



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

Sohil Khurana
1155 F Street NW, Suite 1200
Washington, DC 20004
skhurana@bhfs.com

August 22, 2022

Re: FOIA/PA #22-298

Dear Mr. Khurana:

This is in reference to your attached Freedom of Information Act (FOIA) request dated July 22, 2022.

You also requested expedited processing of your request. You requested expedited treatment pursuant to the third standard enumerated in the Department of Justice's regulations. Expedited treatment pursuant to the first standard will be granted where not doing so "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual." 5 U.S.C. § 552(a)(6)(E)(v)(I). See also 28 C.F.R. § 16.5(e)(1)(i) (2019). Under the second standard, you must show that there is "[a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). See also 28 C.F.R. § 16.5(e)(1)(ii) (2019). Under the third standard, you must show that the request involves "[t]he loss of substantial due process rights." 28 C.F.R. § 16.5(e)(1)(iii) (2019). Under the fourth standard, you must show that the subject matter of your request is a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." *Id.* at § 16.5(e)(1)(iv). This Office makes determinations regarding the first three standards, while the Department's Director of Public Affairs makes determinations regarding the fourth standard. See *id.* at § 16.5(e)(2).

The third standard requires a requester to demonstrate that 1) "that [he] is facing grave punishment [in a criminal proceeding], and (2) that there is reason to believe information will be produced to aid the individual's defense." *Freedman v. DOJ*, No. 92-0557, slip op. at 4 (D.D.C. Oct. 2, 1992).

Based on the information you have provided I have determined that you have not satisfied these requirements and am thereby denying your request for expedited processing.

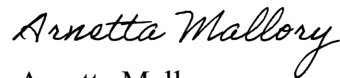
Please be advised that, although your request for expedited processing has been denied; it has been assigned to a Government Information Specialist on the DOJ's National Security Division Records and FOIA staff and a further update regarding your request will be provided to you as soon as practicable.

EXHIBIT
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If you are not satisfied with the National Security Division's determination in response to your request for expedited processing, 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 on the following website: <https://foiastar.doj.gov>. 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."

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,



Arnetta Mallory
Government Information Specialist