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U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

December 10, 2015

John Greenewald, Jr.

[REDACTED]
john@greenewald.com

Re: OIP/13-05425 (F)
VRB:LAD:ACS

Dear Mr. Greenewald:

This is an interim response to your Freedom of Information Act (FOIA) request dated October 17, 2013, and received in this Office on October 17, 2013, for "a copy of the first 200 pages of emails received by Melanie Ann Pustay, Director of the Office of Information Policy, that contain the word "FOIA" between July 2012 and November 1, 2012." This response is being made on behalf of the Office of Information Policy.

Please be advised that a search has been conducted in the Office of Information Policy (OIP) and approximately 200 pages of emails were located that are responsive to your request. Director Pustay was on leave for the beginning of July 2012, therefore we considered emails that Ms. Pustay responded to beginning on July 16, 2012, the first day Director Pustay was back in the office, as responsive and went forward from that date. Nonetheless, many of the email chains contain prior emails that were received during the period she was out of the office. I have determined that thirty-eight pages are appropriate for release without excision and copies are attached. I have also determined that seventy-eight pages are appropriate for release with excisions made pursuant to Exemption (b)(5) of the FOIA, 5 U.S.C. § 552(b)(5), which pertains to certain inter- and intra-agency communications protected by the deliberative process privilege and the attorney work-product privilege. Information is also being withheld under Exemption (b)(6) of the FOIA, 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Additionally, twenty-eight pages of emails are being withheld in full pursuant to Exemptions (b)(5) and (b)(6) of the FOIA. For your information, the withheld materials consist of the contact information for non OIP employees and third parties, deliberative discussions and attorney work-product material.

Finally, since five pages of emails originated with the Justice Management Division (JMD), the Environmental Protection Agency (EPA), and the Internal Revenue Service (IRS), we referred that material to those entities for processing and direct response to you. Contact information may be located at www.FOIA.gov should you wish to contact JMD, EPA, or IRS.

Please be advised that we are continuing our processing of the remaining pages and will make a final response once our consultations are completed. I apologize for the delay.

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) (2012). 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.

If you are not satisfied with my response on behalf of OIP, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through this Office's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be postmarked or transmitted electronically within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script, appearing to read "V. Brinkmann".

for

Vanessa R. Brinkmann,
Senior Counsel

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Monday, July 16, 2012 12:49 PM
To: Talebian, Bobak (OIP)
Subject: RE: Draft GAO Report for Comment: Management of Agencies' FOIA Programs (Engagement 310973)

Thanks Bobby. How about if we meet later on this afternoon? Say 4pm?

From: Talebian, Bobak (OIP)
Sent: Monday, July 16, 2012 9:52 AM
To: Pustay, Melanie A (OIP)
Subject: FW: Draft GAO Report for Comment: Management of Agencies' FOIA Programs (Engagement 310973)

Melanie,

Welcome back! I just wanted to pass along GAO's draft report for our other audit on FOIA administration, which they sent to us the week of the Fourth. GAO makes five recommendations in the draft report which asks that the AG along with the Secretaries of DHS, DOD, and HHS direct their Chief FOIA Officers to (1) ensure that agency components take actions concerning their backlog, (2) ensure that agency components conduct training and perform foreseeable harm analyses, (3) ensure that agency components address deficiencies in their FOIA Libraries, (4) evaluate whether components could improve the efficiency of the their FOIA process by implementing certain technology capabilities that they do not have, and (5) identify and evaluate potential approaches for enabling the electronic exchanged of data between FOIA processing systems. GAO has asked for our comments by next Monday, but Andrea would like for us to give her any comments by this Friday. If possible, I would greatly appreciate a few minutes when you have it to discuss our options for commenting on this report.

Best,
Bobby

From: Nicholson, Andrea G (JMD)
Sent: Tuesday, July 03, 2012 7:29 AM
To: Talebian, Bobak (OIP); Washington, Danielle R. (FBI); Rosenblum, Jeff (EOIR); 'Tracy Lee'
Cc: Johnson, Suzanne R (JMD)
Subject: FW: Draft GAO Report for Comment: Management of Agencies' FOIA Programs (Engagement 310973)

Good morning,

Attached is the GAO's draft report on FOIA. The GAO made 5 recommendation to improve the management of FOIA processing (see page 37). OIP will take the lead on preparing a formal response to the recommendations by the Monday, July 23rd due date.

ALG (me) will consolidate technical comments to the GAO via email. Therefore, please submit your comments to me no later than Friday, July 20th. If you don't have any comments, please let me know that as well.

Thanks a lot,

Andrea

(b) (6)

From: Bird, Mark T (b) (6)
Sent: Monday, July 02, 2012 6:46 PM
To: ALO (JMD)
Cc: Nicholson, Andrea G (JMD); Talebian, Bobak (OIP); Melvin, Valerie C; Spiegel, Glenn S
Subject: Draft GAO Report for Comment: Management of Agencies' FOIA Programs (Engagement 310973)

Good Afternoon:

Attached is a copy of our draft GAO report entitled *Freedom of Information Act: Additional Actions Can Strengthen Agencies' Efforts to Improve Management (GAO-12-828)*. We are providing this draft for your review and comment before the final report is issued.

We would like to obtain the Department of Justice's written comments from you or your designated representative by Monday, July 23, 2012. These comments will be reflected in the final report. Please direct any comments or questions you may have concerning this draft to Mark Bird, Assistant Director, at (b) (6)

As the cover indicates, the draft report is not final and is subject to change; and therefore must be safeguarded to prevent its transmittal to unauthorized personnel, alteration, or premature release. Please do not show or release its contents for any purpose. All drafts remain the property of GAO. Upon request, all electronic copies of drafts must be destroyed and any hard copies of drafts must be returned. We appreciate your cooperation on this matter.

Sincerely yours,

[signed]
Valerie C. Melvin
Director, Information Management and Technology Resources Issues

Enclosure

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Monday, July 16, 2012 1:14 PM
To: Mallon, Carmen L (OIP)
Cc: Brinkmann, Vanessa R (OIP)
Subject: RE: JW FOIA on Executive Privilege: Deadlines

Outstanding work Counselor! ☺

From: Mallon, Carmen L (OIP)
Sent: Monday, July 16, 2012 1:03 PM
To: Pustay, Melanie A (OIP)
Cc: Brinkmann, Vanessa R (OIP)
Subject: FW: JW FOIA on Executive Privilege: Deadlines

The legal prowess of Counselor Brinkmann--

From: Brinkmann, Vanessa R (OIP)
Sent: Friday, July 06, 2012 1:36 PM
To: Colborn, Paul P (OLC); Lehn, David (OLC)
Cc: Deklotz, Patrick (OIP); Villanueva, Valeree A (OIP); Mallon, Carmen L (OIP)
Subject: JW FOIA on Executive Privilege: Deadlines

All: to follow-up on a question raised during our call today regarding this JW request, our 20-working-day response is due on July 23rd.

(b)(5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Vanessa

From: Pustay, Melanie A (OIP)
Sent: Monday, June 25, 2012 1:06 PM
To: Brinkmann, Vanessa R (OIP)
Subject: FW: Guidance Question

Here is the email Patrick sent to Paul --

From: Deklotz, Patrick (OIP)
Sent: Wednesday, June 20, 2012 3:02 PM
To: Colborn, Paul P (OLC)
Cc: Pustay, Melanie A (OIP)
Subject: Guidance Question

Good afternoon Mr. Colborn,

(b)(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] We greatly appreciate your
guidance.

Thank you,
Patrick

Patrick DeKlotz
Attorney-Advisor
Office of Information Policy
U.S. Department of Justice
(202) 616-2576

From: Pustay, Melanie A (OIP)
Sent: Monday, July 16, 2012 2:52 PM
To: Talebian, Bobak (OIP); Bishop-Green, Jacob (OIP)
Subject: FW: number discrepancies

_____. I want to understand how we could have had different numbers for this?

From: Pustay, Melanie A (OIP)
Sent: Monday, July 16, 2012 2:49 PM
To: Talebian, Bobak (OIP)
Cc: Bishop-Green, Jacob (OIP)
Subject: number discrepancies

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Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Monday, July 16, 2012 4:13 PM
To: Greenfeld, Helaine (OAG)
Cc: Talebian, Bobak (OIP)
Subject: Accepted: Call with DPC about FOIA assessments

Adding Bobby Talebian who has worked with me on this.

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 2:28 PM
To: Mallon, Carmen L (OIP)
Subject: RE: Blog Post

Thanks for the update; we will just wait to hear further.

From: Mallon, Carmen L (OIP)
Sent: Monday, July 16, 2012 1:24 PM
To: Pustay, Melanie A (OIP)
Subject: FW: Blog Post

Miss- this is the WH memo on Smart Disclosure and btw I still haven't heard back from our contacts on any new developments after we talked with them--

From: Bishop-Green, Jacob (OIP)
Sent: Monday, July 16, 2012 1:20 PM
To: Brinkmann, Vanessa R (OIP); Mallon, Carmen L (OIP)
Subject: RE: Blog Post

Edits made (Carmen, the link was off so I incorporated the right memo and the link now directs to <http://www.whitehouse.gov/sites/default/files/omb/inforeg/for-agencies/informing-consumers-through-smart-disclosure.pdf>). MAP now has it for review.

Thanks,
Jake

From: Brinkmann, Vanessa R (OIP)
Sent: Monday, July 16, 2012 1:12 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP); Bishop-Green, Jacob (OIP)
Subject: RE: Blog Post

I placed my final nits in Jake's mailbox this morning. So Jake if you can add those in this will be ready for Melanie.

From: Pustay, Melanie A (OIP)
Sent: Monday, July 16, 2012 1:07 PM
To: Mallon, Carmen L (OIP); Bishop-Green, Jacob (OIP)
Cc: Brinkmann, Vanessa R (OIP)
Subject: RE: Blog Post

I will take a look once VRB's edits are incorporated.

From: Mallon, Carmen L (OIP)
Sent: Monday, July 16, 2012 12:50 PM
To: Bishop-Green, Jacob (OIP)
Cc: Brinkmann, Vanessa R (OIP); Pustay, Melanie A (OIP)
Subject: RE: Blog Post

Jake,

My changes in red below. I like the topic and nicely written.

Looping in Melanie for her reaction--

From: Bishop-Green, Jacob (OIP)
Sent: Friday, July 13, 2012 9:27 AM
To: Mallon, Carmen L (OIP)
Cc: Brinkmann, Vanessa R (OIP)
Subject: Blog Post

Morning,

Trying to keep us with one blog post a week, Vanessa and I wanted to run the below past you for approval. The post is on the new push to put government information on mobile devices through mobile-formatted websites and various apps. Vanessa has a couple of tweaks she wants to make based on edits from yesterday, but otherwise is good to go on content. Also, I know MAP wants us to remained focus on key tasks during this last quarter, so just want to mention out that I wrote this last Sunday night while watching TV, as I'm trying to stay primarily focused on cases while in the office.

If you're okay with this, I can send it to Tracy for clearance once Vanessa makes her additional edits.

Thanks,
Jake

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Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 2:43 PM
To: Smith, Caroline A (OIP)
Subject: FW: FOIA case in DC

Caroline – this sounds like it might be one you would be interested in, so I want to check with you. You know we are so busy, but at the same time I know you can absorb litigation the best of anyone, so I am certainly willing to give this a shot if you want it.

From: Work, Anne D (OIP)
Sent: Friday, July 13, 2012 2:29 PM
To: Morgan, Keith (USADC); Pustay, Melanie A (OIP)
Cc: Smith, Caroline A (OIP); O'Neill, Sean (OIP)
Subject: RE: FOIA case in DC

Let me check. Melanie will be back on Monday. Thanks. Anne

From: Morgan, Keith (USADC)
Sent: Friday, July 13, 2012 1:34 PM
To: Work, Anne D (OIP); O'Neill, Sean (OIP)
Subject: FW: FOIA case in DC

Below is an email I sent to Janice about a potential case for your office to handle.

Let me know what you think.

Keith

From: Morgan, Keith (USADC)
Sent: Friday, July 13, 2012 1:30 PM
To: 'McLeod, Janice G (OIP)'
Subject: FOIA case in DC

Would your office be interested in handling a FOIA case involving the Fish and Wildlife Service at Interior? We were served on June 26th. It's Case No. 12-1051 (RBW). Plaintiff wants information about the effect of wind turbines on the bird population in Texas. This is more interesting than the typical pro se prisoner FOIA litigation.

Thanks,
Keith

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 2:47 PM
To: Adams, Bertina (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA Training (Department of Homeland Security - National Records Center)

I agree, two people sounds right. This will need to be folks who can carry lots of subjects. Who do you think would be good? Also, do we have a good sense of who wants to travel to teach? It might not be a bad idea to do a canvas just so we know for planning purposes and are not leaving anyone out who actually would like to be considered.

