

July 10, 2023

Francisco Reinoso  
Associate Director of Management  
Peace Corps  
1275 First Street NE,  
Washington, DC 20526  
cc: [FOIA@peacecorps.gov](mailto:FOIA@peacecorps.gov)

Re: Appeal of Peace Corps FOIA 23-0102

Dear Mr. Reinoso,

I am writing to make an appeal of the Peace Corps' response to a request under the Freedom of Information Act, assigned case number 23-0102. My co-filer and I believe that redacted information in your agency's response was erroneously withheld under exemption (b)(5).

Timeline:

- **March 31, 2023:** Our request is filed seeking all database records in the Peace Corps "Reasons for Resignation" database, i.e. data collected from Form MS-284 Attachment D ("Resignation Form"), but excluding fields containing PII or other sensitive user information.<sup>1</sup>
- **March 31, 2023:** We receive a response on the same day from a Government Information Specialist at Peace Corps noting that the original system location of this database no longer exists, but that volunteer resignation information is also stored in the Volunteer Information Database Application (VIDA) and Peace Corps Volunteer Database Management System (PCVDBMS).<sup>2</sup> In light of this we opt to include these systems in the scope of our request.
- **April 4, 2023:** Peace Corps sends an acknowledgement by email confirming receipt of the request, granting a fee waiver, and informing us the request has been placed in the "simple" category.<sup>3</sup>
- **May 2, 2023:** Peace Corps sends a final response letter asserting that the record search returned one spreadsheet totaling two pages, to which the Government Information Specialist has applied exemption (b)(5).<sup>4</sup> A PDF version of the spreadsheet is attached which shows data grouped in an aggregate form with all totals withheld.<sup>5</sup>
- **May 16, 2023:** I follow up with the Government Information Specialist by email, asking for an explanation of the reasons for invoking the (b)(5) exemption.<sup>6</sup>

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<sup>1</sup> Attached as Exhibit A

<sup>2</sup> Attached as Exhibit B

<sup>3</sup> Attached as Exhibit C

<sup>4</sup> Attached as Exhibit D

<sup>5</sup> Attached as Exhibit E

<sup>6</sup> Attached as Exhibit F

- **June 23, 2023:** After a number of additional emails we receive a response stating a belief that the data is exempted because volunteer early termination reasons are based on the Country Directors’ assessment and not directly provided by the volunteer themselves and “has not gone through a quality assurance check”.<sup>7</sup>

#### Appeal of denial under deliberative process privilege:

Our FOIA request was denied under exemption (b)(5), which protects documents pertaining to the deliberative process within or between government agencies.

#### *Predecisional nature of the documents*

Under the Freedom of Information Act, exemptions due to deliberative process privilege apply to predecisional records “prepared in order to assist an agency decisionmaker in arriving at his decision” and “protect[ing] against premature disclosure of proposed policies before they are finally adopted.”

The records requested, however, do *not* fit that description. Rather, the records we request contain numerical/statistical data collected by Peace Corps reflecting the number of volunteers that are believed to have resigned for certain reasons. Though policy decisions may be made on the basis of this data — as is true of all data collected by government agencies — the data we request does not in itself contain recommendations towards policies that would be prematurely disclosed by releasing it. Additionally, since the records we request are collected after a volunteer has made the decision to resign, we do not believe that there is any ongoing deliberative process that is reflected in the data we request.

#### *Relevancy of the documents to deliberative process*

In communications with the Peace Corps Government Information officer, we were informed that the records cannot be released because they contain “subjective” evaluations. Subjectivity of evaluations does not, in itself, mean that the evaluations are deliberative. Moreover, in a footnote to the redacted records provided, the Peace Corps GIO asserts that “Data is not used for agency analysis, as it is deemed not trustworthy.” If the data is not used for agency analysis, it is inconsistent to also claim that it must be withheld due to its importance for the deliberative process.

In correspondence with a Peace Corps Government Information Specialist we were also told that data collection form MS-284 Attachment D “has been rescinded,”<sup>8</sup> which is echoed in a footnote addendum to the PDF spreadsheet we received noting that “Data is collected through ‘Attachment D’ – which is currently being removed from Volunteer exit interview.”<sup>9</sup> If this form

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<sup>7</sup> Attached as Exhibit G

<sup>8</sup> See Exhibit G

<sup>9</sup> See Exhibit E

and the data it collects is no longer needed by the agency, it follows that the data is not considered crucial to the Peace Corps deliberative process, and therefore would not be covered by exemption (b)(5).

*Request for database records in original format*

In response to our request, Peace Corps provided a PDF export of a spreadsheet table counting aggregate statistics. However, it would have been impossible to produce this without the underlying database records, which we specifically requested.

The names of the column headers in the pdf spreadsheet, “ET\_PRIM\_DESC” and “Count of VOL\_ID,” strongly suggest references to columns in a relational database. We therefore reiterate our original request for all database records in a structured data format (i.e. CSV, JSON or Excel), along with documentation of the database system.

Conclusion:

Thank you for your attention to this matter. For the reasons above, we request that the previously withheld data be provided to us, and delivered in a format in accordance with our original request.

Sincerely,

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