

EXHIBIT 5



February 24, 2020

Via Certified Mail, Return Receipt Request

Director
Office of Information Policy (OIP)
Freedom of Information Act Appeal
United States Department of Justice
Sixth Floor
441 G Street, NW
Washington, D.C. 20001

Re: **FREEDOM OF INFORMATION ACT APPEAL**
FOIPA Request No.: 1453704-00
Subject: Cynthia Ann Day and Nathaniel Edward Holmes (Deaths in Dominican Republic on May 30, 2019)

Dear Sir/Madam:

This is an appeal under the Freedom of Information Act.

On November 26, 2019, I requested documents under the Freedom of Information Act through the FBI eFOIA portal and submitted the same request by certified mail. The request is attached as Exhibit 1.

On December 6, 2019, the request was assigned the above identification number. Attached as Exhibit 2.

On December 10, 2019, I received a response to my request letter signed by David M. Hardy denying my request. The denial is attached as Exhibit 3.

I appeal the denial of my request.

Very truly yours,



Nicholas A. Szokoly

NAS/es

Enclosure(s)

EXHIBIT 1



November 27, 2019

Via Certified Mail, Return Receipt Request

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4483

Re: *FOIA Request on behalf of my clients' families:*
Cynthia Ann Day (DOB: 1/28/1969)
Nathaniel Edward Holmes (DOB: 4/5/1956)

Dear Sir/Madam:

Enclosed please find a request for records under the Freedom of Information Act ("FOIA")
5 U.S.C. § 552 and Privacy Act, 5 U.S.C. § 552a.

Please feel free to call me at (410) 951-8744 with any questions.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Nicholas A. Szokoly'.

Nicholas A. Szokoly

NAS/es



This is a request for records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

Requester Information

Name: Nicholas A. Szokoly

Affiliation: Attorney for families of:

Cynthia Ann Day (DOB January 28, 1969)

Died on or about May 30, 2019 in the Dominican Republic

Nathaniel Edward Holmes (DOB April 5, 1956)

Died on or about May 30, 2019 in the Dominican Republic

Address:

Nicholas A. Szokoly, Esq.

Murphy, Falcon & Murphy, P.A.

1 South Street

30th Floor

Baltimore, Maryland 21202

Email:

nick.szokoly@murphyfalcon.com

erin.sofinowski@murphyfalcon.com

Phone:

(410) 951-8744

Records Sought

I request disclosure from the FBI of the following records:

1. A copy of all communications, including but not limited to all FD-159's regarding the FBI involvement in the investigation of the deaths of the above-referenced United States' citizens Cynthia Ann Day and Nathaniel Edward Holmes.

Freedom of Information Act Request

Murphy Falcon Murphy

November 26, 2019

Page 2 of 3

- a. This request includes communications with foreign governments as well as other federal agencies.
- b. This request includes communications where the FBI involvement in this investigation was first requested.
2. All interview notes, investigative notes, reports of toxicological studies, and FD-302s, relating or referring to the investigation of the deaths above-referenced United States' citizens Cynthia Ann Day and Nathaniel Edward Holmes.
3. All communications by the FBI with the United States State Department regarding the basis of the FBI assertion as shared by the State Department on or about October 19, 2019 that the above referenced United States' citizens Cynthia Ann Day and Nathaniel Edward Holmes died of natural causes.
 - a. This request specifically includes communications with the Office of United States Ambassador Robin S. Bernstein.

Expedited Processing

The unexplained deaths of at least 7 US tourists in the Dominican Republic have been a matter of widespread and exceptional media interest. There are multiple serious questions about the integrity of the United States government relating to this investigation including the erratic acknowledgements by the FBI that an investigation was or was not even occurring.

Further, additional serious questions about the integrity of the US government have been raised in light of a press briefing on or about October 21, 2019, by the US State Department which purported to quote the FBI that the deaths were by natural causes, without any information cited as the basis for that statement.

In addition, the families of these deceased US Citizens face the imminent loss of substantial due process rights if this request is not expedited because any ability they may have to access the Dominican Republic Court system is limited to a very short time period from the death of their loved ones.

Instructions Regarding Search

1. Request for Public Records:

Please search for any records even if they are already publicly available.

2. Request for Electronic and Paper/Manual Searches:

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the

Freedom of Information Act Request
Murphy Falcon Murphy
November 26, 2019
Page 3 of 3

subject of my request be conducted. I further request that the agency conduct a search of its “soft files” as well as files in its locked cabinets.

3. *Request regarding Photographs and other Visual Materials:*

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution.

4. *Request for Duplicate Pages:*

I request disclosure of any and all supposedly “duplicate” pages. Investigators analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages.

5. *Request to Search Emails:*

Please search for emails relating to the subject matter of my request.

6. *Request for Search of Records Transferred to Other Agencies:*

I request that in conducting its search, the agency disclose releasable records even if they are available publicly through other sources such as NARA.

Format

I request that any releases stemming from this request be provided to me in digital format on a compact disk or other like media.

