

EXHIBIT D



UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

December 5, 2017

Jamila Benkato
Counsel
The Protect Democracy Project
2020 Pennsylvania Avenue N.W. #163
Washington, DC 20006

Dear Ms. Benkato:

This letter is in response to your correspondence, dated November 22, 2017, to the Department of Commerce's Freedom of Information Act (FOIA) Office. We received your request in this office on November 22, 2017, and have assigned to it tracking number DOC-IOIS-2018-000339. We are responding under the FOIA to your request for:

- 1) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to the possible appointment of Thomas Brunell as deputy director of the Census Bureau, including but not limited to:
 - a. Communications between the Office of the Secretary of Commerce and the Executive Office of the President,
 - b. Communications between the Office of the Secretary of Commerce and the Census Bureau, and
 - c. Communications between the Office of the Secretary of Commerce and members of Congress or their staffs.

The timeframe for this item is January 20, 2017 through the date that searches are conducted for records responsive to this FOIA request.

- 2) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Office of the Secretary of Commerce and
 - a. The Executive Office of the President,
 - b. The Census Bureau, and/or
 - c. Members of Congress or their staffsregarding the 2020 census.

The timeframe for this item is June 1, 2017 through the date that searches are conducted for records responsive to this FOIA request.

- 3) In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of

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this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

In your request correspondence, you seek expedited processing of your request. Pursuant to procedures established in Department of Commerce's FOIA regulations, Title 15, Code of Federal Regulations, Section 4.6(f)(1), we rely on the following factors in determining whether the statutory standard for granting expediting processing has been met:

1. Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
2. the loss of substantial due process rights;
3. a matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence; and
4. an urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information.

After review of your request, we have determined that your expedited processing justification was insufficient in detail for the records listed above, and you did not provide us with the necessary information to make an informed decision as to whether or not we can appropriately grant your request expedited processing. In particular, you did not provide additional information addressing the factors outlined above. Moreover, in accordance with 15 CFR Section 4.6(f)(3), "a requestor who seeks expedited processing must submit [as part of their justification,] a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing."

If you have any questions or concerns or would like to discuss any aspect of your request, you may contact me the Department's FOIA Public Liaison:

Dr. Michael Toland
U.S. Department of Commerce
Office of Privacy and Open Government
1401 Constitution Ave. NW
Room 52010
Washington, DC 20230
telephone at (202) 482-3842; email: mtoland@doc.gov

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Please refer to your FOIA request tracking number, DOC-IOS-2018-000339, when contacting us.

In addition, 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 202741-5770; toll free at 1 877-684-6448
facsimile at 202-741-5769

You have the right to appeal this denial of your FOIA request. An appeal must be received within 90 calendar days of the date of this response letter. Address your appeal to the following office:

Assistant General Counsel for Employment, Litigation and Information (Office)
U.S. Department of Commerce
Office of the General Counsel - Room 5896
1401 Constitution Ave., NW
Washington, D.C. 20230

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov or by FOIAonline, if you have an account in FOIAonline, at <https://foiaonline.regulations.gov/foia/action/public/home#>. The appeal should include a copy of the original request and initial denial, if any. All appeals should include a statement of the reasons why the records requested should be made available and why the adverse determination was in error.

The appeal letter, the envelope, and the e-mail subject line should be clearly marked "Freedom of Information Act Appeal." The e-mail, FOIAonline, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through

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Friday). FOIA appeals posted to the e-mail box, FOIAonline, or Office after normal business hours will be deemed received on the next normal business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

Thank you for your cooperation and patience.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Toland", is written over the word "Sincerely,".

Michael J. Toland, Ph.D.
Deputy Chief FOIA Officer,
Departmental Privacy Act Officer, and
Deputy Director for FOIA/Privacy Act Operations
Office of Privacy and Open Government