From: Adams, Bertina (OIP)
Sent: Friday, July 13, 2012 3:27 PM
To: Mallon, Carmen L (OIP); Pustay, Melanie A (OIP)
Subject: RE: FOIA Training (Department of Homeland Security - National Records Center)

DHS' National Records Center would like to schedule training for two days during the last week of November, either 27-28 or 28-29

Two sessions of Basic FOIA for approximately 70 students:

Overview of FOIA (1 hour and 15 mins),
Ex. 5 (1 hour),
Exs. 6 & 7c (1 hour),
Ex. 7e (1 hour); and

One session of Advanced FOIA for approximately 35 students

Ex. 2 after Milner (30 mins),
Ex. 4 (1 hour),
Customer Service (30 mins),
Proactive Disclosure (45 mins),
Fees and Fee Waivers (1 hour and 15 mins), and
Recent Development in FOIA Case Law (1 hour), and
Appeals (15 mins).

For this request, I think we will need to send two people.

From: Mallon, Carmen L (OIP)
Sent: Monday, July 02, 2012 11:48 AM
To: Adams, Bertina (OIP); Pustay, Melanie A (OIP)
Subject: RE: FOIA Training (Department of Homeland Security - National Records Center)

Sure – we'll send a teacher. Thanks

From: Adams, Bertina (OIP)
Sent: Monday, July 02, 2012 10:44 AM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: FW: FOIA Training (Department of Homeland Security - National Records Center)
Importance: High

See email below.

The Department of Homeland Security, US Citizenship and Immigration Services, National Records Center, would like OIP to provide training during FY 13 (either November 2012 or February/March 2013), FY 14 and FY 15, and will pay the per diem expenses for travel to Lee Summit, Missouri.

For the basic training they are looking at approximately 70 people and the Advanced Training, approximately 35 people.

Do you wish to commit to this training? If yes, I will let them know that we cannot commit to "any dates" until we have finalized the dates for our regular FOIA courses.

Just so you'll know, at this time, OLE is still waiting for approval of its budget for FY 13 training.

Thanks, Tina

From: Hamilton, Connie E [(b) (6)]
Sent: Monday, June 25, 2012 2:27 PM
To: Adams, Bertina (OIP)
Cc: Eggleston, Jill A; Guerrant, Sandra K; Sealey, Sherry; Baughman, Kay K; McCarthy, Patrick J
Subject: RE: FOIA Training
Importance: High

Bertina,

We have made a decision on what type of training we would like to host at the NRC. We would like to host the following in FY13 across 2 days around the first part of November 2012 or in February/March of 2013.

| | | | |
|----------------------|---|--------------------------------------|---------------|
| Basic FOIA | - | Overview of FOIA | (1 hr 15 min) |
| (2 sessions | | Exemption 5 | (1 hr) |
| 35 students | | Exemption 6 and 7(c) | (1 hr) |
| Each session) | | Exemption 7(e) | (1 hr) |
| Advanced FOIA | - | Exemption 2 after Milner | (30 min) |
| (1 session | | Exemption 4 | (1 hr) |
| Up to 35 | | Customer Service | (30 min) |
| Students) | | Proactive Disclosure | (45 min) |
| | | Fees and Fee Waivers | (1 hr 15 min) |
| | | Recent Developments in FOIA case law | (1 hr) |
| | | Appeals | (15 min) |

After 2013 we would like to get on a routine schedule and host in 2014 an Advanced FOIA around the same time frame, then in 2015 we would like to host the Basic FOIA.

Please let us know if this is acceptable. Also, please confirm that the NRC would be responsible for your travel expenses to perform this training and there is no charge for the training.

FYI - Sandy Guerrant will be coordinating this issue in the near future, please ensure that she is included on all emails and responses.

Thanks for your assistance,

Connie Hamilton | Management & Program Analyst
DHS, USCIS, Enterprise Services Directorate | National Records Center
150 Space Center Loop | Lee's Summit, MO 64064
Tel (b) (6) | BB (b) (6) | email (b) (6)

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assistance,

From: Adams, Bertina (OIP) [<mailto:Bertina.Adams@usdoj.gov>]
Sent: Tuesday, March 06, 2012 9:15 AM
To: Hamilton, Connie E
Cc: Eggleston, Jill A; Guerrant, Sandra K; Sealey, Sherry
Subject: RE: FOIA Training

Hi Connie,

Attached is a copy of the agenda for OIP's Advanced FOIA Seminar and FOIA for Attorneys and Access Professionals. I look forward to hearing from you.

Tina

From: Hamilton, Connie E (b) (6) [v]
Sent: Monday, March 05, 2012 11:22 AM
To: Adams, Bertina (OIP)
Cc: Eggleston, Jill A; Guerrant, Sandra K; Sealey, Sherry
Subject: FW: FOIA Training
Importance: High

Tina,

It was great speaking with you this morning. My email address is:

(b) (6)

We will review the agenda and provide feedback on the topics we would like to cover for our staff.

V/R,

Connie Hamilton | Management & Program Analyst
DHS, USCIS, Enterprise Services Directorate | National Records Center
150 Space Center Loop | Lee's Summit, MO 64064
Tel (b) (6) | Fax (b) (6) | email (b) (6)

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From: Adams, Bertina (OIP) [<mailto:Bertina.Adams@usdoj.gov>]
Sent: Thursday, February 09, 2012 11:30 AM
To: Hamilton, Connie E
Subject: Fw: FOIA Training

Ms. Hamilton

I would like to talk with you concerning your request. Please give me a call sometime next week.

Thank you,
Bertina
202 616-5456

From: Wright, Kandie (USANAC)
Sent: Friday, February 03, 2012 12:31 PM
To: Hamilton, Connie E <(b) (6)>
Cc: Guerrant, Sandra K <(b) (6)>; Adams, Bertina (OIP)
Subject: RE: FOIA Training

I am forwarding your request to my contact at the Office of Information Policy. They conduct our FOIA training and should be able to help you with on-site training.

Kandie Wright
Office of Legal Education
Department of Justice
Columbia, South Carolina
kandie.wright@usdoj.gov
(803) 705-5147

From: Hamilton, Connie E (b) (6) [REDACTED] gov]
Sent: Friday, February 03, 2012 12:21 PM
To: Wright, Kandie (USANAC)
Cc: Guerrant, Sandra K
Subject: FOIA Training
Importance: High

Kandie,

The National Records Center has a need to train several employees on FOIA. We are interested in classes on the DOJ FOIA Forum, Advanced FOIA, and information on Negotiating with Requestors. Would DOJ be willing to come to the NRC to give this training?

Thanks,

Connie Hamilton | Management & Program Analyst
DHS, USCIS, Enterprise Services Directorate | National Records Center
150 Space Center Loop | Lee's Summit, MO 64064
[REDACTED] [REDACTED] [REDACTED]
b

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Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 3:23 PM
To: Bishop-Green, Jacob (OIP)
Subject: RE: Appeal to DOJ

Nicely done – thanks.

From: Bishop-Green, Jacob (OIP)
Sent: Wednesday, July 11, 2012 7:55 AM
To: Pustay, Melanie A (OIP)
Subject: FW: Appeal to DOJ

For your reference.

DOI was concerned about their red score for increase in partials. We changed this to overall release rate, but we haven't been checking in with all of the agencies that sent in comments. Their concern was addressed with our change, but Mr. Howarth called Patrick (or the Hotline) yesterday to inquire about a status. Sent him the below, basically noting that other agencies had this issue and we took it into consideration for refining the chart.

Thanks,
Jake

From: Bishop-Green, Jacob (OIP)
Sent: Wednesday, July 11, 2012 7:53 AM
To: 'Howarth, Robert'
Cc: Iudicello, Fay; Cafaro, Cindy S; Allen, Melissa M
Subject: RE: Appeal to DOJ

Morning Robert,

Sorry for the delay in responding to you, we had been collecting a lot of comments from various agencies on this. I know you had called our office about this yesterday, so I just wanted to give a quick heads up. We have been working on getting the 2012 Chief FOIA Officer Report Assessment posted, but our Director is on a much deserved vacation right now, which has pushed back our timetable for release. We are looking to have the Assessment posted after next week. I wanted to let you know that the concern you noted below on behalf of the Dept. of Interior was a concern that a number of other agencies expressed, and one which we have taken into consideration for updating and refining our Assessment of agency efforts. Once we have finished finalizing this Assessment and prior to posting, I'll make sure to check in with you again regarding the changes for this metric.

Please let me know if you have any additional questions.

Sincerely,
Jake Bishop-Green
Office of Information Policy
(202) 616-5493

From: Howarth, Robert (b) (6)
Sent: Tuesday, June 19, 2012 3:11 PM
To: Bishop-Green, Jacob (OIP)
Cc: Iudicello, Fay; Cafaro, Cindy S; Allen, Melissa M
Subject: Appeal to DOJ

Jacob, thank you in advance for your help in assuring this request is considered by Ms. Pustay.

Ms. Melanie Ann Pustay
Director, Office of Information Policy
U.S. Department of Justice
Washington, DC 20530

Dear Ms. Pustay:

Thank you for the opportunity to comment on the Draft Assessment of Federal Departments and Agencies 2012 Chief FOIA Officer Reports. The Department of the Interior takes its FOIA responsibilities very seriously, and it is in that spirit that we would like to address our comment.

We are gratified to note that you have marked the Department's goals as green, or "achieved," in all but one area of the report. As to that area, which deals with increases in full disclosures, we were rather surprised to see that this goal had been marked red, or "not achieved." While we fully recognize that our number of full grants went down this year (albeit by less than 1%), we do not believe that this shows a lack of progress by the Department. As we stated in our Departmental narrative on this point (pages 14-15 of our Report), the Department deals with a great number of large and complex requests. Withholding (often, quite small) portions of the materials responsive to these requests unfortunately is sometimes necessary to prevent a foreseeable harm to one or more the interests protected by FOIA's exemptions. The Department endeavors to ensure that these withholdings are carefully considered and appropriate. We therefore do not believe that our release of a slightly smaller number of requests in FY 2011 than FY 2010 means we did not make progress towards our goals of increased transparency and openness.

We respectfully request that this goal be marked as yellow, or "progress made," rather than red in your final report.

Sincerely,

Robert Howarth

Robert Howarth
Deputy Director - Correspondence, Document Production, and FOIA Management
Office of the Executive Secretariat and Regulatory Affairs
Department of the Interior
1849 C Street, NW
Washington, DC 20240

(b) (6)

(direct)

(b) (6)

(Blackberry)

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 3:56 PM
To: Smith, Caroline A (OIP)
Cc: McLeod, Janice G (OIP); Mallon, Carmen L (OIP)
Subject: FW: FOIA case in DC

Plz see below – good luck handling the case!

From: Morgan, Keith (USADC)
Sent: Tuesday, July 17, 2012 3:39 PM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA case in DC

Thank you.

Caroline should contact Roland Blackman at Interior. His number is (b) (6)

Keith

From: Pustay, Melanie A (OIP) [<mailto:Melanie.A.Pustay@usdoj.gov>]
Sent: Tuesday, July 17, 2012 3:36 PM
To: Morgan, Keith (USADC)
Cc: Smith, Caroline A (OIP) (JMD); O'Neill, Sean (OIP) (JMD); Work, Anne D (OIP) (JMD)
Subject: RE: FOIA case in DC

Keith -- OIP will take the case. Caroline Smith will handle it for us. Thanks – it does sound like an interesting one!

From: Work, Anne D (OIP)
Sent: Friday, July 13, 2012 2:29 PM
To: Morgan, Keith (USADC); Pustay, Melanie A (OIP)
Cc: Smith, Caroline A (OIP); O'Neill, Sean (OIP)
Subject: RE: FOIA case in DC

Let me check. Melanie will be back on Monday. Thanks. Anne

From: Morgan, Keith (USADC)
Sent: Friday, July 13, 2012 1:34 PM
To: Work, Anne D (OIP); O'Neill, Sean (OIP)
Subject: FW: FOIA case in DC

Below is an email I sent to Janice about a potential case for your office to handle.

Let me know what you think.

Keith

From: Morgan, Keith (USADC)
Sent: Friday, July 13, 2012 1:30 PM
To: 'McLeod, Janice G (OIP)'
Subject: FOIA case in DC

Would your office be interested in handling a FOIA case involving the Fish and Wildlife Service at Interior? We were served on June 26th. It's Case No. 12-1051 (RBW). Plaintiff wants information about the effect of wind turbines on the bird population in Texas. This is more interesting than the typical pro se prisoner FOIA litigation.

Thanks,
Keith

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 3:58 PM
To: Aaron, David (NSD)
Subject: RE: (b) (5)

How about 4pm? My direct number is (b)(6) .

-----Original Message-----

From: Aaron, David (NSD)
Sent: Tuesday, July 17, 2012 3:41 PM
To: Pustay, Melanie A (OIP)
Subject: Re: (b) (5)

Thursday afternoon would be great--thank you.

----- Original Message -----

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 03:32 PM
To: Aaron, David (NSD)
Subject: RE: (b) (5)

Sure, I will be happy to talk with you. Will Thursday work?

-----Original Message-----

From: Aaron, David (NSD)
Sent: Wednesday, July 11, 2012 5:45 PM
To: Pustay, Melanie A (OIP)
Subject: FW: (b) (5)

Your name has come up a few times as a good person to talk to. Might you have any free time this week?

