



Washington, D.C. 20505

August 19, 2016

Dan L. Hardway, Esq.
Dan Hardway Law Office
P.O. Box 625
Cowen, WV 26206

Reference: P-2016-00704 (Lopez, Edwin) [Formerly P-2015-00069]

Dear Mr. Hardway:

This is a final response to your 29 April 2016 Privacy Act (PA) request, received in the office of the Information and Privacy Coordinator on 6 May 2016, submitted on behalf of your client, Edwin J. Lopez, for records pertaining to himself. We processed your request in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, and the Privacy Act of 1974, 5 U.S.C. § 552a, as amended, as was indicated to you in our 31 May 2016 acknowledgement letter.

After conducting a search reasonably calculated to uncover all relevant documents, we did not locate any responsive records that would reveal an openly acknowledged affiliation with the CIA.

To the extent your request also seeks records that would reveal a classified association between the CIA and your client, we can neither confirm nor deny having such records, pursuant to Section 3.6(a) of Executive Order 13526, as amended. If a classified association between your client and the CIA were to exist, records revealing such a relationship would be properly classified and require continued safeguards against unauthorized disclosure. You may consider this finding a denial of this portion of your request pursuant to FOIA exemptions (b)(1) and (b)(3) and PA exemptions (j)(1) and (k)(1). Exemption (b)(3) pertains to information exempt from disclosure by statute. In this case, the relevant statutes are Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, as amended, and Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C. § 3024(i)(1), as amended. I have enclosed an explanation of exemptions for your reference and retention.

As the Information and Privacy Coordinator, I am the CIA official responsible for informing you of these determinations. You may administratively appeal either finding, either singly or in combination, to the Agency Release Panel, in my care, within 90 days from the date of this letter. Please include the basis of your appeal.

In an effort to assist you, we also conducted a search of our previously released database concerning the subject of your request. Accordingly, we located and are enclosing one document, totaling three pages. Please be advised that the document was the product of another release program.

If you have any questions regarding our response, you may contact us at:

Central Intelligence Agency
Washington, DC 20505
Information and Privacy Coordinator
703-613-3002 (Fax)

Please be advised that you may seek dispute resolution services from the CIA's FOIA Public Liaison or from the Office of Government Information Services (OGIS) of the National Archives and Records Administration. OGIS offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. You may reach CIA's FOIA Public Liaison at:

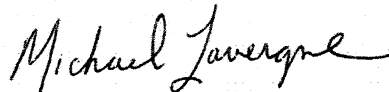
703-613-1287 (FOIA Hotline)

The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
202-741-5770
877-864-6448
202-741-5769 (fax)
ogis@nara.gov

Contacting the CIA's FOIA Public Liaison or OGIS does not affect your right to pursue an administrative appeal.

Sincerely,



Michael Lavergne
Information and Privacy Coordinator

Enclosures

Explanation of Exemptions Under the Freedom of Information Act

- (b)(1) exempts from disclosure information currently and properly classified, pursuant to an Executive Order;
- (b)(2) exempts from disclosure information which pertains solely to the internal personnel rules and practices of the Agency;
- (b)(3) exempts from disclosure information that another federal statute protects, provided that the other federal statute either requires that the matters be withheld, or establishes particular criteria for withholding or refers to particular types of matters to be withheld. The (b)(3) statutes upon which the CIA relies include, but are not limited to, the CIA Act of 1949.
- (b)(4) exempts from disclosure trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential;
- (b)(5) exempts from disclosure inter-and intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) exempts from disclosure information from personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;
- (b)(7) exempts from disclosure information compiled for law enforcement purposes to the extent that the production of the 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 a confidential source or, in the case of 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 if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger any individual's life or physical safety;
- (b)(8) exempts from disclosure information contained in reports or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for regulating or supervising financial institutions; and
- (b)(9) exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

Explanation of Exemptions Under the Privacy Act

- (d)(5) exempts from disclosure information compiled in reasonable anticipation of a civil action or proceeding;
- (j)(1) exempts from disclosure certain information maintained by the Central Intelligence Agency;
- (j)(2) exempts from disclosure certain information maintained by law enforcement agencies;
- (k)(1) exempts from disclosure information properly classified, pursuant to an Executive Order;
- (k)(2) exempts from disclosure material compiled for criminal investigative law enforcement purposes, by non-principal function criminal law enforcement entities and material compiled for other investigative law enforcement purposes, by any agency;
- (k)(3) exempts from disclosure information pertaining to the protective services afforded the President of the United States and others;
- (k)(4) exempts from disclosure information that statutes require to be maintained and used solely as statistical records;
- (k)(5) exempts from disclosure investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, or access to classified information, but only to the extent the disclosure of which would reveal the identity of a confidential source who furnished information after the government's express promise to keep that source's identity confidential;
- (k)(6) exempts from disclosure testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process; and
- (k)(7) exempts from disclosure evaluation material the armed forces use to determine an individual's potential for promotion, but only if disclosure would reveal the identity of a source who furnished information after the government's express promise to keep that source's identity confidential.