Fee Category And Request For A Fee Waiver

Under 5 U.S.C. §552(a)(4)(A)(iii), “Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request is also not primarily in my commercial interest not in those of my Clients who are entitled to know the involvement of their own government in the investigation of the death of their family members. I am seeking the records as their attorney and public spokesperson to analyze and freely release to members of the public and news media.

If I am not granted a complete fee waiver, I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.



U.S. Department of State

CONSULAR OFFICES OF THE UNITED STATES OF AMERICA

AUTHORIZATION FOR THE RELEASE OF INFORMATION UNDER THE PRIVACY ACT

In accordance with the Privacy Act (PL 93-502) passed by Congress in 1974, a U.S. Consular Office cannot release any information regarding you to anyone without your written consent except as set forth in the Act. Please complete the authorization below, specifying whom a U.S. Consular Office may contact and to whom to release information with regard to your case. Please return the completed authorization to a U.S. Consular Office. Local language translations are acceptable to facilitate completion of the form in English.

The U.S. Government, by providing the Authorization for the Release of Information Under the Privacy Act Form, cannot under any circumstances compel an individual to complete and submit the form. PLEASE CAREFULLY CONSIDER TO WHOM, AND WHAT INFORMATION IS BEING DISCLOSED.

IMPORTANT: You are not obliged to grant anyone access to information regarding you but failure to provide the information requested on this form may make it more difficult, or impossible, for the Department of State or the U.S. Consular Office to assist you.

Your Full Name (Last, First, MI) Place of Birth (City, State/Province, Country)

Day Cynthia A Born At:

On: Date of Birth

(mm-dd-yyyy)

1/23/1969

SECTION A

I hereby authorize the U.S. Consular Office of the United States of America and the U.S. Department of State to release information regarding me to the following individuals:

Name (Last, First)	Telephone Number	Address	Relationship
<u>Bullock</u> <u>Steven</u>	<u>202-437-2648</u>	<u>Bullock Law Office, PC 600 Maryland Avenue, SW, Suite 430 East, Washington, DC 20001</u>	<u>Attorney</u>
<u>Szokolay</u> <u>Nicholas</u>	<u>410-851-8744</u>	<u>Murphy Felton Murphy, P.A., 1 South Street, 23rd Floor, Baltimore, MD 21202</u>	<u>Attorney</u>
<u>Williams</u> <u>Jeremiah</u>			

IN THE EVENT OTHER PERSONS REQUEST INFORMATION REGARDING MY CASE, INFORMATION CAN BE RELEASED TO THE FOLLOWING:

- | YES | NO | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Family (Other than Those Listed Under Section A) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Friends (Other than Those Listed Under Section A) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Individual Members of Congress and Staff |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Members of the Media |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The General Public |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Employer |

Please review the form before signing. Information will only be released under Section A if requested and if we have your signed authorization.

[Handwritten Signature]
 Signature of the Applicant
 (Please Sign in Black or Blue Ink)

City, Country

Jeremiah Williams (next of kin to Cynthia Day)

Print Your Name

Date (mm-dd-yyyy)

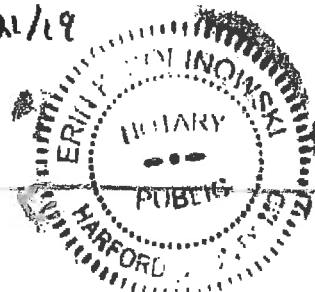
PRIVACY ACT STATEMENT

This information is needed to assist you in your present need for consular services. The primary purpose for soliciting this information is to establish your citizenship, identity, and entitlement to welfare protection services offered by the U.S. Government.

The U.S. Department of State is committed to ensuring that any personal information received is safeguarded against unauthorized disclosure. The data you provide is subject to the provisions of the Privacy Act (5 U.S.C. 552a). This means that the U.S. Department of State will not disclose the information you provide unless you have given us written authorization to do so, or unless the disclosure is otherwise permitted under the provisions of the Act or in accordance with our routine uses published in Title 22 of the Code of Federal Regulations. The information solicited on this form may be made available as a routine use to other government agencies for law enforcement and administrative purposes.

[Handwritten Signature]
 Erin Sofinowski

10/21/19



DS-5505
06-2018





U.S. Department of State

**CONSULAR OFFICES OF THE UNITED STATES OF AMERICA
AUTHORIZATION FOR THE RELEASE OF INFORMATION UNDER THE PRIVACY ACT**

In accordance with the Privacy Act (PL 93-579) passed by Congress in 1974, a U.S. Consular Office cannot release any information regarding you to anyone without your written consent except as set forth in the Act. Please complete the authorization below, specifying whom a U.S. Consular Office may contact and to whom to release information with regard to your case. Please return the completed authorization to a U.S. Consular Office. Local language translations are acceptable to facilitate completion of the form in English.

The U.S. Government, by providing the Authorization for the Release of Information Under the Privacy Act Form, cannot under any circumstances compel an individual to complete and submit the form. **PLEASE CAREFULLY CONSIDER TO WHOM, AND WHAT INFORMATION IS BEING DISCLOSED.**

IMPORTANT: You are not obliged to grant anyone access to information regarding you but failure to provide the information requested on this form may make it more difficult, or impossible, for the Department of State or the U.S. Consular Office to assist you.

