

Electronic Privacy Information Center v. U.S. Department of Justice
 Civil Action No. 19-cv-810 (RBW)
Jason Leopold, BuzzFeed, Inc. v. U.S. Department of Justice, et al.
 Civil Action No. 19-cv-957 (RBW)
 U.S. District Court for the District of Columbia

OIP Coded Report

To facilitate the explanation of the FOIA exemptions applied to the Special Counsel’s Report on the Investigation into Russian Interference in the 2016 Presidential Election (“the Report”), and in an effort to provide as much information as possible about the basis for protecting the information underlying each redaction, OIP has added coding in the margins of the FOIA-processed Report, in addition to the exemption labels already placed within each FOIA redaction box.¹ These codes further categorize the withheld information to more readily illustrate the bases for protection under the FOIA. The attached coded Report is intended to be read in tandem with OIP’s June 3, 2019 Declaration, which narratively describes the content of the information withheld under each category.

The exemptions and corresponding coded categories are as follows:

EXEMPTIONS AND CODED CATEGORIES	CATEGORY DESCRIPTION
<u>Exemption (b)(3)</u>	Information protected by statute
<i>(b)(3)-1</i>	<i>Federal grand jury information, prohibited from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure</i>
<i>(b)(3)-2</i>	<i>Intelligence sources and methods, prohibited from disclosure by the National Security Act of 1947, 50 U.S.C. § 3024(i)(1)</i>
<u>Exemption (b)(5)</u>	Information withheld pursuant to the deliberative process privilege
<i>(b)(5)-1</i>	<i>Deliberations about application of law to specific factual scenarios</i>
<i>(b)(5)-2</i>	<i>Deliberations about charging decisions not to prosecute</i>
<u>Exemption (b)(7)(A)</u>	Pending law enforcement proceedings
<u>Exemption (b)(7)(B)</u>	Information which would deprive a person of a right to a fair trial or impartial adjudication
<u>Exemptions (b)(6) and (b)(7)(C)</u>	Unwarranted invasions of personal privacy
<i>(b)(6)/(b)(7)(C)-1</i>	<i>Names, social media account information, and other contact information of unwitting third parties</i>
<i>(b)(6)/(b)(7)(C)-2</i>	<i>Names and personally-identifiable information about individuals not charged by the SCO</i>
<i>(b)(6)/(b)(7)(C)-3</i>	<i>Information concerning a subject of the investigation by the SCO</i>
<i>(b)(6)/(b)(7)(C)-4</i>	<i>Names, social media account information, contact information, and other personally-identifiable information of individuals merely mentioned in the Report</i>
<u>Exemption (b)(7)(E)</u>	Investigative techniques and procedures
<i>(b)(7)(E)-1</i>	<i>Information that would reveal techniques authorized for and used in national security investigations</i>
<i>(b)(7)(E)-2</i>	<i>Details about techniques and procedures that would reveal investigative focus and scope, and circumstances, methods and fruits of investigative operations</i>

¹ Redactions made pursuant to FOIA Exemptions (7)(A) and (7)(B) have not been divided into coded categories.