

EXHIBIT D



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Kathryn Ali

katie.ali@alilockwood.com

Re: Appeal No. A-2023-00111
Request No. 2022-01195
CDT:KHK

VIA: Online Portal - 11/7/22022

Dear Kathryn Ali:

You appealed on behalf of your clients, Daniel Jaffe and Karen Lowy, from the action of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on your clients' Freedom of Information Act (FOIA) request for access to records concerning the April 22, 2022 shooting that took place at/around Edmund Burke School in Northwest Washington, D.C. I note that your appeal concerns ATF's withholding of responsive records pursuant to Exemption 7(A).

After carefully considering your appeal, I am affirming ATF's action on your clients' request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. ATF properly withheld this information in full because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(A) and it is reasonably foreseeable that disclosure of this information would harm the interests protected by this provision. This provision concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your clients' underlying request, and the action of ATF in response to your clients' request.

If your clients are dissatisfied with my action on your appeal, the FOIA permits them to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers

mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, 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. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,



X

Christina D. Troiani

Associate Chief, for Matthew W. Hurd, Chief,
Administrative Appeals Staff