

April 19, 2023

VIA FBI FOIA PORTAL

Federal Bureau of Investigation
Initial Processing Operations Unit
200 Constitution Drive
Winchester, VA 22602

To the responsible FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Cato Institute, I request the following records (as defined in 44 U.S.C. § 3301):

- 1) Form FD-1057 and FD-1087 records in which the Case ID# field contains [343A](#) or 343V.
- 2) Other records in which the Case ID# field contains [343A](#) or 343V.
- 3) Policies, procedures, guidelines, or other records that govern or apply to the FBI's provision of technical assistance to local police departments (also known as [343A/343V](#) matters).
- 4) Policies, procedures, guidelines, or other records that govern or apply to the creating, handling, or storage of records in which the Case ID# field contains [343A](#) or 343V.

The date range of this request is limited to records created between [Jan 1, 2020](#), and [December 31, 2020](#).

In order to help to determine my status to assess fees, you should know that I am a Senior Fellow and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I ask for a waiver of all fees for this request and I certify that my statements concerning the need for fee waivers are true and correct to the best of my knowledge and belief.

Whenever possible, please provide the requested information in electronic Portable Document Format (PDF). If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is peddington@cato.org and my cell number is 571-215-3468. Thank you for your assistance.

Sincerely,



Patrick G. Eddington
Senior Fellow
Cato Institute
1000 Massachusetts Ave., NW
Washington, DC 20001
571-215-3468 (cell)

peddington@cato.org

CAUTION: External Email

Organization Representative Information

Organization Name

Cato Institute

Prefix

Mr.

First Name

Patrick

Middle Name

Last Name

Eddington

Suffix

Email

peddington@cato.org

Phone

5712153468

Location

United States

Domestic Address

Address Line 1

1000 Massachusetts Ave., NW

Address Line 2

City

Washington

State

District of Columbia

Postal

20001

Agreement to Pay

How you will pay

I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

Allow up to \$

25

Proof Of Affiliation for Fee Waiver

Waiver Explanation

See attached request regarding FBI Classification 343A/343V records.

Documentation Files

Non-Individual FOIA Request

Request Information

See attached request regarding FBI Classification 343A/343V records.

**

Please be advised that efoia@subscriptions.fbi.gov is a no-reply email address. Questions regarding your FOIA request may be directed to foipaquestions@fbi.gov. If you have received a FOIPA request number, please include this in all correspondence concerning your request. Please note eFOIPA requests are processed in the order that they are received. If you have not received a FOIPA request number, your request is in the process of being opened at which time it will be assigned a FOIPA request number and correspondence will be forthcoming.

**

Upon receipt of your FOIPA request number, you may check the status of your FOIPA request on the FBI's electronic FOIA Library (The Vault) on the FBI's public website, https://url.avanan.click/v2/___http://vault.fbi.gov___YXAzOmNhdG9pbnN0aXR1dGU6YTpvOmEwMDk0YmQxM2I2N by clicking on the 'Check Status of Your FOI/PA Request tool' link. Status updates are performed on a weekly basis. If you receive a comment that your FOIPA request number was not located in the database, please check back at a later date.



Federal Bureau of Investigation
Washington, D.C. 20535

April 25, 2023

MR. PATRICK GLENN EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20001

Dear Mr. Eddington:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations per statute. The FOIPA requests numbers below have been assigned.

FOIA Number	Subject
1562763-001	Pierce, William
1590328-000	Phantom Secure
1560172-001	The Order
1590360-000	FBI's Provision of Technical Assistance to Local Police Departments (Known as 343A/343V Matters)
1590406-000	Creating, Handling, or Storage of Records that Contain Case ID 343A or 343V

- You submitted your request via the FBI's eFOIPA system. We have reviewed your request and determined it is consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be provided in an email link unless the record's file type is not supported by the eFOIPA system.
- Fee waivers are determined on a case by case basis. See 5 U.S.C. § 552 (a)(4)(A)(iii) and 28 C.F.R. § 16.10(k). Your request for a fee waiver was reviewed, and it was denied for the following reasons.
 - You failed to demonstrate the requirement that the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government.
 - Disclosure of the information is primarily in the commercial interest of the requester.
- For the purpose of assessing any fees, we have determined:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).



