoj.gov>; USDOJ-Office of Legal Counsel (SMO) <USDOJ-

OfficeofLegalCounsel@usdoj.gov>; MBX OMB FOIA (b) (6) per OMB; whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil

Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357

Good afternoon-

Please we will appreciate if you provide status of the consult below!

Thanks!

From: Delake, Nadege (OIP)

Sent: Tuesday, February 11, 2020 7:13 PM

To: Robinson-Smith, Andria (OPCL) (b) (6) per OPCL; Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>; Norgren-Markley, Danielle (OLA) <dnorgrenmarkley@jmd.usdoj.gov>; usdoj-officeoflegalcounsel@usdoj.gov; MBX OMB FOIA (b) (6) per OMB; whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil

Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357

Duplicative Material

From: (b) (6) per DOD
To: [Delake, Nadege \(OIP\)](#)
Cc: (b) (6) per DOD
Subject: Final Response Letter: Ref 20-FC-0047/DOJ-2018-005357
Date: Friday, April 3, 2020 2:53:18 PM
Attachments: [20-FC-0047 Final Response \(b5\).pdf](#)
[20-FC-0047 Opaque.pdf](#)
[20-FC-0047 Translucent.pdf](#)
[20-FC-0047 WHS Email.pdf](#)

Nadege,

This is a final response to your January 23, 2020 Freedom of Information Act (FOIA) consultation, a copy of which is enclosed for your convenience. Please find the reviewed responsive documents in translucent and opaque form.

Respectfully,

(b) (6) per DOD
Freedom of Information Division
OSD/JS FOIA Requester Service Center
Executive Services Directorate
(b) (6) per DOD



Ref: 20-FC-0047
DOJ-2018-005357

MEMORANDUM FOR DEPARTMENT OF JUSTICE
OFFICE OF INFORMATION & PRIVACY
1425 NEW YORK AVENUE, NW
SUITE 11050
WASHINGTON, D.C. 20530

SUBJECT: Freedom of Information Act (FOIA) Request Consultation – Adam A. Marshall

This responds to your January 23, 2020 FOIA consultation to this Office for review of one document, totaling 162 pages, which are responsive to Mr. Marshall's FOIA request. Your consultation was received in this office on January 23, 2020 and assigned FOIA case number 20-FC-0047. We ask that you use this number when referring to this consultation.

The Office of the Secretary of Defense and Joint Staff (OSD/JS) has completed its review of one document, totaling 162 pages. In her capacity as Initial FOIA Denial Authority, Ms. Cindy L. Allard, Chief Defense Privacy, Civil Liberties, and Transparency Division (DPCLTD), has determined that the redacted information in the responsive document should be withheld in part pursuant to the provisions of the Freedom of Information Act, Title 5 U.S.C. § 552 (b)(5), internal records that are deliberative in nature and are part of the decision making process that contain opinions and recommendations. The information should be denied because the information is pre-decisional and is the opinion of an employee. Information not used in this instance may be used in the future.

For clarity, the applied exemption appears within each boxed redaction on your enclosed copies, of which we have provided both a translucent and an opaque copy.

We reserve the right to review should the requester appeal our denial of information. For information concerning the OSD/JS appeals process, please contact the Office of the Chief Management Officer, FOIA Appeals Team, at osd.foia-appeal@mail.mil or (b) (6) per DOD.

We regret the delay in responding to your request and appreciate your patience. If you have any questions or concerns about the foregoing or about the processing of your request, please do not hesitate to contact (b) (6) per DOD at (b) (6) per DOD or by phone (b) (6) per DOD.

Sincerely,

(b) (6) per DOD

Chief

Enclosures:
As stated

From: [Kellner, Kenneth E. \(OLA\)](#)
To: [Delake, Nadege \(OIP\)](#)
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357
Date: Friday, April 17, 2020 10:01:54 AM

Thanks for following up.

Yes to your first question.

And page 149 for the second.

Ken

Kenneth E. Kellner
Counsel
Office of Legislative Affairs
U.S. Department of Justice
(202) 514-3752

From: Delake, Nadege (OIP) <NDelake@jmd.usdoj.gov>
Sent: Thursday, April 16, 2020 8:16 PM
To: Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>
Subject: FW: FOIA Consultation, A. Marshall; DOJ-2018-005357

Ken-
Following-up on the email below!
Thanks!

From: Delake, Nadege (OIP)
Sent: Tuesday, April 7, 2020 5:12 PM
To: Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357

Are you suggesting that this (b) (5) be protected as deliberative?

Can't locate (b) (5) what page is it on?

Thanks!

From: Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>
Sent: Thursday, April 2, 2020 10:21 AM
To: Delake, Nadege (OIP) <NDelake@jmd.usdoj.gov>
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357

Kenneth E. Kellner
Counsel
Office of Legislative Affairs
U.S. Department of Justice
(202) 514-3752

From: Delake, Nadege (OIP) <NDelake@jmd.usdoj.gov>
Sent: Wednesday, April 01, 2020 8:12 PM
To: Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>; Norgren-Markley, Danielle (OLA) <dnorgrenmarkley@jmd.usdoj.gov>; USDOJ-Office of Legal Counsel (SMO) <Ex_OLC@jmd.usdoj.gov>; whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357

Hello-
Checking on the consult below!

From: Delake, Nadege (OIP)
Sent: Thursday, March 5, 2020 3:12 PM
To: Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>; Norgren-Markley, Danielle (OLA) <dnorgrenmarkley@jmd.usdoj.gov>; 'usdoj-officeoflegalcounsel@usdoj.gov' <usdoj-officeoflegalcounsel@usdoj.gov>; 'whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil' <whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil>
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357

Following on the consult below!
Thanks!

From: Delake, Nadege (OIP)
Sent: Tuesday, February 25, 2020 1:31 PM
To: Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>; Norgren-Markley, Danielle (OLA) <dnorgrenmarkley@jmd.usdoj.gov>; usdoj-officeoflegalcounsel@usdoj.gov; MBX OMB FOIA <MBX.OMB.FOIA@OMB.eop.gov>; whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil
Subject: RE: FOIA Consultation, A. Marshall; DOJ-2018-005357

Duplicative Material