Thank you,

David Aaron

-----Original Message-----

From: Shapiro, Elizabeth (CIV)
Sent: Wednesday, July 11, 2012 5:34 PM
To: Aaron, David (NSD); Colborn, Paul P (OLC)
Subject: RE: (b) (5)

(b) (5)

-----Original Message-----

From: Aaron, David (NSD) (JMD)

Sent: Wednesday, July 11, 2012 4:09 PM

To: Shapiro, Elizabeth (CIV); Colborn, Paul P (OLC) (JMD)

Subject: RE: (b) (5)

(b) (5)

-----Original Message-----

From: Aaron, David (NSD)

Sent: Wednesday, July 11, 2012 4:08 PM

To: Shapiro, Elizabeth (CIV); Colborn, Paul P (OLC)

Subject: RE: (b) (5)

Thank you.

(b) (5)

Does this sound reasonable to you?

Once I have something together, might I be able to run it by you?

Thank you,

David

-----Original Message-----

From: Shapiro, Elizabeth (CIV)

Sent: Wednesday, July 11, 2012 4:00 PM

To: Aaron, David (NSD); Colborn, Paul P (OLC)

Subject: RE: (b) (5)

(b) (5)

-----Original Message-----

From: Aaron, David (NSD) (JMD)

Sent: Wednesday, July 11, 2012 3:50 PM

To: Shapiro, Elizabeth (CIV); Colborn, Paul P (OLC) (JMD)

Subject: RE: (b) (5)

(b) (5)

-----Original Message-----

From: Shapiro, Elizabeth (CIV)
Sent: Wednesday, July 11, 2012 3:47 PM
To: Aaron, David (NSD); Colborn, Paul P (OLC)
Subject: RE: (b) (5)

Hi David. Yes, you've reached the right people. Let us know how we can help. Betsy.

-----Original Message-----

From: Aaron, David (NSD) (JMD)
Sent: Wednesday, July 11, 2012 3:36 PM
To: Shapiro, Elizabeth (CIV); Colborn, Paul P (OLC) (JMD)
Subject: (b) (5)

(b) (5)

Thank you,

David Aaron

-----Original Message-----

From: Lee, Gia (OS/OGC) [mailto:(b) (6)]
Sent: Thursday, May 31, 2012 3:21 PM
To: Aaron, David (NSD)
Subject: RE: (b) (5)

Betsey Shapiro (Federal Programs?) and Paul Colborn (OLC).

Thanks,
Gia

Gia Lee
Deputy General Counsel
Office of the General Counsel
U.S. Department of Health and Human Services
200 Independence Ave., SW, Room 706E
Washington, DC 20201

(b) (6)

-----Original Message-----

From: Aaron, David (NSD) (b) (6)

Sent: Thursday, May 31, 2012 3:12 PM

To: Lee, Gia (OS/OGC)

Subject: RE: (b) (5)

Thanks for this. Do you know who at DOJ has been working on this?

-----Original Message-----

From: Lee, Gia (OS/OGC) [mailto:(b) (6)]

Sent: Thursday, May 31, 2012 11:36 AM

To: Aaron, David (NSD)

Subject: Fw: (b) (5)

----- Original Message -----

From: Lee, Gia (OS/OGC)

Sent: Wednesday, May 30, 2012 02:34 PM

To: Beardsley, Kris <(b) (6) gov>; Jones, Franca <(b) (6) >

Subject: FW: (b) (5)

Hi, Kris and Franca,

(b) (5)

Thanks,
Gia

Gia Lee
Deputy General Counsel
Office of the General Counsel
U.S. Department of Health and Human Services
200 Independence Ave., SW, Room 706E
Washington, DC 20201

(b) (6)

-----Original Message-----

From: Friedman, Richard (HHS/OGC)

Sent: Wednesday, May 30, 2012 2:26 PM

To: Lee, Gia (OS/OGC)

Subject: RE: (b) (5)

Here it is.

Richard Friedman

(b) (6)

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 4:03 PM
To: Kim, Rena (CRM)
Cc: OBrien, Paul (CRM); Webb, Janet (CRM); Slutzkin, Searle (OIP); Brinkmann, Vanessa R (OIP)
Subject: RE: Criminal Division's Review of the AG's Calendars for October-November, 2011

Rena, Just so you know, Jess Sanet has moved on to the National Gallery of Art and so is no longer with OIP. The contacts for calendars are Searle Slutzkin, who I copied above, and Vanessa Brinkmann.

Thanks for your review of the calendars!

From: Kim, Rena (CRM)
Sent: Tuesday, July 17, 2012 3:49 PM
To: Sanet, Jessica (OIP)
Cc: Pustay, Melanie A (OIP); OBrien, Paul (CRM); Webb, Janet (CRM)
Subject: Criminal Divison's Review of the AG's Calendars for October-November, 2011

Hi Jessica,
The Criminal Division reviewed these calendars, and we have no concerns with OIP's proposed release.
Thank you,

Rena Y. Kim
Chief, FOIA/PA Unit
Office of Enforcement Operations
Criminal Division
U.S. Department of Justice
(202) 616-0307
(b) (6)

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 6:09 PM
To: Mallon, Carmen L (OIP)
Subject: RE: Requester Roundtable - July 25

I am fine with it. We want to be sure that Ken could attend though, so I will email him now.

From: Mallon, Carmen L (OIP)
Sent: Tuesday, July 17, 2012 6:07 PM
To: Pustay, Melanie A (OIP)
Subject: Fw: Requester Roundtable - July 25

Thoughts?

From: Adams, Bertina (OIP)
Sent: Tuesday, July 17, 2012 05:41 PM
To: Mallon, Carmen L (OIP)
Subject: Fw: Requester Roundtable - July 25

More info below . . .

From: Miriam Nisbet (b) (6)
Sent: Tuesday, July 17, 2012 03:40 PM
To: Karen Finnegan (b) (6) > Adams, Bertina (OIP)
Subject: Re: Requester Roundtable - July 25

Thanks, Tina. I wanted to add that we frequently get questions about the difference in these routes to declassification and how they work, so we know there's an interest. We have checked and we can make available an expert from ISOO to help with the discussion.

Of course, the sooner we advertise the better. It doesn't surprise me that we've only gotten one person signed up, since people don't yet know the topic!

M

>>> "Adams, Bertina (OIP)" <Bertina.Adams@usdoj.gov> 7/17/2012 3:27 PM >>>
Ladies

I am at the training site and will pass along your suggestion to Melanie and Carmen.

I will be back in touch.

Tina

From: Miriam Nisbet [(b) (6)]
Sent: Tuesday, July 17, 2012 03:18 PM
To: Karen Finnegan <[(b) (6)]>; Adams, Bertina (OIP)
Subject: Re: Requester Roundtable - July 25

Tina, we have several ideas, including "FOIA and Mandatory Declassification Requests - how do these different routes work?" Would a phone call be more efficient? Karen and I are both here this afternoon.

Miriam

Miriam M. Nisbet
Director, Office of Government Information Services (OGIS)
National Archives and Records Administration
800 N. Capitol St NW - Ste 795
Washington, DC 20002

NEW PHONE NUMBERS:

[(b) (6)]

The FOIA Ombudsman blog: <http://blogs.archives.gov/foiablog/>
www.ogis.archives.gov
Mailing Address:
8601 Adelphi Road-OGIS
College Park, MD 20740

Think about the environment, before printing.

>>> "Adams, Bertina (OIP)" <Bertina.Adams@usdoj.gov> 7/16/2012 1:14 PM >>>

Greetings,

As of today, one person, Regina Metz, NCUA, has registered for the roundtable.

Carmen asked that I inquire whether you want to cancel this roundtable and, if not, what are your ideas for topics.

Thanks, Tina

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 6:17 PM
To: Courter, Ken (OIP); Mallon, Carmen L (OIP); Adams, Bertina (OIP)
Cc: Bishop-Green, Jacob (OIP)
Subject: RE: Requester Roundtable - July 25

That is a great idea. Can you please ask if he can attend. That would be super.

Tina, you can let OGIS know that we like the topic and we will be reaching out to the FBI's declass expert to be a participant in the discussion. We will also need to get the topic up on our website.

Thanks --

From: Courter, Ken (OIP)
Sent: Tuesday, July 17, 2012 6:15 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: Re: Requester Roundtable - July 25

Sounds fun. Maybe (b) (6) would want to attend too, as he is responsible for the FBI's awesome declass program.

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 06:09 PM
To: Courter, Ken (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: FW: Requester Roundtable - July 25

Ken – plz see below re the topic for the next Requester Roundtable. Would you be available to attend and participate?

From: Adams, Bertina (OIP)
Sent: Tuesday, July 17, 2012 05:41 PM
To: Mallon, Carmen L (OIP)
Subject: Fw: Requester Roundtable - July 25

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 6:16 PM
To: McLeod, Janice G (OIP); Mallon, Carmen L (OIP)
Subject: RE: Appeal flow

Thanks for this Janice [REDACTED] (b)(6) [REDACTED]
[REDACTED]

From: McLeod, Janice G (OIP)
Sent: Friday, July 06, 2012 2:18 PM
To: Mallon, Carmen L (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: Appeal flow

Here's the results of my appeal flow check. I listed other items that likely impact appeal work.

As of 10:00 a.m. this morning that were 351 files in the pipeline (those that have been submitted for review) and are currently in one of the reviewers offices (Ken, Caroline, Sean, Anne, and myself). The reviewers have all been helping each other during each other's absences with the assignment of new appeals that continue to flow into the office. We are, of course, concentrating on processing older appeals.

Some attorneys have non-appeal assignments:

Bobby finished up with a posted FOIA Post article on Tuesday; he's now moved on to the assessment of last year's CFO report as well two GAO reports (Audit #1 And Audit #2; both are due in July. He also mentioned a EOUSA matter that he's working on.

Matt made his appeal goal for June; he now has two Congressionals assigned to him and continues to work on his Guide piece.

Kate continues on her Guide piece but did turn in two appeals (that are among the 351 I counted) on the day that I solicited her input (Tuesday);

Caroline just put out another New Decisions and reviewed a handful of appeals and continues with Guide work.

Patrick and Marilyn are involved with Annual Report testing; some appeal work is being done.

Amanda (and Anne) are working on a diversity compliance report.

Sarah reported on Tuesday that she had done three expedited appeals that morning, and has a sensitive reconsideration request that's been given priority.

Also, I have Marilyn's guide piece; I took it to Texas and did a complete read through with some marking. Need to do so again and at least once more.

Out of town this week: Angie, Celeste, Sean, and Ken.

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 18, 2012 7:45 AM
To: Brinkmann, Vanessa R (OIP)
Subject: Re: Director's Lectures Series

It does build on the first one, I like that concept very much. The title still seems too blah though, although I like keeping it short and then explaining that it will cover DR's etc.

How abt: FOIA Improvements (nah) --- maybe

Advancing FOIA: Applying the Presumption of Openness ?

Sent from Blackberry

From: Brinkmann, Vanessa R (OIP)
Sent: Tuesday, July 17, 2012 10:09 PM
To: Mallon, Carmen L (OIP); Pustay, Melanie A (OIP); Bishop-Green, Jacob (OIP)
Cc: Adams, Bertina (OIP)
Subject: Re: Director's Lectures Series

It builds on FOIA Fundamentals, so something that imputes progress, elevation, stepping up seems appropriate. If we want to stay alliterative, how about "Furthering FOIA."

From: Mallon, Carmen L (OIP)
Sent: Tuesday, July 17, 2012 06:35 PM
To: Pustay, Melanie A (OIP); Bishop-Green, Jacob (OIP); Brinkmann, Vanessa R (OIP)
Cc: Adams, Bertina (OIP)
Subject: Re: Director's Lectures Series

Love these ideas and the timing couldn't be better with the assessment and final quarter of the FY.

We'll have to think of a cool title--

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 06:21 PM
To: Bishop-Green, Jacob (OIP); Brinkmann, Vanessa R (OIP)
Cc: Adams, Bertina (OIP); Mallon, Carmen L (OIP)
Subject: Director's Lectures Series

I have a topic for my next session of the Director's Lecture Series—what do you all think of something like this (which could be tied in with the assessment):

Discretionary Disclosures, Closing the Ten Oldest Requests

I think I need something jazzier in the title, but this could be the topic.

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 18, 2012 3:23 PM
To: Russo, Tracy (OPA)
Subject: Accepted: FOIA / OIP Web Projects

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 18, 2012 5:21 PM
To: Pierson, Katherine R (OIP)
Subject: RE: Guide

That's good all the way around!

From: Pierson, Katherine R (OIP)
Sent: Wednesday, July 18, 2012 5:21 PM
To: Pustay, Melanie A (OIP)
Subject: RE: Guide

Great! Thank you very much! This will be helpful for my Guide revisions, and will also allow me to squeeze out a couple more appeals before my long weekend/mini-vacation.

From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 18, 2012 5:18 PM
To: Pierson, Katherine R (OIP)
Subject: RE: Guide

That is perfectly fine --

From: Pierson, Katherine R (OIP)
Sent: Wednesday, July 18, 2012 5:03 PM
To: Pustay, Melanie A (OIP)
Subject: RE: Guide

Thank you, Melanie! A little more time would be wonderful, actually. I will be out of the office Friday, July 20, through Monday, July 23. I return on Tuesday, July 24, but am FOIA Counselor that day. If I could turn in my section late next week, that would be great, as that would give me a couple extra days to finalize my revisions.