Please be advised that we have determined "unusual circumstances" apply to the processing of your request. See 5 U.S.C. § 552 (a)(6)(B) "Unusual circumstances" include the following scenarios:

There is a need to search for and collect records from field offices and/or other offices that are separate from the FBI Record/Information Dissemination Section (RIDS).

There is a need to search for, collect, and examine a voluminous amount of separate and distinct records.

There is a need for consultation with another agency or two or more DOJ components. Per 5 U.S.C. § 552 (a)(6)(C)(iii), as pertinent to "unusual circumstances," the FBI is providing you an opportunity to reasonably modify the scope of these requests. You have 30 days from the date of this letter to provide any reasonable modification

These "unusual circumstances" will delay our ability to make a determination on your requests with multiple subparts. Additionally, the payment of pertinent fees may apply to your request.

The application of "unusual circumstances" is not a determination of how the FBI will respond to your substantive request, this letter provides notice that these "unusual circumstances" apply to processing and delay the determination of your request. See 5 U.S.C. §§ 552 (a)(6)(A)(viii); (a)(6)(B).

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information.

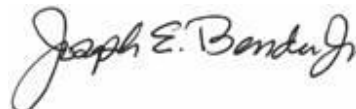
Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://foiastar.doj.gov>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division



Federal Bureau of Investigation
Washington, D.C. 20535

April 25, 2023

MR. PATRICK GLENN EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20001

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- You submitted your request via the FBI's eFOIPA system. We have reviewed your request and determined it is consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be provided in an email link unless the record's file type is not supported by the eFOIPA system.
- Fee waivers are determined on a case by case basis. See 5 U.S.C. § 552 (a)(4)(A)(iii) and 28 C.F.R. § 16.10(k). Your request for a fee waiver was reviewed, and it was denied for the following reasons.
 - You failed to demonstrate the requirement that the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government.
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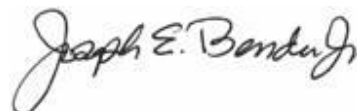
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For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://foiastar.doj.gov>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division



Federal Bureau of Investigation

Washington, D.C. 20535

April 25, 2023

PATRICK G. EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20001

FOIPA Request No.: NFP-149402
Subject: Forms FD-1057 and FD-1087 Records that
Contains 343A or 343V in the Case ID
(January 1, 2020 – December 31, 2020)

Dear Patrick Eddington:

This is in response to your Freedom of Information Act (FOIA) request.

The FOIA provides for access to government records where the records sought are "reasonably described" [Title 5, United States Code, Section 552(a)(3)(A)]. Your request does not comport with the requirements of 28 CFR § 16.3(b), as it does not provide enough detail to enable personnel to locate records "with a reasonable amount of effort." Accordingly, your request is closed because it is overly broad in scope.

Should you resubmit your request, please provide more narrowed and detailed information that would enable personnel to locate any specific policy document you seek.

For questions on how to reasonably describe your request, please email us at foipaquestions@ic.fbi.gov. You may also visit www.fbi.gov and select "Services," "Records Management," and "Freedom of Information/Privacy Act" for additional guidance.

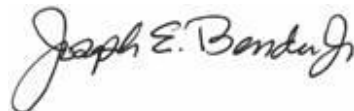
Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

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Sincerely,

A handwritten signature in black ink that reads "Joseph E. Bender, Jr." in a cursive style.

Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosures



Federal Bureau of Investigation

Washington, D.C. 20535

April 25, 2023

PATRICK G. EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20001

FOIPA Request No.: NFP-149403
Subject: Other Records that Contain Case ID as 343A
or 343V
(January 1, 2020 – December 31, 2020)

Dear Patrick Eddington:

This is in response to your Freedom of Information Act (FOIA) request.

