



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

August 24, 2022

William Fernandes
MuckRock News
DEPT MR 131269
263 Huntington Avenue
Boston, MA 02115
131269-31580594@requests.muckrock.com

Re: FOIA-2022-01500
DRH:AKT

Dear William Fernandes:

This responds to your Freedom of Information Act request dated and received in this Office on July 12, 2022, seeking records concerning administrative appeal DOJ-AP-2017-00319.

Please be advised that a search has been conducted in this Office, and no records responsive to your request have been located. We have not located any reference to an administrative appeal with the tracking number DOJ-AP-2017-00319.

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) (2018). 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, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

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, MD 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 this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, 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 submitted within ninety 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."

Sincerely,



Douglas R. Hibbard
Chief, Initial Request Staff



12



161s 1986

Share



Emma North-Best filed this request with the [Federal Bureau of Investigation](#) of the [United States of America](#).

It is a clone of [this request](#).

Tracking #	DOJ-AP-2017-00319
Submitted	Feb. 15, 2017
Est. Completion	None

STATUS

Awaiting Appeal

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9 Communications

4 Files

Filter communications

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From: Michael Best

02/15/2017

Subject: Freedom of Information Request: 161s 1986

Email

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

The initiating and terminating documents for all 161 files (Special Inquiries for White House, Congressional Committees and Other Government Agencies) opened or closed in 1986. In addition to this, I request the first 10 other releasable pages and the last 10 other releasable pages from each file and the first and last instance releasable instances of communications from the White House, Congressional Committees or Other Government Agencies as appropriate. As 161 files, like all FBI files, are numbered



and straightforward, and therefore well within the bounds of a "reasonable search" even if the search interface doesn't allow this process to be instantly automated.

I am a member of the news media and request classification as such. I have previously written about the government and its activities for AND Magazine, MuckRock and Glomar Disclosure and have an open arrangement with each. My articles have been widely read, with some reaching over 100,000 readers. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through the non-profit Internet Archive, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance. Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had "firm" plans to "publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media. Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. *Id.* § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category. As such, my primary purpose is to inform about government activities by reporting on it and making the raw data available and I therefore request that fees be waived. Per DOJ FOIA guidance, "a requester should be granted a fee waiver if the requested information (1) sheds light on the activities and operations of the government; (2) is likely to contribute significantly to public understanding of those operations and activities; and (3) is not primarily in the commercial interest of the requester." As this FOIA meets all of those requirements (see above), a fee waiver is warranted.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Michael Best



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Subject: RE: Freedom of Information Request: 161s 1986

Email

Dear Mr. Best,

The FBI has received your Freedom of Information Act/Privacy (FOIPA) request and it will be forwarded to Initial Processing for review. Your request will be processed under the provisions of FOIPA and a response will be mailed to you at a later date.

Requests for fee waivers and expedited processing will be addressed once your request has been assigned an FOIPA request number. You will receive written notification of the FBI's decision.

Please be advised, beginning Wednesday, March 1, 2017, you will no longer be able to submit FOIPA requests via email. On this date, FOIPAREquest@ic.fbi.gov will permanently be taken offline and requests will need to be submitted using the FBI's electronic FOIPA portal at <https://efoia.fbi.gov>. Alternatively, you may submit your request using fax or standard mail.

Information regarding the Freedom of Information Act/Privacy is available at <http://www.fbi.gov> or <http://www.fbi.gov/foia>. If you require additional assistance please contact the Public Information Officer.

Thank you,

Leanna Ramsey

Public Information Officer

Record/Information Dissemination Section (RIDS) FBI-Records Management Division

170 Marcel Drive, Winchester, VA 22602-4843

Direct: (540) 868-4593

Fax: (540) 868-4391/4997

Questions E-mail: foipaquestions@ic.fbi.gov

PLEASE REPLY DIRECTLY TO FOIPAREQUEST@IC.FBI.GOV

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps>. Status updates are performed on a weekly basis.



~WRD249

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12



From: Federal Bureau of Investigation

03/29/2017

Subject: None

Mail

The request has been rejected by the agency.



Request rejected

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From: Michael Best

04/07/2017

Subject: None

Mail

I am appealing the decision to reject my request. As I explained in the original request, "161 files, like all FBI files, are numbered chronologically based on the order they are opened, the process to find files opened in 1986 is simple and straightforward, and therefore well within the bounds of a "reasonable search" even if it the search interface doesn't allow this process to be instantly automated."

From: Federal Bureau of Investigation

04/27/2017

Subject: None

Mail

A letter stating that the request appeal has been received and is being processed.



Appeal Acknowledgement

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From: Federal Bureau of Investigation

04/27/2017

Subject: None

Mail

A letter stating that the request appeal has been received and is being processed.



Appeal Acknowledgement

View

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From: Muckrock Staff

06/07/2018

Subject: RE: Freedom of Information Act Request #DOJ-AP-2017-00319

Fax

To Whom It May Concern:

I wanted to follow up on the following request, copied below. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.



12

**From: Muckrock Staff**

06/12/2018

Subject: RE: Freedom of Information Act Request #DOJ-AP-2017-00319

Mail

To Whom It May Concern:

I wanted to follow up on the following request, copied below. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Newsletter

Want the latest investigative and FOIA news?

williammichaelfernandes@gmail

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