Your Full Name (Last, First, MI)		Place of Birth (City, State/Province, Country)
Holmes	Nathaniel E	
		Born At:
		On:
		Date of Birth (mm-dd-yyyy) 4/5/1956

SECTION A

I hereby authorize the U.S. Consular Office of the United States of America and the U.S. Department of State to release information regarding me to the following individuals :

Name (Last, First)	Telephone Number	Address	Relationship
Bullock Steven	202-437-2648	Bullock Law Office, PC 600 Maryland Avenue, SW, Suite 400 East, Washington, DC 20004	Attorney
Szokolay Nicholas	410-951-8744	Murphy Falcon Murphy, P.A., 1 South Street, 23rd Floor, Baltimore, MD 21202	Attorney

IN THE EVENT OTHER PERSONS REQUEST INFORMATION REGARDING MY CASE, INFORMATION CAN BE RELEASED TO THE FOLLOWING:

- | YES | NO | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Family (Other than Those Listed Under Section A) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Friends (Other than Those Listed Under Section A) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Individual Members of Congress and Staff |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Members of the Media |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The General Public |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Employer |

Please review the form before signing. Information will only be released under Section A if requested and if we have your signed authorization.

Dajuan Holmes-Hamilton
Signature of the Applicant
(Please Sign in Black or Blue Ink)

United States of America
City, Country

Dajuan Holmes-Hamilton
Print Your Name

08-23-2019
Date (mm-dd-yyyy)

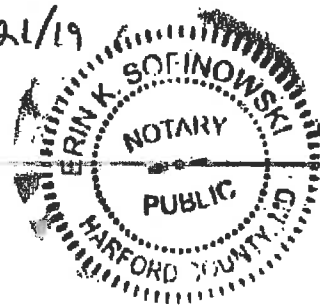
PRIVACY ACT STATEMENT

This information is needed to assist you in your present need for consular services. The primary purpose for soliciting this information is to establish your citizenship, identity, and entitlement to welfare protection services offered by the U.S. Government.

The U.S. Department of State is committed to ensuring that any personal information received is safeguarded against unauthorized disclosure. The data you provide is subject to the provisions of the Privacy Act (5 U.S.C. 552a). This means that the U.S. Department of State will not disclose the information you provide unless you have given us written authorization to do so, or unless the disclosure is otherwise permitted under the provisions of the Act or in accordance with our routine uses published in Title 22 of the Code of Federal Regulations. The information solicited on this form may be made available as a routine use to other government agencies for law enforcement and administrative purposes.

Erin Sofinowski
Erin Sofinowski

10/21/19



DS-6805
08-2016

ERIN K. SOFINOWSKI
Notary Public
Harford County County
Maryland
My Commission Expires November 19, 2022

7006 0100 0000 2091 1364

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Federal Bureau of Investigation

Attn: FOIPA Request

Record/Info Dissemination Section

170 Marcel Drive

Winchester, VA 22602-4483

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip

See Reverse for Instructions

PS Form 3800, June 2002

EXHIBIT 2



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

December 6, 2019

MR. NICHOLAS A SZOKOLY
MUPHY, FALCON & MURPHY, P.A.
30TH FLOOR
1 SOUTH STREET
BALTIMORE, MD 21202

FOIPA Request No.: 1453704-000
Subject: Cynthia Ann Day and Nathaniel
Edward Holmes (Deaths in Dominican
Republic, May 30, 2019)

Dear Mr. Szokoly:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
 - We have reviewed your request and determined it is consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be provided in an email link unless the record's file type is not supported by the eFOIPA system.
 - We have reviewed your request and determined it is not consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be sent through standard mail.
- The subject of your request is currently being processed and documents will be released to you upon completion.
- Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, D.C. 20001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). 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. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

EXHIBIT 3



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

December 10, 2019

MR. NICHOLAS A SZOKOLY
MUPHY, FALCON & MURPHY, P.A.
30TH FLOOR
1 SOUTH STREET
BALTIMORE, MD 21202

FOIPA Request No.: 1453704-000
Subject: Cynthia Ann Day and Nathaniel Edward
Holmes (Deaths in Dominican Republic on May 30,
2019)

Dear Mr. Szokoly:

This responds to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

The FBI has completed its search for records responsive to your request. The material you requested is located in an investigative file which is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(7)(A). 5 U.S.C. § 552(b)(7)(A) exempts from disclosure:

records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings...

The records responsive to your request are law enforcement records; there is a pending or prospective law enforcement proceeding relevant to these responsive records, and release of the information could reasonably be expected to interfere with enforcement proceedings. Therefore, your request is being administratively closed. For a further explanation of this exemption, see the enclosed Explanation of Exemptions.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, D.C. 20001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). 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. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (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 (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

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 apprehend criminals;
- (k)(1) information which 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.