

EXHIBIT I



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Allison Murphy, Esq.
The Protect Democracy Project
Suite 1163
2020 Pennsylvania Avenue, NW
Washington, DC 20006
allison.murphy@protectdemocracy.org

Re: Appeal No. DOJ-AP-2018-001055
Request No. 1375028
TAZ:JMB

VIA: FOIAonline

Dear Ms. Murphy:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to various records concerning communications between the FBI and the White House for the period from January 20, 2017 to the date of the search. I note that your appeal concerns the FBI's determination that "the information requested would be under the purview of another agency."

After carefully considering your appeal, I am affirming, on modified grounds, the FBI's action on your request. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. 16.3(b)(2017). Your request for records related to communications between the FBI and White House would require the FBI to conduct an unreasonably burdensome search. Your request is not reasonably described because you did not characterize the records sought in such a way that they could be located without searching the email accounts of thousands of custodians in many FBI offices. Courts have consistently held that the FOIA does not require agencies to conduct "unreasonably burdensome" searches for records. See, e.g., Nation Magazine v. U.S. Customs Serv., 71 F.3d 885, 892 (D.C. Cir. 1995). If you would like to narrow the scope of your request to specific FBI custodians or offices, please contact the FBI directly.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

- 2 -

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 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; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, 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.

Sincerely,

12/19/2017

X 

Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: OIP