The FOIA provides for access to government records where the records sought are "reasonably described" [Title 5, United States Code, Section 552(a)(3)(A)]. Your request does not comport with the requirements of 28 CFR § 16.3(b), as it does not provide enough detail to enable personnel to locate records "with a reasonable amount of effort." Accordingly, your request is closed because it is overly broad in scope.

Should you resubmit your request, please provide more narrowed and detailed information that would enable personnel to locate any specific policy document you seek.

For questions on how to reasonably describe your request, please email us at foipaquestions@ic.fbi.gov. You may also visit www.fbi.gov and select "Services," "Records Management," and "Freedom of Information/Privacy Act" for additional guidance.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

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If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

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Sincerely,

A handwritten signature in black ink that reads "Joseph E. Bender, Jr." in a cursive script.

Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosures

April 26, 2023

VIA FOIASTAR

Director, Office of Information Policy (OIP)
United States Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington, D.C. 20530-0001

To the responsible FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I hereby appeal the FBI's denial regarding Cato request NFP-149402, regarding records that contain Forms FD-1057 and FD-1087 Records that Contains 343A or 343V in the Case ID.

The Bureau's response claims that Cato's request was too broad to undertake a search. I disagree. To be valid, a request need only "reasonably describe" the records it seeks so that knowledgeable agency employees will be able to determine "precisely what records are being requested." *Yeager v. DEA*, 678 F.2d 315, 322 (D.C. Cir. 1982). Similarly, an agency cannot reject a request on the grounds that a search would be burdensome. And the fact that a request may yield a great many responsive records is immaterial, so long as the agency can identify which records to produce. *Id.* As is the case with any FOIA or Privacy Act request, the official legal definition of a "record" is codified at 44 U.S.C. § 3301. That is exactly the standard that applies here.

Moreover, the FOIA statute does not require a requester to know, much less provide, detailed, specific office or component descriptions for a FOIA request to be statutorily valid. As the D.C. Circuit has held, it is "inevitable that the party with the greatest interest in obtaining disclosure is at a loss to argue with desirable legal precision for the revelation of the concealed information." *Vaughn v. Rosen*, 484 F.2d 820, 823, 828 (D.C. Cir. 1973) (imposing a "substantial burden on an agency seeking to avoid disclosure" to alleviate this problem). Like almost all FOIA requesters, I am at an "informational disadvantage." *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 57 F. Supp. 3d 48, 52 (D.D.C 2014).

According to the FBI's Privacy Impact Assessment for the SENTINEL System, dated May 28, 2014, p. 2:

"The primary purpose of SENTINEL is to perform case management. SENTINEL also provides capabilities for search and intelligence analysis, although this is not the main focus of the system. The search and intelligence analysis capabilities provided by SENTINEL can be used to identify connections between cases and patterns of activity. SENTINEL will provide functionality to search and report against information contained within and across cases, which may reveal previously unknown relationships among individuals and groups under investigation. The search service includes Name Search capability (including name variations and foreign names), biographical information (e.g., country of birth, date of birth, weight, height), and Full Text Search capability, including support for different search types (Fuzzy, Wild Card, proximity, Boolean) and Sentinel returns results by predetermined relevancy/ranking factors."

Clearly, utilizing SENTINEL, the FBI can search for and identify the universe of records involving cases with FBI Classifications of 343A and 343V that also include Forms FD-1057 and

FD-1087 for the time frame of Cato's request. Accordingly, I respectfully request that OIP remand Cato's request to FBI for immediate processing.

In order to help to determine my status to assess fees, you should know that I am a Senior Fellow and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I request a waiver of all fees for this request and certify that my statement regarding Cato's need for fee waivers are true and correct to the best of my knowledge and belief.

Whenever possible, please provide the requested information in electronic Portable Document Format (PDF). If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is peddington@cato.org and my cell number is 571-215-3468. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick G. Eddington". The signature is fluid and cursive, with the first name being the most prominent.

Patrick G. Eddington
Senior Fellow
Cato Institute
1000 Massachusetts Ave., NW
Washington, DC 20001
571-215-3468 (cell)
peddington@cato.org

April 26, 2023

VIA FOIASTAR

Director, Office of Information Policy (OIP)
United States Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington, D.C. 20530-0001

To the responsible FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I hereby appeal the FBI's denial regarding Cato request NFP-149403, regarding records that contain Case ID as 343A or 343V.

