



**U.S. Department of Justice**  
Office of Information Policy  
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Washington, DC 20530-0001

Telephone: (202) 514-3642

**September 29, 2016**

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Re: Appeal Nos. DOJ-AP-2016-002562  
& DOJ-AP-2016-002825  
Request No. F15-00108  
CDT:ADF

**VIA: Email**

Dear Mr. Trentadue:

You appealed on behalf of your client, Dennis O. Williams, from the action of the Office of Professional Responsibility (OPR) of the United States Department of Justice on your client's Freedom of Information Act request for access to records concerning himself. I note that your appeal specifically concerns the withholdings made by OPR.<sup>1</sup>

After carefully considering your appeal, I am affirming OPR's action on your client's request. Certain information was properly withheld from your client because it is exempt from the access provision of the Privacy Act of 1974 pursuant to 5 U.S.C. § 552a(k)(2). See 28 C.F.R. § 16.80 (2015). This provision concerns certain investigatory material compiled for law enforcement purposes. This information was also properly withheld under the FOIA. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities.

OPR properly withheld certain information because it is protected from disclosure pursuant to:

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency records protected by the deliberative process privilege;

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<sup>1</sup> I also note that OPR referred records to the Executive Office for United States Attorneys, the Federal Bureau of Investigation, and the Office of the Inspector General of the United States Department of Justice, for processing and direct response to your client. Some of these referrals have already been the subject of appeals adjudicated by this Office. This letter will adjudicate the withholdings made by OPR itself.

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

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

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

Finally, by letter dated May 3, 2016, this Office informed you that your additional appeal from your client's FOIA request for the above-referenced records had been received by this Office and would be assigned for adjudication under Appeal No. DOJ-AP-2016-002825. However, this Office subsequently learned that your appeal file was a duplicate of Appeal No. DOJ-AP-2016-002562. In light of these circumstances, I am administratively closing Appeal No. DOJ-AP-2016-002825 in this Office.

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 client's underlying request, and the action of OPR in response to your client's request. If you have any questions regarding the action this Office has taken on your appeals, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If your client is dissatisfied with my action on your appeal, the FOIA permits him 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 client's 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; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

X 

Sean R. O'Neill  
Chief, Administrative Appeals Staff