Thank you,
Kate

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 2:44 PM
To: Pierson, Katherine R (OIP)
Subject: RE: Guide

It is absolutely fine. I have tons of sections to review already! I would rather you have time to get it in the shape you want. You can take more time than Thursday if you need it, no problem.

From: Pierson, Katherine R (OIP)
Sent: Friday, July 13, 2012 3:24 PM
To: Pustay, Melanie A (OIP)
Subject: Guide

Good afternoon, Melanie,

I was wondering whether it would be ok if I submitted my Guide section on Thursday, July 19. I have been working very hard, splitting my time between appeals and the Guide, and I feel like I could use a little additional time to finalize my revisions. (b)(6) and am teaching at the National Housing Center on Tuesday, but this would give me Wednesday and Thursday to get my section cleaned up and ready to go. When you have a chance, please let me know if this would be ok with you.

Thank you,
Kate

Katherine Rossi Pierson
Attorney-Advisor
Office of Information Policy
U.S. Department of Justice

202-616-5505 Direct
202-514-3642 Main
202-514-1009 Fax

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Wednesday, July 18, 2012 5:35 PM
To: Pustay, Melanie A (OIP)
Subject: FW: Google Alert - FOIA

fyi

From: Google Alerts [<mailto:googlealerts-noreply@google.com>]
Sent: Wednesday, July 18, 2012 12:32 PM
To: Mallon, Carmen L (OIP)
Subject: Google Alert - FOIA

News

1 new result for FOIA

A "Victory" in My FOIA Lawsuit Against the FBI

Truth-Out

Founder of the Department of Justice's (DOJ) Office of Information Policy calls FBI actions "an embarrassment of major proportion."
[See all stories on this topic »](#)

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Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 18, 2012 6:19 PM
To: Braswell, Marina (USADC)
Subject: RE: Google Alert - FOIA

(b)(5)

From: Braswell, Marina (USADC)
Sent: Wednesday, July 18, 2012 6:17 PM
To: Pustay, Melanie A (OIP)
Subject: RE: Google Alert - FOIA

Wow – sorry Dan felt the need to take pot-shots!! I can't blame Leopold for crowing (b)(5)

From: Pustay, Melanie A (OIP) [<mailto:Melanie.A.Pustay@usdoj.gov>]
Sent: Wednesday, July 18, 2012 5:53 PM
To: Braswell, Marina (USADC)
Subject: FW: Google Alert - FOIA

fyi

From: Google Alerts [<mailto:googlealerts-noreply@google.com>]
Sent: Wednesday, July 18, 2012 12:32 PM
To: Mallon, Carmen L (OIP)
Subject: Google Alert - FOIA

News

1 new result for FOIA

A "Victory" in My FOIA Lawsuit Against the FBI

Truth-Out

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Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 18, 2012 6:00 PM
To: Sharma, Ashok K (JMD)
Subject: RE: FOIA Tracking Requirements

Sure – I will give you a call tomorrow Ashok --

From: Sharma, Ashok K (JMD)
Sent: Wednesday, July 18, 2012 11:06 AM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA Tracking Requirements

Melanie – when you have a minute, please call (x53382) me to discuss this. Thanks - Ashok

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 2:26 PM
To: Sutton, Richard (ENRD); Mallon, Carmen L (OIP); Sharma, Ashok K (JMD)
Subject: RE: FOIA Tracking Requirements

Adding Ashok –

I imagine that we would still have the requirements document, but OCIO or perhaps our procurement team would be able to verify.

From: Sutton, Richard (ENRD)
Sent: Monday, July 16, 2012 1:19 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA Tracking Requirements

That makes sense. Do you or Ashok's group still have the requirements document that was provided to the vendor?

Rich

From: Pustay, Melanie A (OIP) (JMD)
Sent: Monday, July 16, 2012 1:08 PM
To: Sutton, Richard (ENRD); Mallon, Carmen L (OIP) (JMD)
Subject: RE: FOIA Tracking Requirements

(b)(5)

From: Sutton, Richard (ENRD)
Sent: Monday, July 16, 2012 1:02 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA Tracking Requirements

Terrific. (b)(5)

Thanks,
Rich

From: Pustay, Melanie A (OIP) (JMD)
Sent: Monday, July 16, 2012 12:42 PM
To: Sutton, Richard (ENRD); Mallon, Carmen L (OIP) (JMD)
Subject: RE: FOIA Tracking Requirements

This is very interesting. (b)(5)

(b)(5) It's quite intriguing. I would also suggest adding Ashok Sharma, from OCIO, who has worked extensively with us on the existing contract OIP has for tracking.

From: Sutton, Richard (ENRD)
Sent: Monday, July 16, 2012 11:46 AM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: FOIA Tracking Requirements

Hi Carmen and Melanie,

I spoke with Jody this morning and she has approval to proceed with the collection for the two pilot projects and has assigned it to the appropriate staff. She does not have an estimate however for completion so we are just waiting for now.

(b)(5)

Please let me know what you think.

Thanks,
Rich

Pustay, Melanie A (OIP)

From: Adams, Bertina (OIP)
Sent: Thursday, July 19, 2012 7:09 AM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: titles for videos

Thank you.

From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 18, 2012 6:19 PM
To: Adams, Bertina (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: titles for videos

Tina –

Here are descriptions that OLE can use for the two videos' we taped at the NAC:

1. *Executive Overview of the FOIA*: In this program the Director of the Office of Information Policy at the Department of Justice provides a brief overview of the major provisions of the FOIA, as well as the President's Memorandum on the FOIA and the Attorney General's FOIA Guidelines. This program is designed for executives and other professionals who need only a general overview of the law.
2. *Overview of the FOIA*: In this program the Director and the Chief of Staff of the Office of Information Policy at the Department of Justice provide a detailed overview of the FOIA, as well as the President's Memorandum on the FOIA and the Attorney General's FOIA Guidelines. The program contains a discussion of both the procedural requirements of the FOIA and its nine exemptions. This program is designed as an introduction to the law for FOIA professionals.

Please let OLE know that we decided we did not want this to be a publicly available training on the internet, but rather we prefer that it be made available only to gov't employees.

Thanks --

Pustay, Melanie A (OIP)

From: Talebian, Bobak (OIP)
Sent: Thursday, July 19, 2012 11:23 AM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO report
Attachments: Formal Response to GAO Report on FOIA Administration.doc

Melanie,

Please find attached a copy of the response I drafted in response to the GAO report. I will bring you a hard copy of the response as well. I am looking forward to meeting later today to discuss the report.

Thanks so much,
Bobby

-----Original Message-----

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 19, 2012 9:11 AM
To: Talebian, Bobak (OIP)
Subject: Re: GAO report

Ok, thanks. Maybe we just do it ourselves then!

I have a series of meetings starting at noon, and I am TW'g this morning, so don't rush. I will work with you later this afternoon.

Thanks again --

Sent from Blackberry

----- Original Message -----

From: Talebian, Bobak (OIP)
Sent: Thursday, July 19, 2012 09:06 AM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO report

Yes, our comments will be attached to the final report just like the other GAO Report that was published. According to Andrea, (b)(5)

I am making final revisions to the letter I have been working on right now and should have it done within the hour.

-----Original Message-----

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 19, 2012 9:01 AM
To: Talebian, Bobak (OIP)

Subject: Re: GAO report

Bobby -- will the letter we are doing be attached to the final version of the Report? Is that the stage we are at? Doesn't it get rev'd within the Dep't before it goes to GAO?

Sent from Blackberry

----- Original Message -----

From: Talebian, Bobak (OIP)

Sent: Thursday, July 19, 2012 08:58 AM

To: Pustay, Melanie A (OIP)

Subject: RE: GAO report

Melanie,

That sounds great. I look forward to meeting and finalizing our response. Thanks so much!

Bobby

-----Original Message-----

From: Pustay, Melanie A (OIP)

Sent: Thursday, July 19, 2012 8:56 AM

To: Talebian, Bobak (OIP)

Subject: GAO report

Bobby -- I just got thru the report. I have only a few spots where I thght we might offer tech comments. I will drop off my version where I highlighted areas that I noted for change. Then we can meet to discuss later on today.

Thanks -

Sent from Blackberry

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 19, 2012 2:37 PM
To: Adams, Bertina (OIP)
Cc: Mallon, Carmen L (OIP); Talebian, Bobak (OIP)
Subject: RE: Request for specialized training (Dept of Energy)

Tina – I could do 10am on the 26th, assuming Bobby can also do it then.

From: Adams, Bertina (OIP)
Sent: Thursday, July 19, 2012 9:12 AM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: Request for specialized training (Dept of Energy)

Mr. Bierbower just learned about an unexpected meeting that he must attend on the 26th in the afternoon, and he would like to reschedule the meeting to sometime between the hours of 8:00 – 11:00 (instead of 2:00), if at all possible.

If that time frame does not work, he suggested rescheduling the meeting for either July 23 (Monday) or 27 (Friday).

Please let me know if the 26th (between the hours 8:00 – 11:00) will work for you and, if not what about the 23rd or 27th. Or would you prefer sometime during the week of July 30?

Thank you, Tina

From: Pustay, Melanie A (OIP)
Sent: Wednesday, June 27, 2012 3:30 PM
To: Adams, Bertina (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: Request for specialized training (Dept of Energy)

How about 2:00pm? And please ask Bobby to attend as well, since it is an Ex. 4 issue. Please send a calendar e-vite when we know the details.

Thanks --

From: Adams, Bertina (OIP)
Sent: Wednesday, June 27, 2012 3:18 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: Request for specialized training (Dept of Energy)

Melanie

Nichole has advised many of their employees have already scheduled vacations so it is difficult for them to coordinate a group meeting, and for that reason she and Chief Counsel William Bierbower would like to meet with you on the 26th at OIP.

Is this ok and, if so, what time works best for you?

Tina

From: Pustay, Melanie A (OIP)
Sent: Monday, June 25, 2012 5:02 PM
To: Adams, Bertina (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: Request for specialized training (Dept of Energy)

I would rather go for the week after that, if possible. Thursday, July 26 would work, or the next week.

From: Adams, Bertina (OIP)
Sent: Monday, June 25, 2012 4:05 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: Request for specialized training (Dept of Energy)

Melanie

Would you like me to see if they can meet with you on July 18 or 19?

Tina

From: Adams, Bertina (OIP)
Sent: Monday, May 21, 2012 4:19 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: Request for specialized training (Dept of Energy)

Melanie

The Department of Energy, Office of the Chief Counsel, Advanced Research Projects Agency (Nichole Claggett 287-6409), would like you to meet with approximately fifteen key leadership personnel to discuss FOIA, specifically Exemption 4 and the ability to protect confidential and proprietary information that is developed using Federal funds.

The Advanced Research Projects Agency (ARPA) is the newest agency within the Department of Energy and is modeled after the Defense Advanced Research Projects Agency. ARPA has a unique mission to fund transformational, high payoff energy research that industry itself cannot or will not support due to its high risk. In addition, ARPA is required to assist its awardees transfer new technologies into the marketplace. As such, ARPA-E deals with a large amount of confidential and proprietary information, including business plans and commercialization strategies that will be used by ARPA awardees in the future.

They would like to schedule a meeting sometime within the next few weeks, if at all possible. Their Office is located on the 8th floor of 950 L'Enfant Plaza (South Building).

Tina

Pustay, Melanie A (OIP)

From: Adams, Bertina (OIP)
Sent: Thursday, July 19, 2012 3:23 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: Request for meeting with OIP - request from Singapore

Of course.

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 19, 2012 3:03 PM
To: Adams, Bertina (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: Request for meeting with OIP - request from Singapore

Tina – (b)(5)

[REDACTED]

Thanks --

From: Adams, Bertina (OIP)
Sent: Thursday, July 19, 2012 1:04 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: FW: Request for meeting with OIP - request from Singapore

See below. A delegation from Singapore would like to meet with you on either July 30 or 31.

From: Zhen-Hui ENG (EMA) [mailto:ENG_Zhen_Hui@ema.gov.sg]
Sent: Thursday, July 19, 2012 12:55 PM
To: Adams, Bertina (OIP)
Cc: Amira KARIM (MTI); Rui Ping LEOW (EMA)
Subject: Request for meeting with OIP - request from Singapore

Message Classification: Restricted

Dear Ms Bertina Adams,

1. I am Eng Zhen-Hui, Deputy Director of Policy and Planning in Singapore's Energy Market Authority (EMA). We are a government agency under the Ministry of Trade & Industry, which was set up in 2001 to regulate Singapore's electricity and natural gas markets. In recent years, EMA has also taken on the role of promoting the energy sector in Singapore.
2. We obtained your contact from our Singapore Embassy colleagues in DC (Ms Amira Karim, copied in this email), and I am writing to you to request a meeting with ***Ms Melanie Ann Pustay, Director, Office of Information Policy, US***

Dept of Justice, during our visit to Washington DC from July 30th to July 31st 2012, to learn more about data-sharing initiatives in the US. The delegation will be led by my Chief Executive, Mr Chee Hong Tat (a brief biography of Mr Chee is attached).

