

EXHIBIT B



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

April 6, 2017

REFER TO: 2017-0208

Mr. Ted Alcorn
Everytown for Gun Safety
P.O. Box 4184
New York, NY 10163

Dear Mr. Alcorn:

This is to acknowledge receipt of your Freedom of Information Act ("FOIA") request dated December 14, 2016, and received by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") on December 15, 2016, in which you requested records concerning the following:

1. Nationwide, the number of each firearm type (pistol, revolver, rifle, shotgun, other) that were used in a completed suicide and successfully traced in 2012 and in 2013;
2. Nationwide, the number of each firearm type (pistol, revolver, rifle, shotgun, other) that were used in an attempted suicide and successfully traced in 2012 and in 2013;
3. For each state, the number of guns that were used in a completed suicide and successfully traced in 2012 and in 2013.
4. For each state, the number of guns that were used in a completed suicide and successfully traced in 2012 and in 2013 that were in the possession of the original buyer.
5. For each state, the number of guns that were used in a completed suicide and successfully traced in 2012 and in 2013 that were in the possession of someone other than the original buyer.
6. For each state, the number of guns that were used in a completed suicide and successfully traced in 2012 and in 2013 that were originally purchased in the same state in which they were recovered.
7. For each state, the number of guns that were used in a completed suicide and successfully trace in 2012 and in 2013 that were traced less than 3 months after first purchase; that were traced between 6 and 12 months after first purchase; that were traced between 1 and 2 years after first purchase; that were traced between 2 and 3 years after first purchase; and that were traced more than 3 years after first purchase.
8. For each state, the number of guns that were used in an attempted suicide and successfully traced in 2012 and in 2013.

Mr. Ted Alcorn

9. For each state, the number of guns that were used in an attempted suicide and successfully traced in 2012 and in 2013 that were in possession of the original buyer.
10. For each state, the number of guns that were used in an attempted suicide and successfully traced in 2012 and in 2013 that were in possession of someone other than the original buyer.
11. For each state, the number of guns that were used in an attempted suicide and successfully traced in 2012 and in 2013 that were originally purchased in the same state in which they were recovered.
12. For each state, the number of guns that were used in an attempted suicide and successfully traced in 2012 and in 2013 that were traced less than 3 months after first purchase; that were traced between 3 and 6 months after first purchase; that were traced between 6 and 12 months after first purchase; that were traced between 1 and 2 years after first purchase; that were traced between 2 and 3 years after first purchase; and that were traced more than 3 years after first purchase.

Your request has been assigned number 2017-0208. Please refer to this number on any future correspondence.

You have requested material, which ATF is required to maintain pursuant to the Gun Control Act ("GCA") and/or is information contained in ATF Firearms Trace System database. This information is exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.

Exemption (b)(3) of the FOIA permits the withholding of information prohibited from disclosure by another statute only if one of two disjunctive requirements are met: the statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. Thus, a statute falls within the exemption's coverage if it satisfies any one of its disjunctive requirements.

Beginning in 2003, Congress placed restrictions on ATF's disclosure of certain GCA related information. In short, ATF can only provide certain GCA data to a law enforcement agency or a prosecutor solely in connection with a criminal investigation or prosecution. Beginning in Fiscal Year 2006, Congress included a provision within each iteration of the restriction, which effectively made the law permanent.

The most recent iteration of these various restrictions was included in ATF's 2012 Appropriation Bill, Public Law 112-55, 125 Stat. 552. Some of the information in the requested records falls within this restriction. Since the Fiscal Year 2006 through 2008 restrictions satisfy all the requirements of FOIA Exemption (b)(3), and the 2012 language is perpetuated from those restrictions, I am withholding the trace data pursuant to 5 U.S.C. § 552 (b)(3) and Public Law 112-55, 125 Stat. 552.

Mr. Ted Alcorn

However, ATF provides yearly aggregate firearms trace data. All of ATF's statistics on firearms tracing from 2008 to 2015 are made publically available and can be located at <https://www.atf.gov/resource-center/data-statistics>.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaisons, Darryl Webb or Johnny Rosner, at (202) 648-7390, for any further assistance and to discuss any aspect of your request. 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, Room 2510, 8601 Adelphi Road, 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.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy ("OIP"), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Stephanie M. Boucher
Chief, Disclosure Division