The Bureau's response claims that Cato's request was too broad to undertake a search. I disagree. To be valid, a request need only “reasonably describe” the records it seeks so that knowledgeable agency employees will be able to determine “precisely what records are being requested.” *Yeager v. DEA*, 678 F.2d 315, 322 (D.C. Cir. 1982). Similarly, an agency cannot reject a request on the grounds that a search would be burdensome. And the fact that a request may yield a great many responsive records is immaterial, so long as the agency can identify which records to produce. *Id.* As is the case with any FOIA or Privacy Act request, the official legal definition of a “record” is codified at 44 U.S.C. § 3301. That is exactly the standard that applies here.

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Clearly, utilizing SENTINEL, the FBI can search for and identify the universe of records involving cases with FBI Classifications of 343A and 343V for the time frame of Cato's request. Accordingly, I respectfully request that OIP remand Cato's request to FBI for immediate processing.

In order to help to determine my status to assess fees, you should know that I am a Senior Fellow and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I request a waiver of all fees for this request and certify that my statement regarding Cato's need for fee waivers are true and correct to the best of my knowledge and belief.

Whenever possible, please provide the requested information in electronic Portable Document Format (PDF). If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is peddington@cato.org and my cell number is 571-215-3468. Thank you for your assistance.

Sincerely,



Patrick G. Eddington
Senior Fellow
Cato Institute
1000 Massachusetts Ave., NW
Washington, DC 20001
571-215-3468 (cell)
peddington@cato.org



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

Telephone: (202) 514-3642

April 26, 2023

peddington@cato.org

Dear Patrick Eddington:

This is to advise you that the Office of Information Policy of the U.S. Department of Justice received your administrative appeal from the action of the Federal Bureau of Investigation regarding Request No. NFP-149402 on 04/26/2023.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2023-01150. Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through Freedom of Information Act STAR, you may also check the status of your appeal by logging into your account.

Sincerely,
Priscilla Jones

Priscilla Jones
Supervisory Administrative Specialist



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

Telephone: (202) 514-3642

April 26, 2023

peddington@cato.org

Dear Patrick Eddington:

This is to advise you that the Office of Information Policy of the U.S. Department of Justice received your administrative appeal from the action of the Federal Bureau of Investigation regarding Request No. NFP-149403 on 04/26/2023.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2023-01149. Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through Freedom of Information Act STAR, you may also check the status of your appeal by logging into your account.

Sincerely,

Priscilla Jones

Priscilla Jones
Supervisory Administrative Specialist



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

May 11, 2023

PATRICK G. EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20001

Request No.: 1590406-000
Subject: Creating, Handling, or Storage of
Records that Contain Case ID 343A or 343V
(January 1, 2020 - December 31, 2020)

Dear Patrick Eddington:

This is in response to your Freedom of Information Act (FOIA) request. Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

The FBI has completed its review of records subject to the FOIA that are responsive to your request. We made these records available in the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov>. On the right-hand side of the home page, under the heading "Vault Links" you can search for your subject alphabetically (click on "A-Z Index"), by category (click on "Categories"), or by entering text into our search engine (click on "Search Vault"). For records responsive to this request, please enter FBI Domestic Investigations and Operations Guide (DIOG) as the search term.

The available documents represent a final Vault posting of information responsive to your FOIA request.

Please see the selected paragraphs below for relevant information specific to your request.

