

# **EXHIBIT 16**

## View My FOIA Requests

Filter  ▼Results  ▼

1

Tracking Number	Type	Track	Submitted	Due	Phase	Detail
-----------------	------	-------	-----------	-----	-------	--------

<i>DOJ-AP-2016-001341</i>	Appeal	Complex	11/16/2015	12/15/2015	Closed	
<p>Request No. 1338949 FOIA Appeal re FOIPA Request No. 1338949-000 This will appeal the denial of information requested on behalf of our client under FOIA. Pending before the FBI is a FOIA request dated and emailed to the FBI on October 21, 2015 (◆FOIA Request◆). The FOIA Request was assigned FOIPA Request No. 1338949-000 and denied by the FBI by letter dated November 5, 2015 (◆Denial◆). The letter states that 59 pages were withheld in their entirety under FOIA Exemption (b)(7)(E). The Denial fails to demonstrate, at all, how the release of the requested information might create a risk of circumvention of the law. Nor does the Denial demonstrate how disclosure could reduce or nullify effectiveness of the National Instant Criminal Background Check System (◆NICS◆). It is widely known that the U.S. Department of Veterans Affairs (◆VA◆) reports the names of incompetent beneficiaries to the FBI, which then adds the names to NICS. Exemption 7(E) simply does not cover information that is widely known or that constitutes basic law enforcement techniques. Moreover, the Denial fails to provide a segregability analysis for each withheld document, identifying the proportions of exempt and non-exempt information and specifically explaining why the withheld information cannot be produced. The Denial, for example, fails to provide any explanation concerning why a basic contract under which the VA reports names to the FBI contains no segregable information (e.g., the Memorandum of Understanding Between the United States Department of Veterans Affairs and the Federal Bureau of Investigation Regarding the National Instant Criminal Background Check System, dated February 27, 2012). Please respond to this appeal within 20 business days in accordance with 5 U.S.C. ◆ 552(a)(6)(A) (ii).</p>						