

Exhibit E

U.S. Department of Labor

Office of Federal Contract
Compliance Programs
200 Constitution Avenue, N.W.
Washington, D.C. 20210



FEB 2 2019

Will Evans
The Center for Investigative Reporting
1400 65th Street, Suite 200
Emeryville, CA 94608

RE: Freedom of Information Act Request – Tracking No. 848514

Dear Mr. Evans:

This letter is an interim response to your Freedom of Information Act (FOIA) request submitted to the Office of Federal Contract Compliance Programs (OFCCP) on January 9, 2018. Please refer to the above-referenced FOIA tracking number in any future correspondence regarding your FOIA request.

Under FOIA, you requested copies of 2016 EEO-1 Consolidated Report (Type 2) for 55 companies. With our response of August 14, 2018, we emailed files on fifteen companies released under this FOIA.

While processing your request, on January 11, 2019, the Supreme Court granted a writ of certiorari in *Food Marketing Institute v. Argus Leader Media*, 889 F.3d 914 (8th Cir. 2018), *cert. granted*, 2019 WL 166877 (U.S. Jan. 11, 2019) (No. 18-841). The questions presented in *Argus Leader* include the appropriate definition of "confidential" in the Freedom of Information Act's Exemption 4, and in the alternative whether the "substantial competitive harm" test recognized by some circuit courts under Exemption 4 will be retained or altered. Given that the Court's answer to those questions may affect how OFCCP would address the request at issue, we are delaying a final determination regarding disclosure until we have the benefit of the Court's decision in *Argus Leader*.

We consider you to be a "news media" type of requestor. As a "news media" requestor, we charge you for photocopying after the first 100 pages in accordance with the U.S. Department of Labor FOIA regulations at 29 CFR § 70.40(c)(4).


Should you have questions regarding your request, please contact this office at (202) 693-0101 or by email at OFCCP_NO_FOIA@dol.gov.

If you need any further assistance or would like to discuss any aspect of your request please do not hesitate to contact the DOL FOIA Public Liaison, Thomas Hicks, at (202) 693-5427. Alternatively, you may contact the Office of Government Information Services within the National Archives and Records Administration (OGIS) to inquire about the 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, College Park, MD 20740-6001. You can also reach that office by e-mail at ogis@nara.gov, by phone at (202) 741-5770, by fax at (202) 741-5769, or by calling toll-free at (877) 684-6448.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Solicitor of Labor within 90 days from the date of this letter. The appeal must state in writing the grounds for the appeal, and it may include any supporting statements or arguments, but such statements are not required. In order to facilitate processing of the appeal, please include your mailing address and daytime telephone number, as well as a copy of the initial request and copy of this letter. The envelope and letter of the appeal should be clearly marked "Freedom of Information Act Appeal." Any amendment to the appeal must be made in writing and received prior to a decision. The appeal should be addressed to the Solicitor of Labor, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2420, Washington, DC 20210. Appeals may also be submitted by email to foiaappeal@dol.gov. Appeals submitted to any other email address will not be accepted.

Sincerely,



D. Lissette Geán
Special Assistant