

Exhibit 1

May 25, 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, I request FBI records (as defined in 44 U.S.C. § 3301) as follows:

1. Legal Hold Policy Directive 0619D
2. Manual Restriction of Access to Data in FBI Case Files Policy Notice 0758N
3. Crimes Against Children and Human Trafficking Policy Guide 1157PG
4. Field Evidence Management Policy Guide 1209PG
5. Managing Nonrecord Information and Information Expiration Policy Directive (1075D)
6. Preservation and Disclosure of Electronic Communications in Federal Criminal Cases 0423D
7. Permanent Charge Out (Deletion) of Records From All Electronic Recordkeeping Systems 0816D
8. Classification Management Policy Guide 1058PG
9. Handling of Information Gathered in Violation of the Privacy Act 0356D
10. Privacy Policy Guide 1113PG
11. Policy guides, directives, notices, user manuals, standard operating procedures, audits, inspections, or reviews for the Bureau Investigative Document and Analysis System (BIDMAS), Palantir or successor system(s)
12. Indexing User Manual for Sentinel as mentioned in 2.9 of the Records and Information Management Policy Guide 1223PG
13. Policy guides, directives, notices, user manuals, standard operating procedures, audits, inspections, or reviews for Sentinel Gold per 4.2.2.2 of the Records and Information Management Policy Guide 1223PG
14. Field Office File Plans per 4.3.2. of the Records and Information Management Policy Guide 1223PG
15. Current full list of FBI Classifications

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. 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 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,

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



Federal Bureau of Investigation
Washington, D.C. 20535

June 5, 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
1593909-000	Legal Hold Policy Directive 0619D
1593911-000	Manual Restriction of Access to Data in FBI Case Files Policy Notice 0758N
1593912-000	Crimes Against Children and Human Trafficking Policy Guide 1157PG
1593914-000	Field Evidence Management Policy Guide 1209PG
1593917-000	Managing Nonrecord Information and Information Expiration Policy Directive 1075D
1593918-000	Preservation and Disclosure of Electronic Communications in Federal Criminal Cases 0423D
1593919-000	Permanent Charge Out (Deletion) of Records From All Electronic Recordkeeping Systems / 0861D
1593920-000	Classification Management Policy Guide 1058PG
1593952-000	Handling of Information Gathered in Violation of the Privacy Act 0356D
1593953-000	Privacy Policy Guide 1113PG
1593955-000	Indexing User Manual for Sentinel
1593956-000	Sentinel Gold
1593958-000	Field Office File Plans
1593959-000	Current Full List of FBI Classifications
1593960-000	Bureau Investigative Document and Analysis
1593962-000	Palantir



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 of 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.

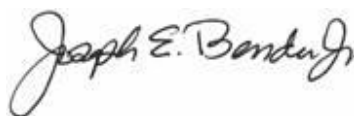
Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice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

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



Federal Bureau of Investigation
Washington, D.C. 20535

June 15, 2023

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

FOIPA Request No.: 1593958-000
Subject: Field Office File Plans

Dear Patrick Eddington:

This is in response to your Freedom of Information Privacy Acts (FOIPA) request. Your request is overly broad and it does not comply 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." Therefore, your request is being closed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. 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 that it may be easily identified.

Enclosed for your information is a copy of the Explanation of Exemptions.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel".

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

Enclosure

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.

July 5, 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 "not reasonably described" response regarding Cato request 1593958-000, regarding FBI Field Office File Plans.

The Bureau's response suggests that my 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).

Indeed, in my original FOIA request, I requested "Field Office File Plans per 4.3.2. of the Records and Information Management Policy Guide 1223PG." Indeed, the first paragraph of that section (on p. 31) states as follows:

"All offices, through their designated IAM, must develop a file plan to organize their office's hard copy and electronic nontransitory records (regardless of enclave) and should post the file plan as the first file of each shared drive, SharePoint site, or records storage location."

The development and maintenance of said file plans by FBI Field Offices/Field Divisions is a requirement. The number of FBI Field Offices/Field Divisions represents a finite, discrete number of locations, and thus the file plans represent a finite, discrete number of documents. There is nothing overly broad or unclear about this request, which quotes directly from official FBI records management documents. Accordingly, my request more than adequately meets FOIA statutory requirements, and I respectfully ask that OIP remand my request to the FBI for immediate processing.

With respect to the FOIA exemption and declassification review process, I note that 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. 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 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 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

July 05, 2023

Patrick Eddington
Cato Institute
1000 Massachusetts Avenue, NW
Washington, DC 20001
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. 1593958-000 on 07/05/2023.

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-2023-01554. 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

August 31, 2023

Patrick Eddington
1000 Massachusetts Ave., NW
Washington, DC 20001

Re: Appeal No. A-2023-01554
Request No. 1593958-000

peddington@cato.org
VIA: Online Portal

Dear Patrick Eddington:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to Field Office File Plans per 4.3.2 of the Records and Information Management Policy Guide 1223PG. I note that your appeal concerns the FBI's determination that your request is not reasonably described.

After carefully considering your appeal, I am affirming the FBI's action on your request. 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) (2022). The FBI informed you that your request for records related to Field Office File Plans would require the FBI to conduct an unreasonably burdensome search. I have determined that the FBI's response was correct. Your request is not reasonably described because you did not characterize the records sought in such a way that they could be located without conducting hundreds of hours of search. 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).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers

mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office and speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

X *Daniel Castellano*

Daniel Castellano,
Associate Chief, for Matthew Hurd, Chief,
Administrative Appeals Staff