3. The context is as follows: Mr Chee is leading an inter-agency team in Singapore to study how Government data can be shared more openly to achieve greater transparency, improve service delivery and provide more opportunities for value creation. As part of its review, the Singapore team is seeking to ***learn about open data policies and practices across different jurisdictions***.

4. As the US is a forerunner in this area, there can be many useful learning points for Singapore. For example, we understand that the Office of Information Policy (OIP) is responsible for encouraging agency compliance with the FOIA and for ensuring that the Attorney General's FOIA Guidelines are fully implemented across the government. In this connection, ***we are interested to find out more about OIP's views on the implementation processes towards more open data-sharing, as well as the associated safeguards and challenges***.

5. Could you please let us know if we are able to arrange a meeting with your agency on either ***July 30th or July 31st*** to discuss the issues sketched out above?

6. Thanks very much, and I look forward to hearing from you soon.

Best Regards,
ENG Zhen-Hui

Eng Zhen-Hui • Deputy Director | Policy & Planning Department • Energy Planning and Development Division | Energy Market Authority
DID: 6376 7589 • Fax: 6835 8020 | 991G Alexandra Road, #01-29, Singapore 119975
Website: www.ema.gov.sg

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22 - 25 October 2012

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Thursday, July 19, 2012 5:53 PM
To: Troiani, Christina D (OIP); Courter, Ken (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: RE: 10 Oldest FOIA requests

Christina-

Per your response that NARA would like our assistance with closing their 10 oldest, please draft a memo to NARA from Melanie attaching the 6/11/12 White House/Associate's memo to the agencies regarding compliance with the FOIA.

Thanks,

Carmen

From: Mallon, Carmen L (OIP)
Sent: Thursday, July 19, 2012 9:03 AM
To: Troiani, Christina D (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: RE: 10 Oldest FOIA requests

Christina,

Any news on the below?

Thanks,

Carmen

From: Troiani, Christina D (OIP)
Sent: Thursday, June 28, 2012 9:23 AM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: 10 Oldest FOIA requests

Melanie and Carmen,

DoD confirmed this morning that the email did in fact pertain to the 10 oldest consultations. I also have reached out to NARA about helping them close their 10 oldest consults, and am awaiting a reply. If you would like me to assist with anything else, please just let me know.

Thank you,

Christina

From: Pustay, Melanie A (OIP)
Sent: Wednesday, June 27, 2012 4:19 PM
To: Troiani, Christina D (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: 10 Oldest FOIA requests

Would you mind just confirming with DOD that the email was addressing pending consults? Thanks!

Copying Carmen who is spearheading this project on ten oldest --

From: Troiani, Christina D (OIP)
Sent: Wednesday, June 27, 2012 4:04 PM
To: Pustay, Melanie A (OIP)
Subject: RE: 10 Oldest FOIA requests

OIP's request for information only pertained to their pending consults, so I'm hoping that is what they addressed in their response. Here's the email Andy sent them on May 1:

-----Original Message-----

From: Fiorillo, Andrew (OIP) [<mailto:Andrew.Fiorillo@usdoj.gov>]
Sent: Tuesday, May 01, 2012 8:21 AM
To: Defense Freedom of Information Policy Office (DFOIPO)
Cc: Kammer, William CIV WHS/ESD
Subject: Government-Wide Ten Oldest Consults

Ms. Carr,

I am contacting you on behalf of the Office of Information Policy regarding your agency's ten oldest Freedom of Information Act consultations. As you may be aware, OIP has issued guidance to all agencies on the importance of closing their ten oldest requests and consultations each year (<http://www.justice.gov/oip/foiapost/2012foiapost7.html> <<http://www.justice.gov/oip/foiapost/2012foiapost7.html>>). In an effort to improve timeliness across the government, DOJ has also made it a priority that the ten oldest government-wide requests and consultations are closed each year. Based on our review of

annual report data, it appears that at the close of Fiscal Year 2011, the Department of Defense had all ten of the ten oldest government-wide consultations. As such, we would appreciate it if you would provide this Office with the status of the following DoD consultations:

- 1) At DIA, Received on 03/04/99;
- 2) At OSD/JS, Received on 01/31/00;
- 3) At OSD/JS, Received on 05/02/00;
- 4) At OSD/JS, Received on 08/01/00;
- 5) At OSD/JS, Received on 08/01/00;
- 6) At OSD/JS, Received on 08/01/00;
- 7) At OSD/JS, Received on 09/13/00;
- 8) At OSD/JS, Received on 11/20/00;
- 9) At OSD/JS, Received on 11/29/00; and
- 10) At OSD/JS, Received on 12/11/00.

Additionally, due to the fact that DOJ has made closing the ten oldest government-wide consultations a priority, (b) (5)

Thank you for your assistance with this matter and please feel free to contact me with any questions or concerns you may have.

Andrew Fiorillo
Office of Information Policy
Department of Justice
(202) 616-3214

From: Pustay, Melanie A (OIP)
Sent: Wednesday, June 27, 2012 3:31 PM
To: Troiani, Christina D (OIP)
Subject: RE: 10 Oldest FOIA requests

This is great news. Are they talking about closing their ten oldest *consults* or the ten oldest *requests*? They switch back and forth in the wording.

From: Troiani, Christina D (OIP)
Sent: Wednesday, June 27, 2012 2:50 PM
To: Pustay, Melanie A (OIP)
Subject: RE: 10 Oldest FOIA requests

Melanie,

DoD expects to close its 10 oldest by the end of the fiscal year. I have pasted its response to OIP's inquiry below:

-----Original Message-----

From: Defense Freedom of Information Policy Office (DFOIPO) [mailto:DFOIPO@whs.mil]
Sent: Friday, May 04, 2012 11:31 AM
To: Fiorillo, Andrew (OIP); Defense Freedom of Information Policy Office (DFOIPO)
Cc: Kammer, William CIV WHS/ESD; Hogan, James CIV WHS/ESD
Subject: RE: Government-Wide Ten Oldest Consults

Good morning Mr. Fiorillo:

Thank you for your email outlining our 10 oldest consultations and giving us the opportunity to provide a status of these requests.

Request 1 - DIA is awaiting one final review response and anticipates closing this request before the end of the month.

Requests 3, 6, 7, 9 and 10 have been closed.

OSD/JS anticipates closing the remaining requests (2, 4, 5, and 8) by the end of the fiscal year or before.

Please let us know if you need any additional information regarding these consultations.

V/r
Stephanie
Stephanie L. Carr
Defense Freedom of Information and Policy Office Policy Team Lead and OGIS Liaison
(b) (6)

I'd be more than happy to follow-up with them again if you'd like. Just let me know.

Thanks,

Christina

From: Pustay, Melanie A (OIP)
Sent: Thursday, June 21, 2012 6:00 PM
To: Trolani, Christina D (OIP)
Subject: FW: 10 Oldest FOIA requests

Also, what is the status as to DOD? Have they said why they can't close their ten oldest? Is it the same issue, pending consults? We could call on their behalf as well.

From: Pustay, Melanie A (OIP)
Sent: Thursday, June 21, 2012 5:58 PM
To: Troiani, Christina D (OIP)
Subject: RE: 10 Oldest FOIA requests

Let's ask NARA whether they think it would be helpful for us to contact the agencies where the consultations are pending? Maybe if we do that, we can break it free of the log jam. If they like that idea, we would need to know where the consults are pending for these last requests and what the relevant case numbers are.

Thanks --

From: Troiani, Christina D (OIP)
Sent: Thursday, June 21, 2012 10:42 AM
To: Pustay, Melanie A (OIP)
Subject: FW: 10 Oldest FOIA requests

Good morning Melanie,

Ken wanted me to forward you NARA's response regarding the four requests outstanding due to pending referrals/consults, (b) (5)

Please let me know when you get a chance.

Thank you,

Christina

From: Jay Olin (b) (6)
Sent: Wednesday, June 13, 2012 8:27 AM
To: Troiani, Christina D (OIP)
Subject: RE: 10 Oldest FOIA requests

Hi Christina,

Thanks very much for your patience! Here are scans of the correspondence for the 4 oldest FOIAs that are still awaiting final disclosure determinations from the original classification agencies. All correspondence is declassified since the classified attachments were removed.

Please let me know if you have any additional questions.

Best,

Jay

Jay Olin
Deputy FOIA Officer
Office of General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

(b) (6) (office)
(b) (6) (fax)>>> "Troiani, Christina D (OIP)" <Christina.Troiani@usdoj.gov> 6/6/2012 5:10 PM >>>

Hi Jay,

(b) (6)

I just wanted to follow-up with you about the 10 oldest requests. Let me know what Joe came up with whenever you get a chance.

Thanks,

Christina

From: Jay Olin (b) (6)
Sent: Tuesday, May 29, 2012 7:22 AM
To: Troiani, Christina D (OIP)
Subject: Re: 10 Oldest FOIA requests

Christina,

Thanks for the voice message and e-mail. (b) (6) I am teleworking this week so I will forward your request to Joe Scanlon, our FOIA officer and my partner in crime here at NARA.

Since these requests involve classified records, we will need to verify that the referral letters are sanitized for public use. I hope we can have something to you this week.

Thanks,

Jay

Jay Olin
Deputy FOIA Officer
Office of General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

(b) (6) (office)
(b) (6) (fax) >>> "Troiani, Christina D (OIP)" <Christina.Troiani@usdoj.gov> 5/25/2012 10:56 AM >>>
Mr. Olin,

I just wanted to follow up on my voicemail message left Wednesday, May 23, 2012 regarding NARA's 10 oldest FOIA requests. OIP would like to get copies of the last piece of correspondence sent regarding the four requests outstanding due to pending referrals/consults. If you can email them to me at your earliest convenience, I would greatly appreciate it.

Hope you have a nice holiday weekend!

Christina

Christina D. Troiani, Esq.
Attorney-Advisor
Office of Information Policy
United States Department of Justice
202.514.5105 (office)

Pustay, Melanie A (OIP)

From: Stanton, Allison (CIV)
Sent: Thursday, July 19, 2012 6:38 PM
To: Mallon, Carmen L (OIP); Wood, Joshua (CIV)
Cc: Alvarez, Greg (OIP); Brinkmann, Vanessa R (OIP); Pustay, Melanie A (OIP)
Subject: Re: Metrics for Pilot

Agreed. Just wasn't sure if you had a specific target date.

From: Mallon, Carmen L (OIP) (JMD)
Sent: Thursday, July 19, 2012 06:29 PM
To: Stanton, Allison (CIV); Wood, Joshua (CIV)
Cc: Alvarez, Greg (OIP) (JMD); Brinkmann, Vanessa R (OIP) (JMD); Pustay, Melanie A (OIP) (JMD)
Subject: Re: Metrics for Pilot

As soon as we've collected all the metrics.

From: Stanton, Allison (CIV)
Sent: Thursday, July 19, 2012 06:22 PM
To: Mallon, Carmen L (OIP); Wood, Joshua (CIV)
Cc: Alvarez, Greg (OIP); Brinkmann, Vanessa R (OIP); Pustay, Melanie A (OIP)
Subject: Re: Metrics for Pilot

Carmen, when would you like to schedule our follow up with the DAG?

From: Mallon, Carmen L (OIP) (JMD)
Sent: Thursday, July 19, 2012 06:19 PM
To: Wood, Joshua (CIV); Stanton, Allison (CIV)
Cc: Alvarez, Greg (OIP) (JMD); Brinkmann, Vanessa R (OIP) (JMD); Pustay, Melanie A (OIP) (JMD)
Subject: Re: Metrics for Pilot

Great Josh, thanks!

We're anxious to get the metrics to make our business case.

From: Wood, Joshua (CIV)
Sent: Thursday, July 19, 2012 05:11 PM
To: Mallon, Carmen L (OIP); Stanton, Allison (CIV)
Cc: Alvarez, Greg (OIP); Brinkmann, Vanessa R (OIP); Pustay, Melanie A (OIP)
Subject: RE: Metrics for Pilot

Carmen,

We'll have all the numbers for the material below. (b) (5)

| | |
|------------|------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

(b) (5)

Josh

From: Mallon, Carmen L (OIP) (JMD)
Sent: Thursday, July 19, 2012 4:47 PM
To: Stanton, Allison (CIV); Wood, Joshua (CIV)
Cc: Alvarez, Greg (OIP) (JMD); Brinkmann, Vanessa R (OIP) (JMD); Pustay, Melanie A (OIP) (JMD)
Subject: Metrics for Pilot

Allison/Josh-

Given the passage of time, we need to be able to show some metrics for what we've been able to accomplish so far akin to those that were developed for the DOMA case study. For the two cases that we sent through the pilot, Minsker and Laurence, we have the following metrics:

number of custodians identified for each case
number of search terms used for each case

What we need are the following metrics—

How many documents were in the initial collection?

Number of hits resulting from the initial searches?
How long in terms of time did this process take?

