

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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CAUSE OF ACTION INSTITUTE)
1875 Eye Street, N.W., Suite 800)
Washington, D.C. 20006,)
)
Plaintiff,)
)
v.)
	Civil Case No. 18-1508)
)
THE WHITE HOUSE OFFICE)
OF MANAGEMENT AND BUDGET)
725 17th Street, N.W.)
Washington, D.C. 20503)
)
and)
)
UNITED STATES DEPARTMENT OF AGRICULTURE)
1400 Independence Avenue, S.W.)
Washington, D.C. 20250,)
)
Defendants.)
<hr/>)

EXHIBIT 7 TO COMPLAINT



United States Department of Agriculture

United States
Department of
Agriculture

Office of the Chief
Information Officer

1400 Independence
Avenue SW
Washington, DC
20250

May 18, 2018

Delivered via Electronic Mail

Ryan Mulvey
Cause of Action Institute
1875 Eye Street, NW
Suite 800
Washington, D.C. 20006
Email: ryan.mulvey@causeofaction.org

**RE: Final Response
Freedom of Information Act (FOIA) Appeal 2017-OCIO-00341-A**

Dear Mr. Mulvey:

This is the final response, to your September 7, 2017, Freedom of Information Act (FOIA) appeal to the U.S. Department of Agriculture (USDA), Departmental FOIA Office (DFO). Your enclosed request sought copies of the Internet browsing histories of Secretary Sonny Perdue and the USDA Director of Communications, from January 20, 2017 to the present, or the period reflecting the entire browsing histories retained for both Secretary Perdue and the Director of Communications.

Additionally, you expressed interest in receiving the browsing activity on all government-issued, Internet-connected devices, including desktop and laptop computers, cellular telephones, and tablet devices, and to the extent multiple Internet browsers are installed on each device, you requested records of the browsing activity on each application.

On August 30, 2017, the DFO responded to your request. On September 7, 2017, you filed the enclosed appeal challenging its determination that an employee's internet browsing history activity does not qualify as an agency record. After careful consideration of your appeal in its entirety, a determination has been made to uphold the DFO's initial determination. Accordingly, no additional searches were initiated.

As stated previously, this is the final response letter to your appeal. If you are dissatisfied with this decision, you may seek judicial review in the Federal District Court.

Prior to seeking judicial review, you may want to contact the Office of the Government Information Services (OGIS). As part of the 2007 FOIA amendments, OGIS was created to offer mediation series to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to

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litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of the Government Information Services
National Archives and Records Administration
8601 Adelphi Road, Room 2510
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: 301-837-1996
Facsimile: 301-837-0348

If you have any questions regarding this letter, please contact the Department's FOIA Appeals Officer at USDAFOIA@ocio.usda.gov.

The DFO Team appreciates the opportunity to assist you in this matter.

Sincerely,



Ravoyne Payton
DFO Appeals Officer
Office of the Chief Information Officer

Attachments: CoA July 7, 2017 FOIA Request
CoA September 7, 2017 Appeal