

111 E. 18th Street 13th Floor New York, NY 10003

Dan Vergano  
Science Reporter  
BuzzFeed News  
111 E. 18th St.  
13th Floor c/o Washington DC bureau  
New York, NY 10003  
703-725-7908

FOIA Officer  
Department of State  
515 22nd Street, NW  
Building SA-2, Suite 8100  
Washington, DC 20522-8100  
(202) 261-8484  
foiarequest@state.gov

May 24, 2021

**FOIA REQUEST**

**Fee waiver requested**

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of all communications, including emails and text messages, to and from the State Department official Gregg M. Johnstone, Special Countermeasures Section Chief, DS/ST/CMP/SCP (Phone: 703-312-3313 (x34313) SA14- 1400 Wilson Blvd, Arlington, VA 22209 johnstonegm@state.gov) regarding the report from the JASON science advisory group report on injuries sustained by US diplomatic personnel in Cuba in 2016 and 2017. The completed report, commissioned by the State Department and done in the summer of 2018, has been described as the JASON study of acoustic signals and Havana embassy personnel incidents in news reports. Please limit the search from April 1, 2018 to December 31, 2018.

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I would like to receive the information in electronic format, preferably a machine readable PDF or XML file.

I agree to pay reasonable fees for the processing of this request up to \$25. Please notify me before incurring any expenses in excess of that amount.

## Fee Categorization

For fee categorization purposes, I am a representative of the news media. Through this request, I am gathering information for my journalistic work with BuzzFeed News. BuzzFeed News is an award-winning online news outlet with tens of millions of monthly readers. Accordingly, I am only required to pay for the direct cost of duplication after the first 100 pages. 5 U.S.C. § 552(a)(4)(A)(ii)(II); id. § 552(a)(4)(A)(iv)(II).

## Request for Fee Waiver

Please waive any applicable fees. Release of the information is not primarily in my commercial interest and will contribute significantly to public understanding of government operations and activities. 5 U.S.C. § 552(a)(4)(A)(iii). As a science journalist, I am acting in the public interest to report how the government handled allegations of 'health attacks' on its personnel.

## Conclusion

If my request is denied in whole or part, please justify all withholdings by reference to specific exemptions and statutes, as applicable. For each withholding please also explain why your agency “reasonably foresees that disclosure would harm an interest protected by an exemption” or why “disclosure is prohibited by law[.]” 5 U.S.C. § 552(a)(8)(A)(i).

I would appreciate your communicating with me by email or telephone, rather than by mail.

I look forward to your determination regarding my request within 20 business days, as the statute requires.

Thank you in advance for your assistance.

Sincerely,

# BuzzFeedNEWS

111 E. 18th Street 13th Floor New York, NY 10003

Dan Vergano



Dan Vergano &lt;dan.vergano@buzzfeed.com&gt;

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**Ref: F-2021-07178, Freedom of Information Act Acknowledgement**

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**A\_FOIAacknowledgement@groups.state.gov** <A\_FOIAacknowledgement@groups.state.gov> Fri, Jun 11, 2021 at 3:50 PM  
To: dan.vergano@buzzfeed.com

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***

Mr. Vergano:

This email acknowledges receipt of your June 8, 2021, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on June 8, 2021, regarding all communications to and from Gregg M. Johnstone, Special Countermeasures Section Chief DS/ST/CMP/SCP about the 2018 JASON scientific study of acoustic signals and Havana embassy personnel incidents (Date Range for Record Search: From 4/15/2019 To 5/30/2019). Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h). This Office grants your request for a fee waiver.

Also, you requested expedited processing of this request. According to 22 CFR § 171.11(f), requests shall receive expedited processing when a requester demonstrates a “compelling need” for the information exists for one of the following reasons: (1) failure to obtain the requested information on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity; or (3) failure to release the information would impair substantial due process rights or harm substantial humanitarian interests. Your request does not demonstrate a “compelling need” for the requested information. Therefore, this Office denies your request for expedited processing.

If you are not satisfied with this Office’s determination in response to your request for expedited processing, you may administratively appeal to: Appeals Officer, Office of Information Programs and Services, U.S. Department of State, 2201 C Street, NW, Room B266, Washington, D.C. 20520; or facsimile at 202-485-1718. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this email.

This Office will not be able to respond within the 20 days provided by the statute due to “unusual circumstances.” See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at [FOIAstatus@state.gov](mailto:FOIAstatus@state.gov) or telephone at 202-261-8484. 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](https://www.ogis.gov)-OGIS, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

*/s/ Nicholas J. Cormier, for*  
Susan C. Weetman  
Deputy Director  
Office of Information Programs and Services

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***



Dan Vergano <dan.vergano@buzzfeed.com>

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**Request for status update / date of completion estimate Ref: F-2021-07178, Freedom of Information Act Acknowledgement**

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**FOIA Status** <FOIAStatus@state.gov>  
To: Dan Vergano <dan.vergano@buzzfeed.com>

Fri, Oct 1, 2021 at 5:26 PM

Mr. Vergano,

This is in reference to your email below regarding the status of FOIA request control number F-2021-07178.