Number of hits within the relevant time frames?
How long in terms of time did this process take?

Number of hits (documents) remaining after de-duplication?
How long did it take to run de-duplication software?

How many documents were left after de-duplication and assembling of family members?
How long did this process take?

Total time measured – from receipt of data from JMD to uploading into Relativity?

Many Thanks –

Carmen

Pustay, Melanie A (OIP)

From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 3:22 PM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO Response

Melanie,

I just sent you a stand-alone e-mail without changing that paragraph, but I would of course be happy to make that or any other changes. The only thing I changed was the last sentence where I added my phone number for them to call if they had questions. Please let me know if you have any concerns.

From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 2:39 PM
To: Talebian, Bobak (OIP)
Subject: Fw: GAO Response

If you cld sen me the response as a stand-alone attach to an email I can then forward your email to Eric and Varu.

Thanks --

No need to fuss w/that para -- maybe it's fine as is!

Sent from Blackberry

From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 02:36 PM
To: Talebian, Bobak (OIP)
Subject: Re: GAO Response

We shd also run spell check, but other than that my one comment I think we've done it! If you cld send me a new version w/spell check run, I think I will just go ahead and forward this to Varu in OASG and Eric, just so they see it.

Thanks!

Sent from Blackberry

From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 02:21 PM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO Response

Excellent! Thanks!

From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 2:21 PM
To: Talebian, Bobak (OIP)
Subject: Re: GAO Response

Sounds good -- and I will read this new version now myself.

Sent from Blackberry

From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 02:19 PM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO Response

Melanie,

All the edits have been made and are attached. If it is OK with you, I can send this to Andrea now for her review and we can send her a signed copy on Monday. She has already sent our technical comments to GAO.

Thanks so much,
Bobby

From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 1:19 PM
To: Talebian, Bobak (OIP)
Subject: Re: GAO Response

I Just sent the second half.

Sent from Blackberry

From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 12:56 PM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO Response

Of course, we do so many great things!!

From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 12:56 PM
To: Talebian, Bobak (OIP)
Subject: Re: GAO Response

Great -- I'm on page 5, so moving along! (b)(5)

Sent from Blackberry

From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 12:54 PM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO Response

Just got it and everything came through clear. Thanks so much!

From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 12:40 PM
To: Talebian, Bobak (OIP)
Subject: Re: GAO Response

It just went thru -- you might get the back sides which you can ignore!

Sent from Blackberry

From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 12:30 PM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO Response

Excellent! I will keep an eye out for the fax and begin working on it right away. Thanks!

From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 12:30 PM
To: Talebian, Bobak (OIP)
Subject: Re: GAO Response

I am going to fax you the first half of my edits so we can be working simultaneously. I will include an insert page which is keyed to numbers in the margins. Hopefully it will make sense!

Sent from Blackberry


From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 11:53 AM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO Response

(b)(5)



From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 11:42 AM
To: Talebian, Bobak (OIP)
Subject: Re: GAO Response

(b) (5)



Sent from Blackberry

From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 11:40 AM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO Response

Excellent!! I will put it in right now.

From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 11:40 AM
To: Talebian, Bobak (OIP)
Subject: Re: GAO Response

Love it!!!

Sent from Blackberry

From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 11:36 AM
To: Pustay, Melanie A (OIP)
Subject: RE: GAO Response

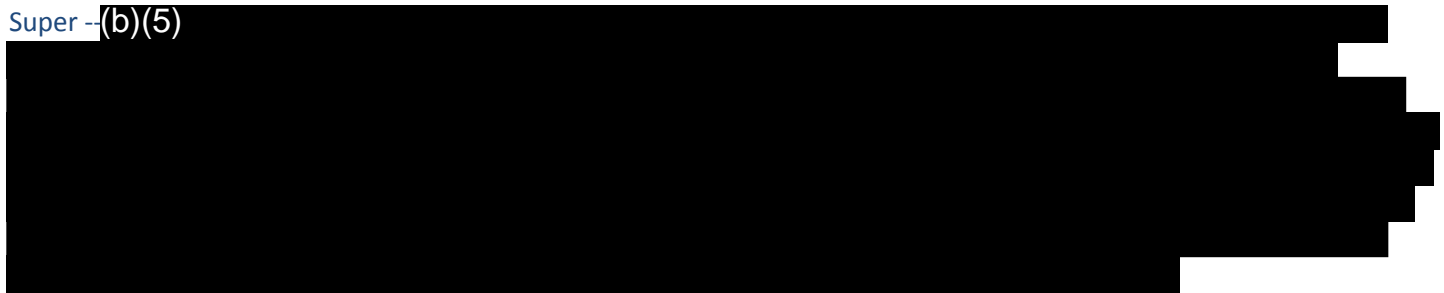
Melanie,

I just compared all three memos (b)(5)



From: Pustay, Melanie A (OIP)
Sent: Friday, July 20, 2012 10:38 AM
To: Talebian, Bobak (OIP)
Subject: Re: GAO Response

Super --(b)(5)



Sent from Blackberry

From: Talebian, Bobak (OIP)
Sent: Friday, July 20, 2012 10:00 AM
To: Pustay, Melanie A (OIP)
Subject: GAO Response

Melanie,

I hope all is well. I just wanted to let you know that I talked to Andrea and she said we would be fine just giving her an unsigned copy of your letter today and providing her the signed copy on Monday. She just would like to see the letter today if possible to make sure there will be no problems with sending it on Monday. I apologize again for all the rushed edits yesterday.

Best,

Bobby

Pustay, Melanie A (OIP)

From: Talebian, Bobak (OIP)
Sent: Tuesday, July 24, 2012 9:57 AM
To: Pustay, Melanie A (OIP)
Subject: RE: Invitation: Discuss FOIA Module capabilities (Jul 25 03:00 PM EDT in OIC Conference Room Yellowstone 6122/DC-CCW-OEI@EPA)

Good Morning Melanie,

I hope your day is going well so far. I just wanted to check and see if you wanted me to attend the meeting with EPA tomorrow. I am of course very eager to learn how this meeting goes either way, but wanted to double check in case you wanted me to join.

Best,
Bobby

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 19, 2012 7:06 PM
To: Mallon, Carmen L (OIP); Talebian, Bobak (OIP); Bishop-Green, Jacob (OIP); Brinkmann, Vanessa R (OIP); Russo, Tracy (OPA)
Subject: FW: Invitation: Discuss FOIA Module capabilities (Jul 25 03:00 PM EDT in OIC Conference Room Yellowstone 6122/DC-CCW-OEI@EPA)

Fyi – the original meeting notice said the meeting was to discuss the module and (b) (5)
[REDACTED] or something to that effect --

-----Original Appointment-----

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 19, 2012 3:24 PM
To: 'Tim Crawford/DC/USEPA/US'
Cc: Deklotz, Patrick (OIP); Miriam Nisbet (miriam.nisbet@nara.gov); Joey Hutcherson
Subject: Accepted: Invitation: Discuss FOIA Module capabilities (Jul 25 03:00 PM EDT in OIC Conference Room Yellowstone 6122/DC-CCW-OEI@EPA)
When: Wednesday, July 25, 2012 3:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

Tim, (b) (5)

[REDACTED]

(b) (5)

Thanks –
Melanie

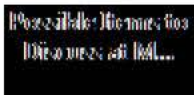


Pustay, Melanie A (OIP)

From: Deklotz, Patrick (OIP)
Sent: Tuesday, July 24, 2012 12:59 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP); Bishop-Green, Jacob (OIP)
Subject: FOIA Module Meeting

Melanie,

Would you like to discuss anything in advance of tomorrow's meeting regarding the Module?



Thank you,
Patrick

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Wednesday, July 25, 2012 8:13 AM
To: Pustay, Melanie A (OIP)
Subject: FW: EPA's FOIA Portal?

FYI and thoughts?

From: Sadler, Frederick (b) (6)]
Sent: Wednesday, July 25, 2012 7:35 AM
To: Mallon, Carmen L (OIP)
Subject: EPA's FOIA Portal?

Hi. FYI, the FDA FOI Council is hosting a demo of Larry Gottesman's FOI Portal today. Larry said that he did a demo for the Navy yesterday, and that he's meeting with your office later this afternoon. He also said that he demo'd the program for Hill staffers & they were in favor of the program. (b) (5)

Tks. & hope that all's well with you & the family.
Fred

Frederick J. Sadler, CIPP/G
Director, Division of Freedom of Information
Office of Public Information & Library Services
Office of Shared Services
U.S. Food & Drug Administration
12420 Parklawn Drive, room 1020
Rockville, Maryland 20857
301-796-8975 (direct)
301-796-3900 (main)
301-827-9267 (fax)

Pustay, Melanie A (OIP)

From: Brinkmann, Vanessa R (OIP)
Sent: Wednesday, July 25, 2012 8:02 PM
To: Pustay, Melanie A (OIP); Hibbard, Douglas (OIP); Mallon, Carmen L (OIP)
Subject: Re: FOIA logs

We have started saving closed letters in the G drive; however as that process is recent for the older logs Jake still needs to pull files. So partly it is a Q of catching up, then we'll have all the closed letters.

(b) (5)

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From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 25, 2012 07:40 PM
To: Hibbard, Douglas (OIP); Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP)
Subject: Re: FOIA logs

Thanks Doug -- this is good. I never see the response ltrs unless I ask and that is when Jake pulls the file. If we had the response ltrs in a pile it wld go much better.

Sent from Blackberry


From: Hibbard, Douglas (OIP)
Sent: Wednesday, July 25, 2012 07:36 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP)
Subject: Re: FOIA logs

We are saving all responses in a shared G drive file, (b) (5)

A large black rectangular redaction box covering several lines of text.A large black rectangular redaction box covering several lines of text.A large black rectangular redaction box covering several lines of text.

From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 25, 2012 06:54 PM
To: Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP); Hibbard, Douglas (OIP)
Subject: FOIA logs

(b) (5)



Before I tackle June I would like to have copies of all the closing letters for June and that way at least I can match the log to the letters.

Thanks!

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Monday, July 30, 2012 8:03 AM
To: Pustay, Melanie A (OIP); McLeod, Janice G (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Impressive!

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 26, 2012 2:58 PM
To: McLeod, Janice G (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: FW: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Fyi re Caroline --

From: Mar, Sharon [(b) (6)]
Sent: Thursday, July 26, 2012 1:30 PM
To: Smith, Caroline A (OIP); Pustay, Melanie A (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Thanks for the speedy review!

Sharon Mar
Policy Analyst
OMB|Office of Information and Regulatory Affairs
[(b) (6)]

From: Smith, Caroline A (OIP) [<mailto:Caroline.A.Smith@usdoj.gov>]
Sent: Thursday, July 26, 2012 11:23 AM
To: Mar, Sharon; Pustay, Melanie A (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Hi Sharon,

Attached is NCPC's draft regulations with my comments and some track changes. [(b) (5)]

[(b) (5)]

Please feel free to contact me if you have any questions – [(b) (6)]

[(b) (6)]

Caroline

Caroline A. Smith

Attorney Advisor
Office of Information Policy
U.S. Department of Justice
202-514-8858
fax: 202-514-1009

From: Mar, Sharon (b) (6) [redacted]
Sent: Monday, July 23, 2012 2:52 PM
To: Pustay, Melanie A (OIP)
Cc: Smith, Caroline A (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

We usually do a week of informal review.

Sharon Mar
Policy Analyst
OMB|Office of Information and Regulatory Affairs
(b) (6) [redacted]

From: Pustay, Melanie A (OIP) [mailto:Melanie.A.Pustay@usdoj.gov]
Sent: Monday, July 23, 2012 2:49 PM
To: Mar, Sharon
Cc: Smith, Caroline A (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Hi Sharon – We can certainly take a look. I am copying here our FOIA regulations expert Caroline Smith, who will review NCPC's draft. How firm is the comment time?

Melanie

From: Mar, Sharon (b) (6) [redacted]
Sent: Monday, July 23, 2012 1:47 PM
To: Pustay, Melanie A (OIP)
Subject: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Melanie,

Wanted to send along NCPC's Draft FOIA rules since they have not updated them in a long time. Although NCPC is not subject to our EO review, might you be able to take a look at these and provide comments?

Please let me know if there are any issues by the close of the week.

