



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 5.400, 3CON Building
175N Street, NE
Washington, DC 20530

(202) 252-6020

June 2, 2023

William Fernandes
MuckRock News DEPT MR 133100, 263 Huntington Ave
Boston, MA 02115
133100-61814884@requests.muckrock.com

Re: Request Number: EOUSA-2023-002045

Subject of Request: Copies of any ethics disclosures filed by EOUSA employees in 2020 that were provided to the EOUSA Ethics Offices which cited a potential conflict of interest in relation to a relationship of a sexual nature with any employees of other DOJ entities including but not limited to subordinates or EOUSA coworkers.

Dear Mr. Fernandes:

In your FOIA request, which we initially received on August 30, 2002, you asked for the following information:

“For the year 2020, I was seeking copies of any ethics disclosures filed by any employees of the United States Attorney's offices 'globally' provided to the USAO Ethics Offices which cited a 'potential conflict of interest' in relation to a relationship of a sexual nature with any employees of other DOJ entities including but limited to subordinates or USAO coworkers.”

Please be advised that the FOIA contact who has been tasked with finding responsive records for your request has informed us that the information you provided is not sufficient to conduct a meaningful search. In an effort to assist us with conducting a search for records that might be responsive to your request, it would be helpful if you could provide additional information regarding the following: 1) please clarify your meaning of “ethics disclosures;” 2) regarding the “ethics disclosures,” what do you mean when you ask for information relating to those that were globally provided to the USAO Ethics Offices? The U.S. Attorney’s Offices do not have Ethics Offices, but they have ethics advisors. Also, clarification is needed to determine if you are asking for such information about employees at the U.S. Attorney’s Offices, or employees of other “DOJ entities.” Also, clarification is needed for the term “DOJ entities.”

Please respond within 30 days of the date of this letter, or this matter will be closed. Please use the attached form to provide the necessary information.

If you are not satisfied with my 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."

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Krebs", is written over a light gray rectangular background.

Kevin Krebs
Assistant Director

Enclosure

THIS IS NOT A BILL. DO NOT SEND MONEY

Requester: William Fernandes

Request No. EOUSA-2023-002045

CHOOSE ONE

I wish to narrow my request in an attempt to obtain a faster response and/or reduce fees as follows:

I understand that I am entitled to the first 100 pages and two hours of search time for free. Please do not search beyond two hours, nor duplicate beyond 100 pages.

I agree to pay up to the following amount for duplication and search time: \$ 100.00.

I understand that this payment is required even if no documents are located or released to me. In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

I wish to withdraw my request.



Signature

07/01/2023

Date

Please return to:

EOUSA

FOIA/PA

175 N Street, NE, 5th Floor, FOIA Suite

Washington, DC 20530

As exhibited in the enclosed attachment a representative from your offices already completed a search and made a public statement in regards to the responsive records. I feel this type of unnecessary discourse is 18 U.S.C.2261a and if your office is experiencing an extended ethical famine, I will be sure to contact your FOIA Liaison in addition to the Judiciary and the OIG, OPR.

To recap, I would like a copy of the 'responsive' records, that were viewed when making this correspondence attached.



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175N Street, NE
Washington, DC 20530*

(202) 252-6020

November 10, 2022

VIA E-mail

William Fernandes
MuckRock News DEPT MR 133100, 263 Huntington Ave
Boston, MA 02115

Re: Request Number: EOUSA-2022-002797

Date of Receipt: August 30, 2022

Subject of Request: For the year 2020, I was seeking copies of any ethics disclosures filed by any employees of the United States Attorney's offices 'globally' provided to the USAO Ethics Offices which cited a 'potential conflict of interest' in relation to a relationship of a sexual nature with any employees of other DOJ entities including but limited to subordinates or USAO coworkers.

Dear Mr. Fernandes:

This letter acknowledges receipt of your Freedom of Information Act/Privacy Act (FOIA) request in the Executive Office for United States Attorneys (EOUSA). Your request has been assigned tracking number EOUSA-2022-002797. Please refer to this number in any future correspondence with this Office.

You have requested records concerning a third party. To the extent that non-public responsive records exist, without consent, proof of death, or an overriding public interest, disclosure of law enforcement records concerning an individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. *See* 5 U.S.C. § 552(b)(6) & (b)(7)(C). Because any non-public records responsive to your request would be categorically exempt from disclosure, this Office is not required to conduct a search for the requested records. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Should you obtain the written authorization and consent of the third party for release of the records to you, please submit a new request for the documents accompanied by the written authorization. A form is enclosed to assist you in providing us the authorization and consent of the subject of your request. Your name should appear in the section titled "Optional." The authorization must be notarized or signed under penalty of perjury pursuant to 18 U.S.C. § 1001. Please send your new request to 175 N Street, NE, Suite 5.400, Washington, DC 20530.

This is the final action on this above-numbered request. If you are not satisfied with my 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."

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020. 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, 8601 Adelphi Road-OGIS, 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.

Sincerely,



Kevin Krebs
Assistant Director

Enclosure



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ _____

Citizenship Status ² _____ Social Security Number ³ _____

Current Address _____

Date of Birth _____ Place of Birth _____

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ _____ Date _____

¹Name of individual who is the subject of the record(s) sought.

²Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴Signature of individual who is the subject of the record sought.