

# **Exhibit 4**



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

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Telephone: (202) 514-3642

John Lindsay-Poland  
1446 Market Street  
San Francisco, CA 94103  
johnlindsaypoland@gmail.com

October 7, 2022  
Re: Appeal No. A-2022-00937  
Request No. 2021-0528  
DRC:JKD

**VIA: Online Portal**

Dear John Lindsay-Poland:

You appealed from the action of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on your Freedom of Information Act request for access for records containing data on firearms recovered in Guatemala, Honduras, and El Salvador and traced by the ATF since December 31, 2014. I note that your appeal concerns ATF's denial of your request under Exemption 3.

After carefully considering your appeal, I am affirming ATF's action on your 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)(3). This provision concerns matters specifically exempted from release by a statute other than the FOIA (in this instance, the Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, 125 Stat. 552, which prohibits ATF from using appropriated funds to disclose firearms database information). See, e.g., Everytown for Gun Safety Support Fund v. ATF, 984 F.3d 30 (2d Cir. 2020). Please be advised that all of the information that you requested falls within the provision cited above.

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 underlying request, and the action of ATF in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you 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](mailto: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,

*Matthew W. Hurd*

X

Matthew W. Hurd

Chief, Administrative Appeals Staff