



U.S. Department of Justice
Drug Enforcement Administration
FOIA and Privacy Act Unit
8701 Morrissette Drive
Springfield, VA 22152

September 27, 2024

Case Number: 21-00514-F

Subject: The contract between IBSS and the Drug Enforcement Administration for the hiring of contractors for handling FOIA on behalf of the Department of Justice; copy of the Code of Conduct for IBSS contractors working for the Drug Enforcement Administration; and the total spending with IBSS for 2020 and 2021, thru the date of the request

William Fernandes

Sent via e-mail: 127054-09168204@requests.muckrock.com

Dear William Fernandes:

This letter responds to your Freedom of Information Act/Privacy Act (FOIA/PA) appeal and the Department of Justice, Office of Information Policy appeal remand letter dated July 25, 2024, received by the Drug Enforcement Administration (DEA), FOIA/PA Unit, seeking access to information regarding the above subject.

After reviewing your request, we conducted a search for responsive records pertaining to the above subject. To search for responsive records, we queried the DEA Financial Management Division. As a result of our query, we were able to identify records pertaining to the subject of your request.

Responsive records identified during the processing of your request will be released to you. The portions withheld are exempt from disclosure pursuant to subsections of the FOIA, 5 U.S.C. § 552, as referenced at the end of this letter. An additional enclosure with this letter explains these exemptions in more detail. Please be advised that for each of the exemptions cited, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

The rules and regulations of the DEA applicable to FOIA/PA requests are contained in the Code of Federal Regulations, Title 28, Part 16, as amended. They are published in the Federal Register available to the public (see <https://www.ecfr.gov/current/title-28/chapter-I/part-16>).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison at (571) 776-2300 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at 1-877-684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with DEA's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If possible, please provide a copy of your original request and this response letter with your appeal.

If you have any questions regarding this letter, you may contact FOIA/PA Unit representative Nichelle H. Lonon at (571) 776-2994 or via e-mail at Nichelle.H.Lonon@dea.gov.

Sincerely,

Joshua L. Delo, Chief
Processing Sub-Unit
Freedom of Information and Privacy Act Unit
Office of Chief Counsel
Drug Enforcement Administration

Number of pages released: 82

APPLICABLE SECTIONS OF THE FREEDOM OF INFORMATION AND/OR PRIVACY ACT:

**Freedom of Information Act
5 U.S.C. § 552**

**Privacy Act
5 U.S.C. § 552a**

(b)(1) (b)(5) (b)(7)(C)

(d)(5) (k)(2)

(b)(2) (b)(6) (b)(7)(D)

(j)(2) (k)(5)

(b)(3) (b)(7)(A) (b)(7)(E)

(k)(1) (k)(6)

(b)(4) (b)(7)(B) (b)(7)(F)

Enclosures

FOIA EXEMPTIONS
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1):** Information that is classified to protect national security.
- (b)(2):** Information related solely to the internal personnel rules and practices of an agency.
- (b)(3):** Information that is prohibited from disclosure by another federal law.
- (b)(4):** Trade secrets or commercial or financial information that is confidential or privileged.
- (b)(5):** Privileged communications within or between agencies, including those protected by the:
 - (1) Deliberative Process Privilege (provided the records were created less than 25 years before the date on which they were requested); (2) Attorney-Work Product Privilege; or (3) Attorney-Client Privilege.
- (b)(6):** Information that, if disclosed, would invade another individual's personal privacy.
- (b)(7):** Information compiled for law enforcement purposes that: 7(A) Could reasonably be expected to interfere with enforcement proceedings; 7(B) Would deprive a person of a right to a fair trial or an impartial adjudication; 7(C) Could reasonably be expected to constitute an unwarranted invasion of personal privacy; 7(D) Could reasonably be expected to disclose the identity of a confidential source; 7(E) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or 7(F) Could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8):** Information that concerns the supervision of financial institutions.
- (b)(9):** Geological information on wells.

PRIVACY ACT EXEMPTIONS
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5):** Information compiled in reasonable anticipation of a civil action proceeding.
- (j)(2):** Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or to apprehend criminals.
- (k)(1):** Information that is currently and properly classified pursuant to an executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods.
- (k)(2):** Investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence.
- (k)(3):** Material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056.
- (k)(4):** Required by statute to be maintained and used solely as statistical records.
- (k)(5):** Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence.
- (k)(6):** Testing or examination material used to determine individual qualifications for appointment or promotion in federal government service, the release of which would compromise the testing or examination process.
- (k)(7):** Material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.