

From: no-reply@foiaonline.gov
To: [Andrew Strenio](#)
Subject: Final Disposition, Request DOJ-AP-2020-000199
Date: Friday, November 8, 2019 9:15:01 AM
Attachments: [Strenio, Andrew, DOJ-AP-2020-000199, FBI, Response letter, Affirm PMG 6, 7C categorical.pdf](#)

DOJ-AP-2020-000199 has been processed with the following final disposition: Affirmed on Appeal.

Given the nature of this request, some records are only being released to you as the requester. If you have an account in FOIAonline, you may access those records by **[FOIAONLINE_HOME]**. Otherwise, those responsive records will be sent via the method agreed upon with the FOIA processor.



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Andrew Strenio
Louisiana Capital Assistance Center
636 Baronne Street
New Orleans, LA 70113
astrenio@thejusticecenter.org

Re: Appeal No. DOJ-AP-2020-000199
Request No. 1272013-001
DRC:JNW

VIA: FOIAonline

Dear Andrew Strenio:

You appealed on behalf of your client, Edgar Garcia, from the action of the Federal Bureau of Investigation on your client's Freedom of Information Act request for access to records concerning Mark Isaac Snarr.¹ I note that your appeal concerns the FBI's refusal to confirm or deny the existence of records responsive to your client's request.

After carefully considering your appeal, I am affirming, on partly modified grounds, the FBI's action on your client's 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. To the extent that non-public responsive records exist, disclosure of such records, including law enforcement records, concerning a third-party individual would constitute a clearly unwarranted invasion of personal privacy, and could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6), (7)(C). Further, it is reasonably foreseeable that releasing any non-public records, to the extent such records exist, would harm the interests protected by these exemptions. Because any non-public records responsive to your request would be categorically exempt from disclosure, the FBI properly asserted these exemptions and was not required to conduct a search for the requested records. See, e.g., DOJ v. Reporters Committee for Freedom of the Press, 489 U.S. 749, 780 (1989) (holding "as a categorical matter" pursuant to Exemption 7(C) that release of investigatory records concerning a third party "can reasonably be expected to invade" that person's privacy and that such an invasion is unwarranted in the absence of an overriding public interest).

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

¹ Please be advised that the portion of your client's request concerning Gabriel Nathaniel Rhones is currently being processed by the FBI.

- 2 -

analyzed your appeal, your client's underlying request, and the action of the FBI in response to your client's request.

If your client is dissatisfied with my action on your appeal, the FOIA permits your client 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 client's 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. 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.

Sincerely,

11/7/2019

X



Christina D. Troiani, Associate Chief, for
Matthew Hurd, Acting Chief, Administrative Appe...
Signed by: CHRISTINA TROIANI