Thanks,

Sharon Mar
Policy Analyst
OMB|Office of Information and Regulatory Affairs
(b) (6) [redacted]

From: Schuyler, Anne R. (b) (6)
Sent: Thursday, July 19, 2012 10:55 AM
To: Mar, Sharon
Cc: Socks, Barry S.; Mahmud, Natalia
Subject: NCPD Draft FOIA Regulations

Sharon: Attached please find a (b) (5)

[REDACTED]

Regards,
Anne Schuyler

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The Federal Planning Agency for the Nation's Capital

Anne R. Schuyler | General Counsel

National Capital Planning Commission

401 9th Street, NW Suite 500 | Washington, DC 20004

Direct: (b) (6) Main (202) 482-7200 | Mobile: (b) (6)

E-mail: (b) (6) www.ncpc.gov

Please consider the environment before printing this email

Pustay, Melanie A (OIP)

From: Russo, Tracy (OPA)
Sent: Tuesday, July 31, 2012 5:25 PM
To: Pustay, Melanie A (OIP)
Subject: RE: draft FOIA Post

better

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 31, 2012 5:12 PM
To: Russo, Tracy (OPA)
Subject: RE: draft FOIA Post

How about this? (edits in pink ink)

From: Russo, Tracy (OPA)
Sent: Tuesday, July 31, 2012 4:42 PM
To: Pustay, Melanie A (OIP)
Subject: RE: draft FOIA Post

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 31, 2012 4:26 PM
To: Russo, Tracy (OPA)
Subject: draft FOIA Post

Tracy – can you take a quick look at this FOIA Post I want to post. (b) (5)

[REDACTED] << File: Continued Focus on Closing the Oldest Pending Requests July 2012.docx >>

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Tuesday, July 31, 2012 5:44 PM
To: Pustay, Melanie A (OIP)
Subject: FW: FOIA Pilot

Fyi –

From: Mallon, Carmen L (OIP)
Sent: Tuesday, July 31, 2012 5:43 PM
To: Sutton, Richard (ENRD)
Cc: Brinkmann, Vanessa R (OIP); Taylor, Will (ENRD)
Subject: RE: FOIA Pilot

Thanks Rich-

(b) (5)

A large black rectangular redaction box covers the majority of the email body text following the signature. The text "(b) (5)" is visible in red at the top left of the redacted area.

Thanks,
Carmen

From: Sutton, Richard (ENRD)
Sent: Tuesday, July 31, 2012 5:39 PM
To: Mallon, Carmen L (OIP)
Cc: Brinkmann, Vanessa R (OIP); Taylor, Will (ENRD)
Subject: Re: FOIA Pilot

Hi Carmen,

We can work up some metrics for you. (b) (5)

A black rectangular redaction box covers the text following the sentence "We can work up some metrics for you." The text "(b) (5)" is visible in red at the end of the line.

Thanks,
Rich

Sent Using U.S. DOJ/ENRD BES 5 Server

From: Mallon, Carmen L (OIP) (JMD)
Sent: Tuesday, July 31, 2012 05:17 PM
To: Sutton, Richard (ENRD)
Cc: Brinkmann, Vanessa R (OIP) (JMD)
Subject: FOIA Pilot

Rich-

(b) (5)



Thanks so much,

Carmen

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Wednesday, August 01, 2012 11:59 AM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA Template

Gotcha and will do.

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 01, 2012 8:16 AM
To: Mallon, Carmen L (OIP)
Subject: RE: FOIA Template

We should definitely go see it. All options are always on the table for us, plus it is good to know what others are doing.

From: Mallon, Carmen L (OIP)
Sent: Wednesday, August 01, 2012 7:23 AM
To: Pustay, Melanie A (OIP)
Subject: FW: FOIA Template

Thoughts on the below? I'm going to talk w/ Laurie about this when I get back from ASAP.

From: Day, Laurie (OIP)
Sent: Tuesday, July 31, 2012 5:10 PM
To: Mallon, Carmen L (OIP)
Subject: FW: FOIA Template

Do you think this is anything that we should go see? Not that we would use it but to know what it is and what other components are doing.

From: Ward, Dorothy (JMD)
Sent: Tuesday, July 31, 2012 4:18 PM
To: Day, Laurie (OIP)
Subject: FOIA Template

Hi Laurie

I know you already have a system that tracks and manages your FOIAs. But I was wondering if you would be interested in seeing a FOIA template that was created for OGC in IQ. We're also thinking about implementing the template to track/manage FOIAs in JMD. I believe the template is supposed to feed into your database, we'll find out at the demo.

If you are interested, we are setting up a demo on Tuesday, Aug 21 at 1:30 pm in room 4400 (RFK Main).

Dorothy D. Ward

Assistant Director

Technical Services and Files Administration

Departmental Executive Secretariat

U.S. Department of Justice

Ofc: 202-616-4595; Blackberry: (b) (6)

Fax: 202-514-4507

Dorothy.Ward@usdoj.gov

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Wednesday, August 01, 2012 2:12 PM
To: Pustay, Melanie A (OIP)
Subject: Re: DR skills class [was RE: FW: Follow up to the July 25th EPA and DOJ FOIA discussion]

Very nice and I'm not surprised!!

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 01, 2012 01:09 PM
To: Mallon, Carmen L (OIP); McLeod, Janice G (OIP)
Subject: FW: DR skills class [was RE: FW: Follow up to the July 25th EPA and DOJ FOIA discussion]

fyi

From: Miriam Nisbet [<mailto:Miriam.Nisbet@nara.gov>]
Sent: Wednesday, August 01, 2012 12:34 PM
To: Pustay, Melanie A (OIP)
Subject: DR skills class [was RE: FW: Follow up to the July 25th EPA and DOJ FOIA discussion]

BTW, Ken did a great job in the class yesterday. We really enjoyed his participation and he struck just the right tone. (Not to take anything away from (b) (6))

>>> "Pustay, Melanie A (OIP)" <Melanie.A.Pustay@usdoj.gov> 8/1/2012 12:22 PM >>>
Super – thanks so much!

Pustay, Melanie A (OIP)

From: Adams, Bertina (OIP)
Sent: Wednesday, August 01, 2012 2:34 PM
To: Pustay, Melanie A (OIP)
Subject: RE: Speaker Invitation re: 2012 HHS FOIA Conference - Wednesday, Oct 24th

Will do. Thanks Melanie.

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 01, 2012 2:27 PM
To: Adams, Bertina (OIP)
Subject: RE: Speaker Invitation re: 2012 HHS FOIA Conference - Wednesday, Oct 24th

Yes that is terrific. You can also let HHS know that I would be happy to stop by to just say some opening remarks if they would find that helpful to the conference.

From: Adams, Bertina (OIP)
Sent: Wednesday, August 01, 2012 2:26 PM
To: Pustay, Melanie A (OIP); Pustay, Melanie A (OIP)
Subject: FW: Speaker Invitation re: 2012 HHS FOIA Conference - Wednesday, Oct 24th

See attached email.

HHS is hosting its Annual FOIA Conference on October 24 and would like Bobby to present a breakout session on Exemption 4. Bobby is available and is happy to teach.

Is this ok?

From: Talebian, Bobak (OIP)
Sent: Wednesday, August 01, 2012 2:14 PM
To: Adams, Bertina (OIP)
Subject: FW: Speaker Invitation re: 2012 HHS FOIA Conference - Wednesday, Oct 24th

Bertina,

As I mentioned, below is the e-mail I received from HHS regarding teaching at their FOIA conference. If it is OK, I am available on that date and would be more than happy to present.

Thanks again,
Bobby

From: Lee, Sarah (HHS/ASPA) [REDACTED]
Sent: Wednesday, August 01, 2012 1:57 PM
To: Talebian, Bobak (OIP)
Subject: Speaker Invitation re: 2012 HHS FOIA Conference - Wednesday, Oct 24th

Hello Bobby,
It's been a while since our last conference. I hope all is well with you.

We are currently in the planning process for our annual HHS FOIA Conference which will be held, Wednesday, October 24th. The conference is just one day this year at the Hubert H. Humphrey Building in D.C. Would you possibly be interested and available to present a breakout session similar to what you did for us last year? Based on our 2011 conference survey results your session was received very positively and it would be great to have you back.

Please let me know if you have any questions.

Best Regards,
Sarah

Sarah Lee
HHS/OS/ASPA
Mary Switzer Bldg, Room 2207
330 C Street SW
Washington, DC 20201

(b) (6)



Please consider the environment before printing this e-mail.

Pustay, Melanie A (OIP)

From: Bishop-Green, Jacob (OIP)
Sent: Wednesday, August 01, 2012 3:37 PM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA Post

Thought you'd say that, but just wanted to check as I can never leave well enough alone.

We're all set, just waiting for the links to go live on the site (they just finished coding).

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 01, 2012 3:31 PM
To: Bishop-Green, Jacob (OIP)
Subject: RE: FOIA Post

Given that Varu saw it like it is now, let's not make these changes and just keep as is.

From: Bishop-Green, Jacob (OIP)
Sent: Wednesday, August 01, 2012 3:28 PM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA Post

Reading this one more time prior to posting, wondering about one more change (again, not really a content change, more formatting).

(b) (5)




A large rectangular area of the document has been completely redacted with a solid black box.

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 01, 2012 2:59 PM
To: Bishop-Green, Jacob (OIP)
Subject: RE: FOIA Post

Thanks!

From: Bishop-Green, Jacob (OIP)
Sent: Wednesday, August 01, 2012 2:58 PM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA Post

(b) (5), (b) (6)



A large rectangular area of the document has been completely redacted with a solid black box.

Key from all of this is no worries, we'll still post today under your byline, but we'll update the post later.

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 01, 2012 2:50 PM
To: Bishop-Green, Jacob (OIP)
Subject: RE: FOIA Post

(b) (6)

From: Bishop-Green, Jacob (OIP)
Sent: Wednesday, August 01, 2012 2:47 PM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA Post

(b) (6)

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 01, 2012 2:31 PM
To: Bishop-Green, Jacob (OIP)
Subject: RE: FOIA Post

Yes – that is fine

From: Bishop-Green, Jacob (OIP)
Sent: Wednesday, August 01, 2012 2:30 PM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA Post

Are you okay with this for the link title for the memo (I'm reviewing the links right now)?:

Memorandum from the Acting Associate Attorney General and the Counsel to the President to Agency General Counsels and Chief FOIA Officers of Executive Departments and Agencies regarding the Freedom of Information Act

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 01, 2012 10:31 AM
To: Bishop-Green, Jacob (OIP)
Subject: Re: FOIA Post

I see what you are saying, but they built on our efforts so current order makes more sense.

Sent from Blackberry

From: Bishop-Green, Jacob (OIP)
Sent: Wednesday, August 01, 2012 10:13 AM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA Post

Talked to Gail, told her the posting of the memo is a priority for you for today, so it will go up.

Question on your article. (b) (5)

(b) (5)

(b)
(5)

Conclusion

Thanks,

Jake

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 01, 2012 9:47 AM
To: Bishop-Green, Jacob (OIP); Brinkmann, Vanessa R (OIP)
Subject: FOIA Post

Here is the Post re closing ten oldest, which will introduce the WH/ASG memo. I will also forward this to Varu, so please wait to hear from me before we actually go live with the post.

Thanks –

<< File: Continued Focus on Closing the Oldest Pending Requests July 2012.docx >>

Pustay, Melanie A (OIP)

From: Ludwig, Stacy (PRAO)
Sent: Monday, August 06, 2012 5:37 PM
To: Pustay, Melanie A (OIP)
Subject: FOIA Question

Melanie:

If you could please give me a call when you have the chance, I would really appreciate it.

Thanks.

Stacy

Stacy Ludwig
Deputy Director
Professional Responsibility Advisory Office
Department of Justice
1425 New York Avenue, NW, Suite 12000
Washington, D.C. 20530
(202) 514-0458

This advice is based upon the facts presented. If the facts are different or change, further analysis may be required. In that event, please contact PRAO by e-mail at DOJ.PRAO@usdoj.gov or by telephone at (202) 514-0458. Finally, this memorandum is confidential and is protected by the attorney-client privilege, the work product doctrine, and the deliberative process privilege. It is only for the use of Department of Justice attorneys, and the necessary use of their legal staff, during their tenure at the Department and should not be disseminated to any other individuals, whether employed by the Department of Justice or elsewhere.

Pustay, Melanie A (OIP)

From: Stevens Margo <(b) (6)>
Sent: Friday, August 10, 2012 7:38 AM
To: San Juan Eric A; Pustay, Melanie A (OIP)
Cc: Courter, Ken (OIP)
Subject: RE: IRS FoIA question

I'm pleased that we seem to be in agreement that a meeting would be most constructive. (b) (5), (b) (6)

(b) (6) I note that I have a tentative meeting scheduled (via conference call) with representatives from SSA General Counsel's office scheduled for Monday, August 20th from 2:00-3:00 that I am happy to "lend" for this purpose.... Terri Daniel (Terri.Daniel@ssa.gov) is my point of contact.

Margo L. Stevens
Deputy Associate Chief Counsel for Legislation & Privacy
Procedure & Administration
Telephone: (b) (6) *Fax:* (b) (6)

From: San Juan Eric A [(b) (6)]
Sent: Thursday, August 09, 2012 4:49 PM
To: Pustay, Melanie A (OIP)
Cc: Stevens Margo; Courter, Ken (OIP)
Subject: RE: IRS FoIA question

Looking forward, thank you all!


From: Pustay, Melanie A (OIP) [<mailto:Melanie.A.Pustay@usdoj.gov>]
Sent: Thursday, August 09, 2012 3:55 PM
To: San Juan Eric A
Cc: Stevens Margo; Courter, Ken (OIP)
Subject: RE: IRS FoIA question

We will be happy to talk with you about this. I have copied above OIP's privacy expert, Ken Courter. He will be in touch about a proposed time to go over this issue with you.

