

EXHIBIT 5

Conlon, Nicholas

From: A_FOIAacknowledgement@groups.state.gov
Sent: Tuesday, January 18, 2022 2:10 PM
To: Conlon, Nicholas
Cc: Ryan, Timothy; Reddick, Nicholas
Subject: Ref: F-2022-03199, Freedom of Information Act Acknowledgement

***** EXTERNAL EMAIL *****

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Mr. Conlon:

This email acknowledges receipt of your December 29, 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 December 29, 2021, regarding a. Any documents, materials, or reports produced in conjunction with any investigation into or review of the Attack (including any attachments or underlying evidence related to such documents), as well as any report in the Agency's possession from another entity such as the FBI, Department of the Army, or U.S. Central Command; b. Any cables, wires, messages, or internal or external communications related to the deaths or injuries of the civilian government contractors or military service members listed in the attached charts, including any conclusions, recommendations, or opinions as to who carried out the Attack and any State or other actor who was in some way connected to or responsible for the Attack; c. Any and all employment records relating to the civilian government contractors listed; d. Device and electronic characterizations associated with the explosive devices used in the Attack identical or similar to known Iranian characterizations; e. Device associations of the Attack with known Iranian explosive components (e.g. Use of certain metals, Switch, Initiator, Main Charge, Power Source, Container, and any Enhancements); and f. Data from the Attack that was previously used as evidence in legal cases (in Iraq or in the U.S.) for prosecution purposes. 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 will be processing your request as one case and assigning a single FOIA reference number. Your case will involve separate searches for each individual listed with responsive records released on an interim, rolling basis as they become available. This Office assigned your request the subject reference number (F-2022-03199) and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h).

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 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-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

/s/ Wayne Evans, for

Kellie N. Robinson

Chief, Requester Liaison Division (Acting)

FOIA Program Manager/FOIA Public Liaison

U.S. Department of State

Office of Information Programs and Services

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