

EXHIBIT 8

Seth Watkins

From: Seth Watkins
Sent: Thursday, January 18, 2018 1:55 AM
To: 'Eyre, Jane G - Washington, DC'; 'foiaappeal@usps.gov'
Subject: Supplemental Freedom of Information Act (FOIA) Appeal re FOIA Case Nos. 2018-FPRO-00339; 2018-APP-00054
Attachments: Exhibit B - 2018.01.16 USPS FOIA Response.pdf

To whom it may concern:

The FOIA appeal below, dated January 15, 2018, was acknowledged by USPS on January 16, 2018 and assigned FOIA Appeal case number 2018-APP-00054.

This email supplements Requester's January 15, 2018 appeal in view of the attached email correspondence from Mark T. Owen, USPS, dated January 16, 2018. See Exhibit B attached hereto.

Requester further appeals the denial of information concerning details related to the requested tracking, including but not limited to the Receptacle ID. The January 16, 2018 email states: "The receptacle data you are requesting is commercial in nature. The data provides sensitive information about how pieces of mail are transported from foreign posts to the Postal Service. This material is exempt from disclosure under FOIA Exemption 3, 39 U.S.C 410(c)(2)." The cited statutory exemption, 39 U.S.C. 410(c)(2), concerns "information of a commercial nature, . . . which under good business practice would not be publicly disclosed."

First, contrary to USPS's position, the withheld information actually is information that **would be publicly disclosed** under good business practices. Indeed, the tracking information sought by Requester is meant to shed light on the path her registered letter took from the Philippines to the United States and when her letter came under the purview of USPS, e.g., it was under USPS's possession, custody, or control. The availability of such tracking information is critical to a postal customer's decision to use the governmental postal authorities for delivery of a letter rather than by directly engaging a competitor that is private courier service such as FedEx or UPS. Good business practices would dictate that the requested tracking information be disclosed; otherwise, the loss of confidence in the postal service as a delivery option (due to lack of transparency) would damage USPS's business by providing incentive for customers to place their international mail business with private couriers that furnish more transparent tracking. Indeed, the competitiveness of USPS's present international mail delivery operations has already been called into doubt by USPS itself, with the Office of Inspector General having initiated a study just a few weeks ago concerning "Why Does USPS Have Difficulty Meeting International Service Performance Goals for Letter Post Mail?" See <https://www.uspsoidg.gov/audit-asks/why-does-usps-have-difficulty-meeting-international-service-performance-measurements> (admitting that USPS's service quality for international inbound mail has met the Universal Postal Union (UPU) service performance target only once since 2005). If USPS, overall, is unable to make timely

delivery of inbound, international mail, then the transparency of all tracking information for its letters is the only way that customers may gain confidence to continue to use USPS services for mail between a given country and the United States. Still further, the tracking information associated with a Receptacle ID should be transparent to the customer—as a good business practice—given that alternative courier services provide customers with a more time definite service network including customs clearance, as well as full visibility at the container level.

Second, it also is Requester's position that the registered letter tracking information does not qualify as "information of a commercial nature." See, e.g., *Carlson v. United States Postal Serv.*, 504 F.3d 1123, 1130 (9th Cir. 2007).

Third, Requester further appeals on the basis that USPS has not provided any segregable portions of the withheld Records, e.g. the Receptacle ID, Receptacle label, Dispatch ID, and Electronic Data Interchange ("EDI") messaging. Requester is not seeking any financial information. Instead, Requester is seeking detailed tracking information.

Please promptly respond to this appeal in accordance with 5 U.S.C. § 552(a)(6)(A)(ii).

Thank you.

Sincerely,

/s/

Seth A. Watkins

Seth A. Watkins, Ph.D.

WATKINS LAW & ADVOCACY, PLLC

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From: Seth Watkins

Sent: Monday, January 15, 2018 3:37 AM

To: 'Eyre, Jane G - Washington, DC' <Jane.G.Eyre@usps.gov>; 'foiaappeal@usps.gov' <foiaappeal@usps.gov>

Subject: Freedom of Information Act (FOIA) Appeal re FOIA Case No. 2018-FPRO-00339

To whom it may concern:

This will appeal the denial of information requested under FOIA.

Requester is the elderly, surviving spouse of a Filipino WWII veteran and lives in rural Philippines. She has an urgent need for the requested records in connection with an appeal she filed with the U.S. Court of Appeals for Veterans Claims, but for which her Notice of Appeal has been deemed by the Court as untimely, thereby resulting in dismissal of her appeal. She is requesting reconsideration by the Court and the records sought by her FOIA request are needed promptly in order to support her arguments for reconsideration.

