

# EXHIBIT I

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

U.S. Coast Guard Stop 7710  
2703 Martin Luther King, JR AVE SE  
Washington, DC 20593-7710  
Staff Symbol: CG-6P  
Phone: (202) 475-3522

5720  
2020-CGFO-01682  
2020-CGAP-00024

Mr. Patrick Lai  
Lee, Hong, Degerman, Kang & Waimey  
660 S. Figuera St., Suite 2300  
Los Angeles, CA 90017-3440

Dear Mr. Lai:

We have processed your appeal under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and applied a presumption of disclosure. After careful consideration, your appeal is denied. The information you requested continues to be withheld pursuant to FOIA Exemptions 6, and 7(C).

On April 13, 2020, you requested electronic copies of personally identifiable information (PII) previously searchable through a database<sup>1</sup> accessible at the link and included in data which comprise the report "Merchant Vessels of the United States," aka "List of Documented Vessels." Specifically, you are seeking the report's data which includes vessel particulars and managing vessel owner identification information such as: (1) organization name, (2) owner's first and last name, (3) address, (4) certificate of documentation status, (5) certificate of documentation issue date, (6) certificate of documentation expiration date, etc.

On June 23, 2020, the Chief, Office of Investigations and Casualty Analysis (CG-INV-3) located 374,713 rows of responsive data, of which 76,520 were released in full and the remaining 298,193 were partially released pursuant to FOIA Exemptions 6 and 7(C). On July 9, 2020, this office received your appeal in which you appealed CG-INV-3's decision to partially withhold the requested information. This letter explains our application of the FOIA exemptions as the basis for denying your appeal.

Exemption 6 protects the privacy interest of individuals contained in "personnel, medical and similar files" in general. This exemption applies because the information contained within responsive documents qualify as "similar files." Congress intended the term "similar files" to be interpreted broadly, rather than narrowly. The Supreme Court stated the protection of an individual's privacy "surely was not intended to turn upon the label of the file which contains the damaging information." Rather, the Supreme Court made clear that all information, which "applies to a particular individual," meets the threshold requirement therein. United States Department of State v. Washington Post Co., 456 U.S. 595, 602 (1982).

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<sup>1</sup> <https://foss.nmfs.noaa.gov/apexfoss/f?p=215:4:12321044901834::NO::>

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Exemption 7(C) protects law enforcement information when the disclosure of such information could reasonably be expected to constitute an unwarranted invasion of personal privacy. It is applied in this situation because the responsive documents are comprised of records compiled by an agency primarily engaged in law enforcement carrying out its mandated function.

The purpose for which records is sought cannot be considered in determining whether they will be released or withheld. We have no prerogative to selectively release protected information to you, and can only release it to the general public if determined its interest in disclosure outweighs the privacy interest of those mentioned in the records. Exemptions 6 and 7(C) require privacy interests of the individuals concerned to be weighed against the general public interest in disclosure of the requested records. The first step in this balancing process is to identify and evaluate any privacy interests in the agency records. The next step is to determine whether any general public interests would be served by disclosure. The final step is to weigh any privacy interests in nondisclosure against any general public interests in disclosure. United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989).

The general public interest in determining the identities of person(s) mentioned in the investigation is negligible. To meet the standard for qualification as public interest, disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or narrow segment of interested persons. Moreover, the Supreme Court has ruled that the identified public interest must be related to the core purpose of the FOIA before it can be included in the balancing equation. Thus, the public interest must be related to the "agency's performance of its statutory duties." Reporters Committee, 489 U.S. 773. To qualify for general public interest, this relationship must be direct, rather than merely derivative. In this case, release of the subject personally identifiable information would, of itself, directly reveal little or nothing of interest to the general public regarding the U.S. Coast Guard's mission performance. On balance, the demonstrable privacy interests of those involved in the investigation clearly outweigh any general public

Assisting me in this decision were: Ms. Amanda Ackerson, FOIA Public Liaison, and Ms Pamela Tirado, Office of Information and Intelligence Law.

You have the right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows:

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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](mailto:ogis@nara.gov)  
Telephone at 202-741-5770; or, facsimile at 202-741-5769.

In accordance with 5 U.S.C. § 552(a)(6)(A)(ii) and 6 CFR § 5.9(b), this is the final administrative decision that will be taken on this request. You have the right under the FOIA to seek judicial review in the District Court of the United States (1) in the district in which you reside, (2) in the district in which you have your principal place of business, (3) in the district in which the records are located, or (4) in the District of Columbia.

Sincerely,



Kathleen Claffie  
Chief, Office of Privacy Management  
United States Coast Guard