

EXHIBIT 6



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

Telephone: (202) 514-3642

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Re: Appeal No. DOJ-AP-2017-004605
Request No. 1361976-001
JMB:RNB

VIA: FOIAonline

Dear Mr. Schoenberg:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for the search warrant and affidavit concerning the Hillary Clinton e-mail investigation related to In re Search of A Laptop Computer, S.D.N.Y. 16 MAG 7063, Oct 30, 2016. I note that your appeal concerns the withholdings made by the FBI in its response dated May 11, 2017.

After carefully considering your appeal, I am affirming the FBI's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;
and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Additionally, please be advised that a portion of the records maintained by the FBI are protected from disclosure by a court seal issued by the United States District Court for the Southern District of New York. In this instance, the FBI lacks authority to consider the releasability of this information under the FOIA. See GTE Sylvania, Inc. v. Consumers Union,

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445 U.S. 375, 384-86 (1980) (finding "no discretion for the agency to exercise" when records are sealed, thus no improper withholding). Please note that the court seal continues to prohibit disclosure of the records you seek.


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 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.

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).

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.

Sincerely,

9/20/2017

X 

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