Requester, through counsel, submitted a FOIA request on the USPS Online FOIA Portal on January 2, 2018 and requested:

all Records relating to arrival/receipt in the U.S., or custody or control by USPS of a **registered letter** sent from the Philippines to the U.S. with **tracking number RR066777197PH**. The term "Records" includes but is not limited to all tracking information (particularly including any information not shown through a public tracking inquiry on the USPS web site) and/or any other details concerning the transfer of custody, control or responsibility for delivery of this registered letter from the Philippine Postal Corporation (PHLPOST) to USPS.

(Emphasis added). USPS responded by letter dated January 8, 2018 ("USPS Response Determination") and assigned the FOIA request FOIA Case No. 2018-FPRO-00339. See Exhibit A. The USPS Response Determination did not specify how to file a FOIA appeal.

The USPS Response Determination is hereby administratively appealed for the following reasons:

1. The USPS Response Determination included a print from the **USPS Tracking Intranet**, and that print is of very poor quality and illegible to some extent. See Exhibit A hereto. **A higher quality / higher resolution print is needed** so that this document can be fully read, with such print preferably created by "printing to pdf" so as to be in electronic format, and preferably being sent to Requester by email.

2. The above-identified print from the USPS Tracking Intranet, in the "Other Information" column of the table, references a Receptacle ID that appears to be a hyperlink and although very difficult to read, appears to be PHMNLAUSJFKAAUR70063003110044. A print of the complete tracking for this Receptacle ID, for example, falls within the scope of the FOIA request but was not provided. Requester requires the following records:

(a) the complete tracking for **Receptacle ID PHMNLAUSJFKAAUR70063003110044** (the "Other Information" column, for example, notes a "Last Stop" of "NRT - Tokyo" but does not provide detailed information on all "stops" or when USPS had responsibility), including a key to any codes or acronyms used therein;

(b) a copy of the **Receptacle Label(s)** (for example, Universal Postal Union (UPU) Forms CN 35, CN 36, CP 84, and/or CP 85 labels) attached to the receptacle for **Receptacle ID PHMNLAUSJFKAAUR70063003110044**, including a key to any codes or acronyms used thereon;

- (c) the complete tracking for **Dispatch ID PHMNLAUSJFCAAUR70063** (the first 20 characters of the Receptacle ID), including a key to any codes or acronyms used therein;
- (d) all records concerning any **Consignment ID** associated with the aforementioned registered letter tracking number and/or Receptacle ID, including but not limited to any **delivery bills** (such as Universal Postal Union (UPU) Forms CN 38 and/or CN 41 delivery bills), including a key to any codes or acronyms used therein;
- (e) all records relating to the transportation or transit used for the aforementioned registered letter tracking number and/or Receptacle ID, including but not limited to “direct transportation,” “direct transshipment – intraline,” “direct transshipment – interline,” “closed transit,” and/or “transit à découvert (open transit)”;
- (f) all records concerning Electronic Data Interchange (“EDI”) messaging relating to **Receptacle ID PHMNLAUSJFCAAUR70063003110044** and/or **Dispatch ID PHMNLAUSJFCAAUR70063** including but not limited to message sets such as PREDES/REDES, PRECON/RECON and CARDIT/RESBIT, postal EDI messaging, and airline cargo messaging, including a key to any codes or acronyms used therein; and
- (g) all records relating to when **registered letter tracking number RR066777197PH** and **Receptacle ID PHMNLAUSJFCAAUR70063003110044** were in the possession, custody, or control (e.g., became the responsibility) of USPS.

Each of the references to **Receptacle ID PHMNLAUSJFCAAUR70063003110044** and **Dispatch ID PHMNLAUSJFCAAUR70063** herein assume that the ID has been identified accurately from the right-most column of the table in the USPS Tracking Intranet print attached hereto as Exhibit A. Those references should be amended, as needed, to correspond to registered mail **tracking number RR066777197PH**, given that the undersigned had great difficulty reading the Receptacle ID on the poor quality print provided in the USPS Response Determination.

Please promptly respond to this appeal in accordance with 5 U.S.C. § 552(a)(6)(A)(ii).

Thank you.

Sincerely,

/s/

Seth A. Watkins

Seth A. Watkins, Ph.D.