- Additional records potentially responsive to your subject may exist. Please inform us by emailing foipaquestions@fbi.gov or replying through standard mail if you would like the FBI to conduct a search of the indices to our Central Records System.
- Additional records responsive to your request were processed but are not currently available on The Vault. Please inform us by emailing foipaquestions@fbi.gov or replying through standard mail if you would like to receive these records.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

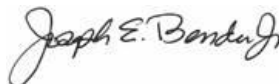
Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

Please be advised that if you are seeking a new search for records, you may wish to narrow the scope of your request based on material that you have already received, e.g., timeframe or locality. Additionally, be advised that "unusual circumstances" may apply. See 5 U.S.C. § 552 (a)(6)(B)(iii). These "unusual circumstances" will delay our ability to make a determination on your request within 20 days. See 5 U.S.C. § 552 (a)(6)(B). Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii). The application of "unusual circumstances" is not a determination of how the FBI will respond to your substantive request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosures



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

May 11, 2023

PATRICK G. EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20001

Request No.: 1590360-000
Subject: FBI's Provision of Technical
Assistance to Local Police Departments
(Known As 343A/343V Matters)
(January 1, 2020 - December 31, 2020)

Dear Patrick Eddington:

This is in response to your Freedom of Information Act (FOIA) request. Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

The FBI has completed its review of records subject to the FOIA that are responsive to your request. We made these records available in the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov>. On the right-hand side of the home page, under the heading "Vault Links" you can search for your subject alphabetically (click on "A-Z Index"), by category (click on "Categories"), or by entering text into our search engine (click on "Search Vault"). For records responsive to this request, please enter FBI Domestic Investigations and Operations Guide (DIOG) as the search term.

The available documents represent a final Vault posting of information responsive to your FOIA request.

Please see the selected paragraphs below for relevant information specific to your request.

- Additional records potentially responsive to your subject may exist. Please inform us by emailing foipaquestions@fbi.gov or replying through standard mail if you would like the FBI to conduct a search of the indices to our Central Records System.
- Additional records responsive to your request were processed but are not currently available on The Vault. Please inform us by emailing foipaquestions@fbi.gov or replying through standard mail if you would like to receive these records.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

Please be advised that if you are seeking a new search for records, you may wish to narrow the scope of your request based on material that you have already received, e.g., timeframe or locality. Additionally, be advised that "unusual circumstances" may apply. See 5 U.S.C. § 552 (a)(6)(B)(iii). These "unusual circumstances" will delay our ability to make a determination on your request within 20 days. See 5 U.S.C. § 552 (a)(6)(B). Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii). The application of "unusual circumstances" is not a determination of how the FBI will respond to your substantive request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosures



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

Telephone: (202) 514-3642

Patrick Eddington
Cato Institute
1000 Massachusetts Avenue NW
Washington, DC 20001

peddington@cato.org

June 8, 2023
Re: Appeal Nos. A-2023-01149, A-
2023-01150
Request Nos. NFP-149402, NFP
-149403
MWH:MGS

VIA: Email

Dear Patrick Eddington:

You appealed from the action of the Federal Bureau of Investigation (FBI) on your Freedom of Information Act requests for access to records concerning Forms FD-1057 and FD-1087 for which the Case Id. field contains classification 343A and 343V files and other records in which the Case Id. field contains classification 343A and 343V files, for the period spanning January 1, 2020, through December 31, 2020. I note that your appeals concern the FBI's determination that your requests are overly broad and would require an unduly burdensome search.

After carefully considering your appeal, I am affirming the FBI's action on your requests. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. § 16.3(b)(2021). The FBI informed you that your requests for existing or active records concerning Forms FD-1057 and FD-1087 for which the Case Id. field contains classification 343A and 343V files and other records in which the Case Id. field contains classification 343A and 343V files would require the FBI to conduct an unreasonably burdensome search. I have determined that the FBI's response was correct. Your requests are not reasonably described because you did not characterize the records sought in such a way that they could be located without conducting a search of every file with that classification to determine if it was active during the specified timeframe. Courts have consistently held that the FOIA does not require agencies to conduct unreasonably burdensome searches for records. See, e.g., Nation Magazine v. U.S. Customs Serv., 71 F.3d 885, 892 (D.C. Cir. 1995). To the extent that you can narrow or limit your requests, you may wish to make new requests directly to the FBI.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeals were assigned to an attorney with this Office who thoroughly reviewed

and analyzed your appeals, your underlying requests, and the action of FBI in response to your requests.

