

U.S. Department of Justice



Federal Bureau of Investigation
Washington, D.C. 20535

August 26, 2016

MR. STEVEN EMERSON, PRESIDENT
SAE PRODUCTIONS, INC
SUITE 341
5614 CONNECTICUT AVENUE, NORTHWEST
WASHINGTON, DC 20015-2601

Appeal No: AP-2016-00751
FOIPA Request No.: 1337501-000
Subject: Holy Land Foundation

Dear Mr. Emerson:

This is in reference to your Freedom of Information Act (FOIA) request and appeal to the Office of Information Policy concerning your fee waiver request. As explained in the attached letter, your request for a fee waiver is denied.

Additionally, by letter dated October 2, 2015, you were advised that the FBI located approximately 1,313,723 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. Of the 1,313,723 pages potentially responsive to your request, approximately 3,580 pages have been reviewed to date.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.

If all potentially responsive pages are released on CD, you will owe \$39,415.00 in duplication fees (2,628 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you will owe \$65,681.15 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.

You submitted your request via the FBI's eFOIA system. Releases will be made to you electronically, and you will owe _____ in duplication fees (____ releases at \$15.00 each, less \$5.00 credit for the first release).

The FBI's eFOIA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$_____ (____ CDs at \$15.00 each, less \$5.00 credit for the first CD).

CDs will not be sent to a correctional institution. You will only qualify for CD releases if an alternate address is provided.

You will owe approximately \$____ in international shipping fees.

The estimated total cost for processing your request is approximately \$39,415 for CD releases or \$65,681.15 for paper releases.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemption(s). Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

When anticipated fees exceed \$250.00, advance payment is required prior to moving your case forward. We request that you remit advance payment in the amount of \$500.00 to the FBI or go to www.pay.gov to make an electronic payment. For identification purposes, place your FOIPA Request Number on your check or money order and mail to: Federal Bureau of Investigation, Work Process Unit, 170 Marcel Drive, Winchester, VA 22602. Failure to pay within thirty (30) days from the date of this letter will result in closing of your FOIA request.

Requester Response

You must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD) unless your request qualifies for eFOIA releases. You must also indicate your preference in the handling of your request in reference to the estimated duplication fees from the following four (4) options:

- I am willing to pay estimated duplication fees up to the amount specified in this letter (\$500.00 of payment is required with this).
- I am willing to pay fees of a different amount. Please specify amount: _____
- Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees.
- Cancel my request.

If we do not receive your duplication format decision and/or estimated duplication fee selection within thirty (30) days of the date of this notification, your request will be closed. Include the FOIPA Request Number listed above in any communication regarding this matter.

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) (2006 & Supp. IV (2010)). 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 have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information.

For your reference, the FBI uses a multi-queue processing system to fairly assign and process new requests. The placement of a request in a queue depends on the total number of pages potentially responsive to that request – 50 pages or less (small queue), 51 pages to 950 pages (medium queue), 951 pages to 8,000 pages (large queue), and 8,001+ pages (extra large queue). The current median processing times for requests are:

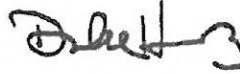
- Small queue — 195 days (6+ months)
- Medium queue— 307 days (10+ months)
- Large queue — 418 days (1+ year)
- Extra large queue – 3+ years

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record Information/Dissemination Section; Records Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 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 sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure