

# Exhibit E



Shawn Musgrave &lt;smusgrave@revealnews.org&gt;

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**Fwd: Acknowledgment**

1 message

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**Will Evans** <wevans@revealnews.org>  
To: Shawn Musgrave <smusgrave@revealnews.org>

Fri, Oct 15, 2021 at 6:51 PM

----- Forwarded message -----

From: **Karamoko, Arginia - SOL** <Karamoko.Arginia@dol.gov>  
Date: Fri, Sep 18, 2020 at 12:50 PM  
Subject: Acknowledgment  
To: Will Evans <wevans@revealnews.org>  
Cc: Oliver, Ramona - SOL <Oliver.Ramona@dol.gov>, OFCCP NO FOIA <OFCCP\_NO\_FOIA@dol.gov>

Hello:

Your request has been assigned to the Office of Federal Contract Compliance Programs (OFCCP) with tracking number **897123**. When they begin processing it, you will be able to track its progress at [www.dol.gov/foia](http://www.dol.gov/foia). If you need to contact them about it for any reason, please submit your inquiry through [ofccp\\_no\\_foia@dol.gov](mailto:ofccp_no_foia@dol.gov) or phone 202-693-0101. In addition, it would be helpful to include the tracking number in the Subject line of any submission to the agency or to have it available at the time of a call.

Sincerely,

**Arginia Karamoko**

Government Information Specialist, Office of Information Services  
Office of the Solicitor | Management & Administrative Legal Services  
U.S. DEPARTMENT OF LABOR  
200 Constitution Ave., N.W., N-2420 | Washington, DC 20210  
T: (202) 693-5531 | F: (202) 693-5389 | E: [karamoko.arginia@dol.gov](mailto:karamoko.arginia@dol.gov)

**From:** Will Evans <wevans@revealnews.org>  
**Sent:** Friday, September 11, 2020 8:26 PM  
**To:** FOIARequests <FOIARequests@dol.gov>  
**Subject:** FOIA request - OFCCP

Dear FOIA Officer,

Under the Freedom of Information Act, I am requesting a copy of the following records from OFCCP:

**\* A spreadsheet of all consolidated (Type 2) EEO-1 reports for all federal contractors for 2018.**

I am requesting this data in electronic format, by email. Fulfilling this request is not unduly burdensome because there is no need to notify federal contractors.

There is an exception to the notice requirements of 29 CFR 70.26 and Executive Order 12600 that applies here, as will be explained below. Notice to the contractors is not required.

Under 29 CFR 70.2(G)(5) and Executive Order 12600 Sec.8(e), the notice requirements **need not be followed** if the information has not been designated by the submitter, unless OFCCP "has reason to believe that disclosure of the information would result in substantial competitive harm."

Under 29 CFR 70.2(G)(6) and Executive Order 12600 Sec.8(f), the notice requirements **need not be followed** the designation made by the submitter "appears obviously frivolous."

There is no substantial reason to believe that disclosure of the information would result in competitive harm, so the information should be released without notice for any contractor. Even if a contractor has designated it as confidential, that designation should be considered "obviously frivolous," **as federal contractor EEO-1s have been determined to be public records that must be disclosed, not confidential commercial information.** Please see the Dec. 10, 2019 ruling by Judge Kandis Westmore in U.S. District Court for the Northern District of California, 4:19-cv-01843-KAW (attached).

I am a representative of the news media as a reporter with Reveal from The Center for Investigative Reporting, a non-profit investigative journalism organization. This request is made as part of news gathering and not for a commercial use. I respectfully ask that you waive fees related to this request. Please notify me of any charges before fulfilling this request.

Please contact me with any questions at 510-809-2209 or

[wevans@revealnews.org](mailto:wevans@revealnews.org)

Thank you for your attention to this request.

Sincerely,  
Will Evans  
Reveal / The Center for Investigative Reporting  
1400 65th, Suite 200  
Emeryville, CA 94608



[www.revealnews.org](http://www.revealnews.org)

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Will Evans  
reporter  
Reveal from The Center for Investigative Reporting  
office: 510-809-2209  
cell: 510-333-9584  
[www.revealnews.org](http://www.revealnews.org)

**U.S. Department of Labor**

Office of Federal Contract Compliance Programs  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210



October 2, 2020

Via Electronic Mail

Will Evans  
The Center for Investigative Reporting  
1400 65th Street, Suite 200  
Emeryville, CA 94608

RE: Freedom of Information Act Request Acknowledgement – Tracking No. 897123

Dear Mr. Evans:

This letter is to acknowledge receipt of your Freedom of Information Act (FOIA) request submitted to [foiarequest@dol.gov](mailto:foiarequest@dol.gov). The Office of the Solicitor assigned your request to the Office of Federal Contract Compliance Programs (OFCCP) on September 18, 2020. Please refer to the above-referenced FOIA tracking number in any future correspondence regarding your FOIA request.

You requested a spreadsheet of all consolidated (Type 2) EEO-1 reports for all federal contractors for 2018.

We consider you to be a representative of the news media as defined by the U.S. Department of Labor FOIA regulations at 29 CFR § 70.40(c)(3), therefore, only reproduction costs will be assessed, excluding charges for the first 100 pages. You will receive written notification if the total estimated fee for processing your request exceeds \$25.00.

OFCCP's National Office will process your request for EEO-1 data. Once we compile the data, we will send a letter to the submitters notifying them of the request for their EEO-1 data.

In accordance with 29 CFR § 70.26 and Executive Order 12600, because your request covers information that may be protected from disclosure under FOIA Exemption 4, OFCCP is required to notify submitters that their information has been requested under the FOIA to give them an opportunity to object in writing to disclosure of any specified portion of the requested information. For those submitters who do not object, we will provide the information with any necessary redactions consistent with FOIA. For those submitters who do object, OFCCP will evaluate any response provided by the submitter as to why the requested information should be withheld and make its own determination as to whether the specific facts and relevant law warrant disclosure or withholding of the requested information.

Due to the volume and complexity of the FOIA requests we have received, we anticipate that providing a full response will take longer than 20 business days to fulfill. Accordingly, OFCCP will take an additional 10 business days to fulfill your request as afforded by the FOIA at 5 U.S.C. § 552(a)(6)(B)(i). We will contact you if we are unable to fulfill your request in 30 business days.

We consider you a “news media” type of requestor. As a “news media” requestor, we charge you for photocopying after the first 100 pages in accordance with the U.S. Department of Labor FOIA regulations at 29 CFR § 70.40(c)(4). DOL’s FOIA regulations at 29 CFR § 70.42(a) deem that the filing of a FOIA constitutes an agreement by the requestor to pay all fees up to \$25.00.

If you need further assistance or would like to discuss any aspect of your request, please do not hesitate to contact this office at (202) 693-0101 or by email at [OFCCP\\_NO\\_FOIA@dol.gov](mailto:OFCCP_NO_FOIA@dol.gov). Alternatively, you may wish to contact the DOL FOIA Public Liaison, Thomas Hicks, at (202) 693-5427 or by email at [hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov).

You may also contact the Office of Government Information Services (OGIS), within the National Archives and Records Administration (NARA), to inquire about the 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, College Park, MD 20740-6001. You can also reach that office by email at [ogis@nara.gov](mailto:ogis@nara.gov), by phone at (202) 741-5770, by fax at (202) 741-5769, or by calling toll-free at (877) 684-6448.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Solicitor of Labor within 90 days from the date of this letter. In the appeal, you must state in writing the grounds for the appeal, and may include any supporting statements or arguments, but such statements are not required. To facilitate processing of the appeal, please include your mailing address and daytime telephone number, as well as a copy of the initial request and copy of this letter. Clearly mark “Freedom of Information Act Appeal” on the envelope and letter of the appeal. You must make any amendment to the appeal in writing and we must receive it prior to a decision. Address the appeal to the Solicitor of Labor, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2420, Washington, DC 20210. You may submit your appeal by email to [foiaappeal@dol.gov](mailto:foiaappeal@dol.gov). The Department does not accept appeals submitted to any other email address.

Sincerely,

DORIS GEAN  Digitally signed  
by DORIS GEAN

Doris Lissette Geán  
FOIA Manager