If you are dissatisfied with my action on your appeals, 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 appeals, you may contact this Office and speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

Matthew W. Hurd

X

Matthew W. Hurd,
Chief, Administrative Appeals Staff



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 13, 2023

PATRICK GLENN EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20001-5403

FOIPA Request No.: 1590406-001
Subject: Creating, Handling, or Storage of
Records that Contain Case ID 343A or 343V
(January 1, 2020 - December 31, 2020)

Dear Patrick Eddington:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
- Future correspondence about your FOIPA request will be provided in an email link unless the record file type is not supported by the eFOIPA system.
- Correspondence for requests regarding living individuals, or containing audio, video, and high resolution photographs cannot be sent through the eFOIPA system. Future correspondence about your FOIPA request will be delivered through standard mail.
- The subject of your request is currently being processed and documents subject to the FOIPA will be released to you upon completion.
- Release of responsive records subject to the FOIPA will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.vault.fbi.gov by clicking on "Check Status of your FOIPA Request." Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed, the notice will indicate that appropriate correspondence has been mailed to the address on file.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink that reads "Joseph E. Bender, Jr." in a cursive style.

Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 12, 2023

PATRICK GLENN EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20001-5403

FOIPA Request No.: 1590360-001
Subject: FBI's Provision of Technical
Assistance to Local Police Departments
(Known As 343A/343V Matters)
(January 1, 2020 - December 31, 2020)

Dear Patrick Eddington:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
- Future correspondence about your FOIPA request will be provided in an email link unless the record file type is not supported by the eFOIPA system.
- Correspondence for requests regarding living individuals, or containing audio, video, and high resolution photographs cannot be sent through the eFOIPA system. Future correspondence about your FOIPA request will be delivered through standard mail.
- The subject of your request is currently being processed and documents subject to the FOIPA will be released to you upon completion.
- Release of responsive records subject to the FOIPA will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.vault.fbi.gov by clicking on "Check Status of your FOI/PA Request." Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed, the notice will indicate that appropriate correspondence has been mailed to the address on file.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink that reads "Joseph E. Bender, Jr." in a cursive style.

Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division

Subject: Cato further search request re: FOIPA 1590360-000 (FBI's Provision of Technical Assistance to Local Police Departments (Known As 343A/343V Matters))
From: "Patrick Eddington" <PEddington@cato.org>
Sent: 5/26/23, 4:13:32 PM
To: "FOIPAQUESTIONS" <foipaquestions@fbi.gov>;

May 26, 2023

VIA ELECTRONIC MAIL: foipaquestions@fbi.gov

Federal Bureau of Investigation
Initial Processing Operations Unit
200 Constitution Drive
Winchester, VA 22602

To the responsible FOIA Officer:

Pursuant to your letter of May 11, 2023, regarding Cato request 1590360-000 on FBI's Provision of Technical Assistance to Local Police Departments (Known As 343A/343V Matters), in which the Bureau noted that additional files may exist and that if Cato desires a further search for and processing of such files I so indicate, I hereby ask for such a further search and processing on behalf of Cato. I note that this further search request excludes material posted to the FBI's Vault website.

Further, I ask the Bureau to search any cross-reference files or electronic surveillance (ELSUR), technical surveillance (TESURS), or microphone surveillance (MISURS) files for responsive records, and to query FBI field offices for potentially responsive documents, including those deemed automatically declassified per the FBI Automatic Declassification Manual issued in May 2007. Additionally, I ask the Bureau to search for records generated pursuant to "sensitive investigative matters," "assessments" or "undisclosed participation" as described in the Domestic Investigations and Operations Guide (DIOG) likewise be conducted. Additionally, this request encompasses a search of the FBI's SharePoint system, as well as any other systems used for electronic communications (ECs) or the dissemination of FBI alerts or intelligence products. Also, I ask the Bureau to search for any references to 5 U.S.C. § 552(c)(1), (c)(2), or (c)(3) in connection with the subject of this request.

As to any records located in investigative files for investigations, the FBI may not assert Exemption 7(A) without conducting a document-by-document review to determine whether release of the records would interfere with ongoing law enforcement proceedings.

