

Exhibit 5



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

Telephone: (202) 514-3642

Re: Appeal No. A-2021-02093

Request No. 1496945-000

CDT:MGS

VIA: Email - 9/20/2022

Dear [REDACTED]:

You appealed from the action of the Federal Bureau of Investigation (FBI) on your Freedom of Information Act request for access to records concerning your background investigation. I note that your appeal concerns the withholdings made by the FBI.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding, in part, your request to the FBI for additional consideration of certain withholdings. If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-4593. I am otherwise affirming, on partially modified grounds, the FBI's action on your request.

Certain information withheld from you consists of information regarding third parties that does not pertain to you. Such information is not subject to access under the Privacy Act. See, e.g., Sussman v. USMS, 494 F.3d 106, 1121 n. 9 (D.C. Cir. 2007). Accordingly, your access rights are limited to those provided by the FOIA. The FBI properly withheld this information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.


Additionally, it is reasonably foreseeable that disclosure of this information would harm the interests protected by these provisions.

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 FBI 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; 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 Hurd,
Chief, Administrative Appeals Staff