

EXHIBIT D

SPECIAL INSPECTOR GENERAL FOR
AFGHANISTAN RECONSTRUCTION



May 24, 2017

JAMES A. MCLAUGHLIN
DEPUTY COUNSEL & DIRECTOR OF GOVERNMENT AFFAIRS
THE WASHINGTON POST
ONE FRANKLIN SQUARE
1301 K STREET, N.W.
WASHINGTON, D.C. 20071

RE: APPEAL #FA004

Dear Mr. McLaughlin,

I write in response to your letter dated April 24, 2017, which was in reply to the final response of the SIGAR Office of Privacy, Records, and Disclosure (PRD) to Freedom of Information Act (FOIA) request #2017-F-029. FOIA Request #2017-F-029 was originally submitted by your colleagues Mr. Greg Miller and Mr. Craig Whitlock. This appeal has been assigned appeal number: #FA004.

The initial request, dated August 24, 2016, sought the following records:

Transcripts, reports, audio recordings and video recordings of interviews conducted by SIGAR's Lessons Learned Program with Lt. Gen. Michael Flynn (U.S. Army, retired). Upon information and belief, LTG Flynn was interviewed as part of SIGAR's Lessons Learned Program sometime in 2015 or 2016. Please include any notes, tabs, emails, appendices or other documentation related to the interviews.

On January 24, 2017, PRD wrote to inform Mr. Whitlock that his and Mr. Miller's request was denied on the basis of Exemption (b)(5) of the FOIA, 5 U.S.C. § 552.

In your letter of appeal, you specified that "SIGAR's decision to withhold LTG Flynn's interview in its entirety is both legally unjustified and, in these circumstances, contrary to public policy." Your letter provided some additional context and information regarding why you believe that a discretionary release would be warranted in this instance. You also asserted that the determination letter provided by PRD did not "specify any litigation privilege(s) that are claimed to apply through Exemption 5." You then suggested that "this deficiency alone may warrants [sic]...the withdrawal of that latter [sic] in [sic] issuance of a fresh determination that identifies the grounds for denial with enough specificity to permit meaningful review...."

Based on the information contained in your appeal and in response to your specific administrative request, I am remanding this matter to PRD for reconsideration of the basis for its determination concerning the requested interview, including specific applicable privileges. Please feel free to

THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. § 552

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provide PRD with any additional information that you believe would be relevant to this matter. PRD should provide a new determination no later than June 22, 2017.

Sincerely,

/s/ Adam J. Weaver

Adam J. Weaver
SIGAR FOIA Appellate Authority