The United States District Court for the District of Columbia in 2015 "remind[ed] the FBI of its obligation to conduct record-level reviews at the administrative level before refusing to produce records contained in its investigative files." *Tipograph v. Dep't of Justice*, 83 F. Supp. 2d 234, 236 (D.D.C. Mar. 18, 2015).

Further, on March 15, 2022, AG Garland issued a memo to all agency and departments instructing that with respect to the implementation of the 2016 statutory updates to the FOIA, "Information that might technically fall within an exemption should not be withheld from a FOIA requester unless the agency can identify a foreseeable harm or legal bar to disclosure. In case of doubt, openness should prevail. Moreover, agencies are strongly encouraged to make discretionary disclosures of information where appropriate."

In order to help to determine my status to assess fees, you should know that I am a Senior Fellow and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. I request a waiver of all fees for this request and I certify that my statements concerning the need for fee waivers are true and correct to the best of my knowledge and belief.

Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. Whenever possible, please provide the requested information in electronic Portable Document Format (PDF).

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is peddington@cato.org and my cell number is 571-215-3468. Thank you for your assistance.

Sincerely,

Exhibit 2

Patrick G. Eddington
Senior Fellow
Cato Institute
1000 Massachusetts Ave., NW
Washington, DC 20001
571-215-3468 (cell)
peddington@cato.org

Subject: RE: Cato further search request re: FOIPA 1590360-000 (FBI's Provision of Technical Assistance to Local Police Departments (Known As 343A/343V Matters))
From: "FOIPAQUESTIONS@FBI.GOV" <FOIPAQUESTIONS@FBI.GOV>
Sent: 6/1/23, 2:28:37 PM
To: "Patrick Eddington" <PEddington@cato.org>;

CAUTION: External Email

The FBI has received your additional correspondence regarding your Freedom of Information/Privacy Act (FOIPA) request and it has been forwarded to the assigned analyst for review and determination.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at
<http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.

From: Patrick Eddington <PEddington@cato.org>
Sent: Friday, May 26, 2023 4:14 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Subject: [EXTERNAL EMAIL] - Cato further search request re: FOIPA 1590360-000 (FBI's Provision of Technical Assistance to Local Police Departments (Known As 343A/343V Matters))

May 26, 2023

VIA ELECTRONIC MAIL: foipaquestions@fbi.gov

Federal Bureau of Investigation
Initial Processing Operations Unit
200 Constitution Drive

Winchester, VA 22602

To the responsible FOIA Officer:

Pursuant to your letter of May 11, 2023, regarding Cato request 1590360-000 on FBI's Provision of Technical Assistance to Local Police Departments (Known As 343A/343V Matters), in which the Bureau noted that additional files may exist and that if Cato desires a further search for and processing of such files I so indicate, I hereby ask for such a further search and processing on behalf of Cato. I note that this further search request excludes material posted to the FBI's Vault website.

Further, I ask the Bureau to search any cross-reference files or electronic surveillance (ELSUR), technical surveillance (TESURS), or microphone surveillance (MISURS) files for responsive records, and to query FBI field offices for potentially responsive documents, including those deemed automatically declassified per the FBI Automatic Declassification Manual issued in May 2007. Additionally, I ask the Bureau to search for records generated pursuant to "sensitive investigative matters," "assessments" or "undisclosed participation" as described in the Domestic Investigations and Operations Guide (DIOG) likewise be conducted. Additionally, this request encompasses a search of the FBI's SharePoint system, as well as any other systems used for electronic communications (ECs) or the dissemination of FBI alerts or intelligence products. Also, I ask the Bureau to search for any references to 5 U.S.C. § 552(c)(1), (c)(2), or (c)(3) in connection with the subject of this request.

As to any records located in investigative files for investigations, the FBI may not assert Exemption 7(A) without conducting a document-by-document review to determine whether release of the records would interfere with ongoing law enforcement proceedings.

The United States District Court for the District of Columbia in 2015 "remind[ed] the FBI of its obligation to conduct record-level reviews at the administrative level before refusing to produce records contained in its investigative files." *Tipograph v. Dep't of Justice*, 83 F. Supp. 2d 234, 236 (D.D.C. Mar. 18, 2015).