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EXHIBIT B

Seth Watkins

From: Bratton, Mary-Lynn - Washington, DC - Contractor <Mary-Lynn.Bratton@usps.gov>
Sent: Tuesday, January 16, 2018 9:29 AM
To: Seth Watkins; Owen, Mark T - Washington, DC
Subject: FOIA Case No. 2018-FPRO-00339
Attachments: 2018-FPRO-00339-data.pdf; 2018-FPRO-00339-RR066777197PH.pdf

Please find attached .pdf versions of the tracking materials that were provided previously in hardcopy.

Specific to your request for:

“all details concerning that Receptacle ID”

I am unable to provide any additional information. The receptacle data you are requesting is commercial in nature. The data provides sensitive information about how pieces of mail are transported from foreign posts to the Postal Service. This material is exempt from disclosure under FOIA Exemption 3, 39 U.S.C 410(c)(2).

If you are not satisfied with the response to this request, you may file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel U.S. Postal Service 475 L'Enfant Plaza SW Washington, DC 20260 or via email at FOIAAppeal@usps.gov. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include, as applicable:

1. A copy of the request, of any notification of denial or other action, and of any other related correspondence;
2. The FOIA tracking number assigned to the request;
3. A statement of the action, or failure to act, from which the appeal is taken;
4. A statement identifying the specific redactions to responsive records that the requester is challenging;
5. A statement of the relief sought; and
6. A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact any of the following:

- Mary-Lynne Bratton
MPIS FOIA Support
202-268-2367
- PRIVACY & RECORDS OFFICE
US POSTAL SERVICE
475 L'ENFANT PLAZA SW RM 1P830
WASHINGTON DC 20260-1101
Phone: (202) 268-2608
Fax: (202) 268-5353
FOIA Public Liaison: Jane Eyre

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. 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.

Sincerely,

Mark T. Owen
(A) Manager, Mail & Package Information Systems
Corporate Reporting
Enterprise Analytics

This message has been sent on behalf of Mark T. Owen, Mail & Package Information Systems

From: Seth Watkins [<mailto:watkins@wlapllc.com>]
Sent: Wednesday, January 10, 2018 8:04 AM
To: Owen, Mark T - Washington, DC <mark.t.owen@usps.gov>
Subject: Fwd: FOIA Case No. 2018-FPRO-00339

Mr. Owen,

Could you please help me with my request below? I now understand that Ms. Sanders-Hess is out on leave.

Thank you in advance.

Seth Watkins

Begin forwarded message:

From: Seth Watkins <watkins@wlapllc.com>
Date: January 9, 2018 at 6:11:30 PM EST
To: "jsanders.hess@usps.gov" <jsanders.hess@usps.gov>
Subject: FW: FOIA Case No. 2018-FPRO-00339

Dear Ms. Sanders-Hess,

Could I please request your assistance with the attached FOIA request, for which I received a response in the mail today? I am representing an elderly woman, *pro bono* (free of charge) who is the surviving spouse of a late WWII veteran and who lives in a rural part of the Philippines. It is important that I understand the complete "path" of a piece of registered air mail that she sent from the Philippines to the United States so that I potentially can argue to a veteran's appeals court here in DC that she filed her appeal on time when she mailed it to the Court.

As you can see from the attached FOIA response that I received this afternoon, there is a printout from the USPS Tracking Intranet for tracking number **RR066777197PH**. It is extremely hard to read that printout, but it might be helpful to us. Could you please email me a "print to pdf" (electronically printed) version that is legible so that I can read the details? Also, it appears that there is a "Receptacle ID" associated with the shipment of this letter from Manila, Philippines through Tokyo Narita. Could you please provide me with a printout of

all details concerning that Receptacle ID? I am trying to determine every stop that this letter took from the Philippines to Washington, DC. I also am trying to determine exactly at what point the letter was in the possession of USPS.

Many thanks in advance for your help with this.

Sincerely,

Seth

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From: Sherwood, Robin [<mailto:foia12@usps.gov>]
Sent: Thursday, January 04, 2018 3:28 PM
To: Seth Watkins <watkins@wlapllc.com>
Subject: FOIA Case No. 2018-FPRO-00339

Mr. Watkins:

Please see the attached correspondence concerning your Freedom of Information Act request dated January 2, 2018 and assigned FOIA Case Number 2018-FPRO-00339.

Sincerely,

Robin Sherwood