

# Exhibit M

From: **Mark Walker** <[mark.walker@nytimes.com](mailto:mark.walker@nytimes.com)>  
Date: Mon, Apr 27, 2020 at 1:58 PM  
Subject: Freedom of Information Act request  
To: <[FOIA@sba.gov](mailto:FOIA@sba.gov)>

Good morning,

I hope this email finds you well.

This is a request under the Freedom of Information Act from Mark Walker of The New York Times.

The New York Times is requesting a summary database of information for all approved loans under the Paycheck Protection Program of the 2020 CARES Act from the time the program began accepting applications through the end of business on April 13, 2020. Please include all data fields the Small Business Administration tracks for each loan that it determines is information generally disclosed under FOIA, including but not limited to: 1) names, commercial street addresses, and e-mail address of recipients of approved loans, 2) names of officers, directors, stockholders or partners of recipient firms, 3) kinds and amounts of loans, loan terms, interest rates, maturity dates, general purpose, etc., 4) business type, 5) bank name and bank commercial street address, 6) approval date, 7) disbursement date, 8) NAICS description, 9) franchise name and franchise code, if applicable.

### **Format of requested records**

Under FOIA, you are obligated to provide records in the format requested. See, e.g., 5 U.S.C. § 552(a)(3)(B) (“In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format.”).

We request all records in an electronic .pdf format.

Please provide all records on a rolling basis.

### **Response time**

We appreciate your help in expeditiously obtaining a determination on the requested records. As mandated in FOIA, we anticipate a reply within the statutory timeframe of 20 business days. 5 U.S.C. § 552(a)(6)(A)(i).

### **Fee waiver**

I respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii). FOIA was designed to provide citizens a broad right to access government records. FOIA’s basic purpose is to “open agency action to the light of public scrutiny,” with a focus on the public’s “right to be informed about what their government is up

to.” U.S. Dep’t of Justice v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 773–74 (1989). In order to provide public access to this information, FOIA’s fee waiver provision requires that “[d]ocuments . . . be furnished without any charge or at a [reduced] charge . . . if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure to The New York Times will contribute to public understanding of the operations and activities of the government and is not in the commercial interest of the requester.

### **Expedited processing**

First, the subject of this records request is a matter of extreme media interest that has raised questions about the integrity of the government’s trade negotiation practices.

The Paycheck Protection Program has been covered by every major news outlet in the United States. Many of these outlets have hired questions about to what kinds of businesses the funds distributed through the program are being allocated. The requested records will provide insight into which businesses received these loans.

Second, as a reporter for The New York Times, I am a person primarily engaged in disseminating information to the public, and there is an urgent need to inform the public about the specific government activity that is the subject of this request.

This week, Congress added more money to the Paycheck Protection Program. It is likely that there will be future debates about which loans should be forgiven under the terms of the program. The requested records will contribute to the public’s understanding of this debate about federal government activity.

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Mark Walker

*The New York Times*

Washington Bureau

202 862 0414 office

605 809 7369 mobi

[mark.walker@nytimes.com](mailto:mark.walker@nytimes.com)