Further, on March 15, 2022, AG Garland issued a memo to all agency and departments instructing that with respect to the implementation of the 2016 statutory updates to the FOIA, "Information that might technically fall within an exemption should not be withheld from a FOIA requester unless the agency can identify a foreseeable harm or legal bar to disclosure. In case of doubt, openness should prevail. Moreover, agencies are strongly encouraged to make discretionary disclosures of information where appropriate."

In order to help to determine my status to assess fees, you should know that I am a Senior Fellow and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. I request a waiver of all fees for this request and I certify that my statements concerning the need for fee waivers are true and correct to the best of my knowledge and belief.

Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. Whenever possible, please provide the requested information in electronic Portable Document Format (PDF).

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is peddington@cato.org and my cell number is 571-215-3468. Thank you for your assistance.

Sincerely,

Patrick G. Eddington
Senior Fellow
Cato Institute
1000 Massachusetts Ave., NW
Washington, DC 20001
571-215-3468 (cell)
peddington@cato.org



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 12, 2023

PATRICK GLENN EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20001-5403

FOIPA Request No.: 1590360-001
Subject: FBI's Provision of Technical
Assistance to Local Police Departments
(Known As 343A/343V Matters)
(January 1, 2020 - December 31, 2020)

Dear Patrick Eddington:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
- Future correspondence about your FOIPA request will be provided in an email link unless the record file type is not supported by the eFOIPA system.
- Correspondence for requests regarding living individuals, or containing audio, video, and high resolution photographs cannot be sent through the eFOIPA system. Future correspondence about your FOIPA request will be delivered through standard mail.
- The subject of your request is currently being processed and documents subject to the FOIPA will be released to you upon completion.
- Release of responsive records subject to the FOIPA will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

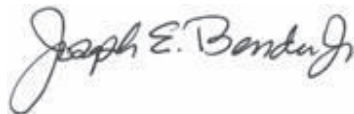
Please check the status of your FOIPA request at www.vault.fbi.gov by clicking on "Check Status of your FOI/PA Request." Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed, the notice will indicate that appropriate correspondence has been mailed to the address on file.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 13, 2023

PATRICK GLENN EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20001-5403

FOIPA Request No.: 1590406-001
Subject: Creating, Handling, or Storage of
Records that Contain Case ID 343A or 343V
(January 1, 2020 - December 31, 2020)

Dear Patrick Eddington:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
- Future correspondence about your FOIPA request will be provided in an email link unless the record file type is not supported by the eFOIPA system.
- Correspondence for requests regarding living individuals, or containing audio, video, and high resolution photographs cannot be sent through the eFOIPA system. Future correspondence about your FOIPA request will be delivered through standard mail.
- The subject of your request is currently being processed and documents subject to the FOIPA will be released to you upon completion.
- Release of responsive records subject to the FOIPA will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.vault.fbi.gov by clicking on "Check Status of your FOIPA Request." Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed, the notice will indicate that appropriate correspondence has been mailed to the address on file.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink that reads "Joseph E. Bender, Jr." The signature is written in a cursive style with a large, stylized initial 'J'.

Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division



Federal Bureau of Investigation

Washington, D.C. 20535

July 5, 2023

PATRICK GLENN EDDINGTON
CATO INSTITUTE
1000 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20001-5403

FOIPA Request No.: 1590406-001
Subject: Creating, Handling, or Storage of
Records that Contain Case ID 343A or 343V
(January 1, 2020 – December 31, 2020)

Dear Patrick Eddington:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

Records regarding your subject were previously reviewed and released to you pursuant to the FOIPA. Based on the information that you provided, we conducted an additional search of the places reasonably expected to have records. However, we were unable to identify additional records subject to the FOIPA that are responsive to your request. Therefore, your request is being administratively closed. For more information about records searches and the standard search policy, see the enclosed FBI FOIPA Addendum General Information Section.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Michael G. Seidel
Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosures

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C. § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C. § 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
 - a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
 - b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.