

# **EXHIBIT 5**

**From:** [OSD MC-ALEX OATSD PCLT Mailbox DFOIPO FOIA-APPEALS](#)  
**To:** [Jankowski, Roman](#); [OSD MC-ALEX OATSD PCLT Mailbox DFOIPO FOIA-APPEALS](#)  
**Cc:** [Howell, Mike](#); [OversightProject](#)  
**Subject:** RE: FOIA Appeal of FOIA request 23-F-0046  
**Date:** Wednesday, February 1, 2023 9:38:53 AM

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Dear Mr. Jankowski,

This is in response to your Freedom of Information Act (FOIA) appeal, in reference to FOID Case # 23-F-0046. We have assigned your appeal case #23-A-0046-A1. We received your appeal in this office on January 30, 2023.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out basis. When the appellate review of your case is complete, you will be notified by the appellate authority, the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (ATSD-PCLT), of the final determination. You may direct any questions concerning this appeal to: [osd.mc-alex.oatsd-pclt.mbx.dfoipo-foia-appeals@mail.mil](mailto:osd.mc-alex.oatsd-pclt.mbx.dfoipo-foia-appeals@mail.mil).

Respectfully,

FOIA Appeals Team, OATSD(PCLT)  
Office of the Assistant to the Secretary of Defense  
for Privacy, Civil Liberties and Transparency  
U.S. Department of Defense  
[osd.mc-alex.ocmo.mbx.dfoipo-foia-appeals@mail.mil](mailto:osd.mc-alex.ocmo.mbx.dfoipo-foia-appeals@mail.mil)

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**From:** Jankowski, Roman <Roman.Jankowski@heritage.org>  
**Sent:** Monday, January 30, 2023 4:42 PM  
**To:** OSD MC-ALEX OATSD PCLT Mailbox DFOIPO FOIA-APPEALS <osd.mc-alex.oatsd-pclt.mbx.dfoipo-foia-appeals@mail.mil>  
**Cc:** Howell, Mike <Mike.Howell@heritage.org>; OversightProject <OversightProject@heritage.org>  
**Subject:** [Non-DoD Source] FOIA Appeal of FOIA request 23-F-0046

Good Afternoon,

Attached is a new FOIA appeal of FOIA request 23-F-0046.

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Roman Jankowski

*Senior Investigative Counsel, Oversight Project, Government Relations*

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