

Exhibit G



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May 31, 2022

Via Email (Carla.Soby@cfpb.gov; Holly.Walter@cfpb.gov)

Holly Walter and Carla Soby
Consumer Financial Protection Bureau
Office of the Chief Data Officer

RE: FOIA Request CFPB-2022-0115-F

Holly and Carla,

I am writing to follow up on the CFPB's May 26, 2022 interim response to our FOIA request and to request a status update on our outstanding requests.

As you know, our initial request of January 21, 2022 sought all communications between the CFPB that occurred on or after January 1, 2018 and concerned MoneyGram International, Inc., and involved any of the following entities or individuals: the Federal Trade Commission ("FTC"); the New York State Department of Financial Services ("NYDFS"); the New York State Office of the Attorney General ("NY AG"); Public Citizen, Inc.; Rohit Chopra; Jen Howard; and/or Rebecca Smullin.

On February 25, 2022, in response to your representations that initial searches were yielding voluminous records, we agreed to five categories of search terms, and to prioritize emails to facilitate and expedite your review without waiving our ability to seek the entirety of all responsive documents. You stated that CFPB would send an interim response on three of five requests by March 7, 2022. Paul Levitan of the CFPB provided an interim response on March 7, 2022 and reported that "after a reasonable search within the Office of Technology and Innovation for email records" the CFPB was "unable to locate any responsive records at this time" in regards to "search part 1, search part 4 and search part 5."

On April 20, 2022, Mr. Levitan again provided an interim response and reported that the CFPB was unable to "to locate any responsive records at this time," after conducting a "reasonable search within the Office of Technology and Innovation for email records that would be responsive" to search part 1 regarding "email communications between the CFPB and the Federal Trade Commission containing the keywords: Moneygram, Money gram, MGI or MG with a date range of January 1, 2018 – September 30, 2021."



On May 10, 2022, you provided a status update by email indicating that you were “still reviewing/analyzing documents that may be responsive”.

Again on May 26, 2022, you provided another update without any information assuring that progress has been made on the search.

To facilitate progress with our (four-month old) request and in accordance with our rights under applicable FOIA law, we submit the following questions and requests in the spirit of Attorney General Merrick Garland’s March 15, 2022 Memorandum for Heads of Executive Departments and Agencies regarding Freedom of Information Act Guidelines, which directs agencies to adhere to the following four tenets and guidelines in responding to FOIA requests: (1) a presumption of openness; (2) proactive disclosure; (3) removing access barriers and reducing request backlogs; and (4) ensuring fairness and effectiveness in the FOIA process:

1. Please provide a fulsome status update on all five categories of the narrowed search terms. Explain what outstanding tasks exist for each of the incomplete searches, and provide a reasonable estimate of the number of documents already searched.
2. Please confirm whether any responsive emails are being withheld on the basis of any exemptions. If so, please take reasonable steps necessary to segregate and release nonexempt information, for example, by providing a list of such emails or redacting arguably exempt content while otherwise producing the dates, senders, recipients, copied and blind copied parties and the email subject line (i.e., header information). *See* § 552(a)(8)(A)(ii).¹ Please also confirm that you have considered the foreseeable harm standard as required by the presumption of openness.
3. Please reinstate our initial request of January 21, 2022 and resume your search for *all* responsive records. In addition to emails, we request a review of hard copy documents, text messages, phone call history, and any other applicable sources of information.
4. Please explain your search methods and reasons for limiting your search to the “Office of Technology and Innovation.”

¹ *See also* *ACLU v. FBI*, 429 F. Supp. 2d 179, 193 (D.D.C. 2006) (finding that agency did not establish that factual portions of email messages were inextricably intertwined with material exempt as deliberative); *In Def. of Animals v. NIH*, 543 F. Supp. 2d 83, 107-08 (D.D.C. 2008) (ordering agency to segregate and release subject matter of invoices and equipment purchase-related emails even where sub-contractor and vendor names and estimated costs might be properly withheld under Exemptions 4 and 5); *United Am. Fin., Inc. v. Potter*, 531 F. Supp. 2d 29, 44-45 (D.D.C. 2008) (rejecting agency's conclusory statement that all reasonably segregable material was released because it failed to explain why factual information in an email reporting or summarizing a telephone call, which was otherwise properly exempt under deliberative process privilege, was not reasonably segregable).



5. Please provide an estimated completion date for your final response.

We look forward to your prompt response and appreciate your cooperation

Sincerely,

/s/ Ephraim (Fry) Wernick

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