The Office of Information Programs and Services' electronic records system indicates this request is in process and has an estimated date of completion (EDC) of January 20, 2022. Please note EDCs are estimates and are subject to change. If the request can be completed prior to the EDC, a response will be sent sooner.

If you have any concerns or questions regarding a FOIA-related matter, please contact the FOIA Requester Service Center at 202-261-8484 or send an e-mail to [foiastatus@state.gov](mailto:foiastatus@state.gov).

Sincerely,

U.S. Department of State  
FOIA Requester Service Center

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**From:** Dan Vergano <dan.vergano@buzzfeed.com>  
**Sent:** Wednesday, September 1, 2021 4:51 PM  
**To:** FOIA Status <FOIAStatus@state.gov>  
**Subject:** Request for status update / date of completion estimate Ref: F-2021-07178, Freedom of Information Act Acknowledgement

I'd like to request a status update on F-2021-07178, and an estimated date of completion.

Thank you

Dan

**Dan Vergano**

**From:** FOIA Status FOIAStatus@state.gov  
**Subject:** Re: Request for status update / date of completion estimate Ref: F-2021-07178, Freedom of Information Act Acknowledgement  
**Date:** February 9, 2022 at 9:33 AM  
**To:** Dan Vergano dan.vergano@buzzfeed.com

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Mr. Vergano,

This is in reference to your email below regarding your Freedom of Information (FOIA) case control number F-2021-07178. Your request is being processed. We will follow-up with you regarding your request for an updated estimated date of completion (EDC) as soon as it has been determined.

We appreciate your continued patience.

Sincerely,

U.S. Department of State  
FOIA Requester Service Center

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**From:** Dan Vergano <dan.vergano@buzzfeed.com>  
**Sent:** Thursday, February 3, 2022 8:46 AM  
**To:** FOIA Status <FOIAStatus@state.gov>  
**Cc:** Christopher Hickman <chris.hickman@buzzfeed.com>  
**Subject:** Re: Request for status update / date of completion estimate Ref: F-2021-07178, Freedom of Information Act Acknowledgement

As I mentioned in your voicemail, I'd like to request another status update and estimated date of completion for F-2021-07178 ("communications to and from Gregg M. Johnstone, Special Countermeasures Section Chief DS/ST/CMP/SCP about the 2018 JASON scientific study of acoustic signals"). Your office is now two weeks past your previous estimated date of completion.

Please send me what material you have processed on a rolling basis, if you are unable to release all the records in a timely fashion.

Thanks,

Dan

Dan Vergano

Science Desk (DC)  
(202) 629-4563

BuzzFeed News

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c/o Washington DC Bureau  
NY, NY 10003

Send secure texts --[contact.buzzfeed.com](https://contact.buzzfeed.com)



Dan Vergano &lt;dan.vergano@buzzfeed.com&gt;

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**Request for status update / date of completion estimate Ref: F-2021-07178, Freedom of Information Act Acknowledgement**

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**FOIA Status** <FOIAStatus@state.gov>

Fri, Feb 11, 2022 at 9:35 AM

To: Dan Vergano &lt;dan.vergano@buzzfeed.com&gt;

Mr. Vergano,

Reference is made to your email below regarding the status of FOIA request control number F-2021-07178.

The Department currently has a backlog of FOIA requests. Additionally, due to the COVID-19 pandemic, the Department has implemented maximum telework flexibilities to protect its employees and their communities. Therefore, there will be a delay in processing requests.

This request is still in process. At this time, the estimated date of completion (EDC) is September 12, 2024. Please be mindful that EDCs are estimates and are subject to change. We appreciate your continuing patience.

If you have any concerns or questions regarding a FOIA-related matter, please contact the [FOIA Requester Service Center](#) at 202-261-8484 or send an e-mail to [foiastatus@state.gov](mailto:foiastatus@state.gov).

Sincerely,

U.S. Department of State  
FOIA Requester Service Center

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**From:** Dan Vergano <dan.vergano@buzzfeed.com>**Sent:** Thursday, February 3, 2022 8:46 AM**To:** FOIA Status <FOIAStatus@state.gov>**Cc:** Christopher Hickman <chris.hickman@buzzfeed.com>**Subject:** Re: Request for status update / date of completion estimate Ref: F-2021-07178, Freedom of Information Act Acknowledgement

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SENSITIVE BUT UNCLASSIFIED