Melanie

From: San Juan Eric A (b) (6)
Sent: Wednesday, August 08, 2012 11:08 AM
To: Pustay, Melanie A (OIP)
Cc: Stevens Margo
Subject: IRS FoIA question

Dear Ms. Pustay: We would like to consult you on a FoIA question (b) (5)



Eric A. San Juan
Senior Attorney-Advisor to the
National Taxpayer Advocate
1111 Constitution Avenue NW
Washington, DC 20224

(b) (6)



Pustay, Melanie A (OIP)

From: Adams, Bertina (OIP)
Sent: Wednesday, August 08, 2012 9:34 AM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA Instructor

Thanks. I will let Kandie know.

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 08, 2012 9:23 AM
To: Mallon, Carmen L (OIP); Adams, Bertina (OIP)
Subject: RE: FOIA Instructor

Even better than a webinar would be a video conference. We know that EOUSA has conferencing capabilities as we saw it in action. Please tell Kandie we are happy to do it via a video.

From: Mallon, Carmen L (OIP)
Sent: Wednesday, August 08, 2012 7:16 AM
To: Adams, Bertina (OIP); Pustay, Melanie A (OIP)
Subject: RE: FOIA Instructor

I don't know of anyone but maybe Melanie does. Perhaps we could do a webinar?

From: Adams, Bertina (OIP)
Sent: Tuesday, August 07, 2012 9:06 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: FW: FOIA Instructor

See below from Kandie – Do you know anyone in the LA/San Diego area who you would recommend to teach the Overview?

From: Wright, Kandie (USANAC)
Sent: Tuesday, August 07, 2012 5:56 PM
To: Adams, Bertina (OIP)
Subject: FW: FOIA Instructor

Bertina:

Do you have any contacts in the LA/San Diego area who can give a FOIA overview presentation for an in-house training we are doing at the US Attorney's Office out there?

From: Mooney, Michelle (USANAC)
Sent: Tuesday, August 07, 2012 5:53 PM
To: Wright, Kandie (USANAC)
Cc: Mooney, Michelle (USANAC)
Subject: FOIA Instructor

This is just a reminder to check your resources for a FOIA Instructor in California, preferably, LA. I'll work on finding out what they want. Thank you.

Michelle G. Mooney
Program Manager
Office of Legal Education
Department of Justice
1620 Pendleton Street
Columbia, SC 29201

(b) (6)

(b) (6)

(fax)

(b) (6)

Pustay, Melanie A (OIP)

From: Day, Laurie (OIP)
Sent: Monday, August 13, 2012 12:16 PM
To: Pustay, Melanie A (OIP)
Cc: Hibbard, Douglas (OIP); Brinkmann, Vanessa R (OIP)
Subject: RE: AP FOIA request - Rep Paul Ryan

That was my impression as well. Thanks

From: Pustay, Melanie A (OIP)
Sent: Monday, August 13, 2012 12:12 PM
To: Day, Laurie (OIP)
Cc: Hibbard, Douglas (OIP); Brinkmann, Vanessa R (OIP)
Subject: RE: AP FOIA request - Rep Paul Ryan

I think not – correspondence would not seem to pose any particular issues of sensitivity.

From: Day, Laurie (OIP)
Sent: Monday, August 13, 2012 10:58 AM
To: Pustay, Melanie A (OIP)
Cc: Hibbard, Douglas (OIP); Brinkmann, Vanessa R (OIP)
Subject: RE: AP FOIA request - Rep Paul Ryan

But no other coordination is needed beyond the granting of expedition, correct?

From: Pustay, Melanie A (OIP)
Sent: Monday, August 13, 2012 10:32 AM
To: Day, Laurie (OIP); Brinkmann, Vanessa R (OIP)
Cc: Hibbard, Douglas (OIP)
Subject: RE: AP FOIA request - Rep Paul Ryan

Plz see my earlier email that expedition standard (ii) is met here. It would be good to let all the DOJ components know that, so we are consistent in granting expedition on that basis.

Thanks –
map

From: DOJ.OIP.Initial Requests (SMO)
Sent: Monday, August 13, 2012 10:15 AM
To: Pustay, Melanie A (OIP)
Subject: FW: AP FOIA request - Rep Paul Ryan

Melanie,

This is from a new person at INTERPOL. We got the same requests for correspondence with Representative Paul Ryan for all of our offices. Do you see any reason for a coordination?

Laurie

From: Johnson, Gordon (USNCB)
Sent: Monday, August 13, 2012 7:55 AM
To: DOJ.OIP.Initial Requests (SMO)
Subject: AP FOIA request - Rep Paul Ryan

I received the attached (media) FOIA request for copies of correspondence to or from Wisconsin Rep Paul Ryan. Although this FOIA request is directed to INTERPOL, I wanted to coordinate with your office before responding.

If you have any questions please call me at (b) (6)

Thanks!

Gordon Johnson
FOIA Specialist
INTERPOL Washington
U.S. National Central Bureau
U.S Department of Justice
(b) (6)

Pustay, Melanie A (OIP)

From: Burton, Faith (OLA)
Sent: Wednesday, August 15, 2012 12:40 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Cc: Levine, Doug (OLA)
Subject: Do you all have any primers on FOIA/PA that we could use to educate folks here about statutes?

Realize that you all prepare the extensive paperbacks, but we're looking for some reading material that would be more helpful to attorneys here who are not familiar with FOIA and the PA, and how they interface. Thanks for whatever you can suggest. Faith

Pustay, Melanie A (OIP)

From: Suzanne Dershowitz <(b) (6) org>
Sent: Tuesday, August 28, 2012 3:52 PM
To: Pustay, Melanie A (OIP)
Subject: Re: Question Regarding FOIA Processing Delays at Federal Agencies

Dear Melanie,

It was nice talking to you as well--thank you for discussing this important topic with me. I appreciate your getting back to me with this quote so promptly.

Sincerely,
Suzie

On Tue, Aug 28, 2012 at 3:37 PM, Pustay, Melanie A (OIP) <Melanie.A.Pustay@usdoj.gov> wrote:

Suzanne -- It was very nice talking to you and I appreciate your interest in the FOIA assessment! As discussed, here is a quote that you can use for your blog. I have copied above Tracy Russo, who is in our Office of Public Affairs. If you need anything else from us, or have any further questions, just let us know.

Melanie

“The FOIA allows agencies to establish multiple tracks for processing requests so requests can be processed as efficiently as possible. In guidance issued to all agencies for use in preparing their Annual FOIA Reports, the Department of Justice defines the three most common tracks. One of those tracks is the ‘simple’ track. A ‘simple’ request is one that is placed in the fastest, non-expedited track ‘based on the low volume and/or simplicity of the records requested.’ The Office of Information Policy will reach out to the State Department and to USAID to discuss the criteria they are using to place requests in their ‘simple’ track to ensure that they are properly characterizing those requests.”

Melanie Ann Pustay

Director

Office of Information Policy

From: Suzanne Dershowitz [mailto:sdershowitz@pogo.org]
Sent: Monday, August 20, 2012 4:33 PM
To: Pustay, Melanie A (OIP)
Subject: Question Regarding FOIA Processing Delays at Federal Agencies

Dear Ms. Melanie Pustay,

I am the Public Policy fellow at Project On Government Oversight, and I have a few questions regarding simple FOIA processing that I hope you could answer. In reviewing the Department of Justice's recently published Summary of Agency Chief FOIA Officer Reports for 2012, POGO noticed the extraordinarily high number of average days it takes both USAID and the Department of State to respond to simple FOIA requests--147.66 days for USAID and 155 days for State.

I contacted both agencies to inquire about what may be causing these processing delays. In the responses I received, both agencies pointed to the extra time it takes for them to obtain records from around the world. Isn't it true that a "simple" FOIA request would, by definition, **not** require this kind of worldwide search? Why would an agency classify a request as "simple" if processing entails obtaining international records? And finally, does the definition of a simple FOIA request vary across agencies?

Many thanks in advance.

Sincerely,
Suzie

--
Suzie Dershowitz

Public Policy Fellow
POGO (Project On Government Oversight)
1100 G Street NW, Suite 500
Washington DC, 20005-7407
phone: [\(202\) 347-1122](tel:(202)347-1122)
fax: [\(202\) 347-1116](tel:(202)347-1116)
sdershowitz@pogo.org

www.POGO.org
Blog: www.pogoblog.org :: Twitter: <http://twitter.com/POGOBlog> :: Facebook: <http://facebook.com/pogo.org>

--
Suzie Dershowitz

Public Policy Fellow
POGO (Project On Government Oversight)
1100 G Street NW, Suite 500
Washington DC, 20005-7407
phone: (202) 347-1122
fax: (202) 347-1116
sdershowitz@pogo.org

www.POGO.org

Blog: www.pogoblog.org :: Twitter: <http://twitter.com/POGOBlog> :: Facebook: <http://facebook.com/pogo.org>

Pustay, Melanie A (OIP)

From: Adams, Bertina (OIP)
Sent: Thursday, August 23, 2012 8:24 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP)
Subject: RE: EPA's FOIA Conference - September 11

Ok. Thanks.

From: Pustay, Melanie A (OIP)
Sent: Thursday, August 23, 2012 5:26 PM
To: Adams, Bertina (OIP); Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP)
Subject: RE: EPA's FOIA Conference - September 11

Tina -- we can talk on Monday and then you can call him back re his question --

From: Adams, Bertina (OIP)
Sent: Thursday, August 23, 2012 10:41 AM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP)
Subject: EPA's FOIA Conference - September 11

Melanie,

Larry asked that I pass along this draft agenda. All training materials will be provided to the participants in advance of the Conference.

He also would like to know your thoughts about inviting individuals from outside the government. Currently, it is open to federal employees only.

Tina

<< File: EPA.Sept2012.Agenda.docx >>

Pustay, Melanie A (OIP)

From: Hibbard, Douglas (OIP)
Sent: Tuesday, August 28, 2012 9:09 AM
To: Mallon, Carmen L (OIP)
Cc: Wheeler, Celeste (OIP); Pustay, Melanie A (OIP)
Subject: RE: The Department Component's 10 Oldest Outstanding FOIA Requests

Yes. 13 remain open for OIP's clients (though OIP itself is done).

From: Mallon, Carmen L (OIP)
Sent: Tuesday, August 28, 2012 9:00 AM
To: Kiepora, Robert R (OIP); Troiani, Christina D (OIP); Jones, Amanda M. (OIP); Deklotz, Patrick (OIP); Hurd, Matthew (OIP); O'Neill, Sean (OIP); Valenta, Sarah (OIP); Cunningham, Marilyn (OIP); Courter, Ken (OIP); Brinkmann, Vanessa R (OIP); Hibbard, Douglas (OIP); Day, Laurie (OIP); Pierson, Katherine R (OIP); Cecil, Angie E. (OIP)
Cc: Wheeler, Celeste (OIP); Pustay, Melanie A (OIP)
Subject: The Department Component's 10 Oldest Outstanding FOIA Requests

Component Liaisons and IR Senior Staff-

We have one month left in this FY and we still have a number of outstanding requests that need to close. Liaisons, please contact your respective components to find out the latest status of the still pending requests and let Celeste and me know asap so we can address particular problems. Please provide particulars for why certain requests haven't closed so we can more fully address the reasons.

On a very positive note, the Department's ten oldest overall requests have closed thanks to EOUSA so this is a very good metric!!

The Department's twenty oldest pending overall requests have not closed. Still on this hit list are two of Civil's and two of NSD's and one ATR. If we can get these closed this would be a good metric to be able to showcase.

For consults – we still have one (FBI) on the Department's ten oldest overall list of outstanding consults and two remain outstanding (FBI and Interpol) on the Department's list of twenty oldest overall consults.

Specifics:

For Civil, I had sent Jim an email with strategies for closing the eight open requests that remained but I see they are still open and I'm not sure why. Christina, can you let us know the status?

Crm – five remain open?

Crm- one consult remains open?

CRT – three remain open?

EOIR – only one remains open, Matt, can you find out its status?

FBI – four remain open?

FBI – 2 consults remain open?

Interpol – only two remain open?

Interpol – 2 consults remain open??

JMD – only two remain?

NSD – five remain and two are on the twenty oldest in the Department list – 2008-102 and 2008-218—if these two can close then we are closer to making the goal of closing the 20 oldest pending requests in the Dept!

AG/DAG/ASG/PAO/OLA/OLP/OIP – 13 remain open?

OIG- five remain open, Kate – what is their story?

OJP- only one remains open – Angie – can you find out what the status is for this one?

OLC- five left??

OSG – seven still open, yikes? Christina can you get the scoop?

Updated chart attached:

<< File: Ten Oldest Initiative Spreadsheet.xlsx >>

Thanks,
Carmen

(b) (5)

[REDACTED]

Please let me know if you have any



Pustay, Melanie A (OIP)

From: Adams, Bertina (OIP)
Sent: Friday, August 31, 2012 7:34 AM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP); Bishop-Green, Jacob (OIP)
Subject: FW: FOIA Post article

Melanie

I do not have permission to post items on the FOIA Post page. Therefore, I am forwarding this request to Jake. He and Tracy handles the postings for this page.

Tina

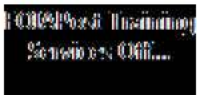
From: Pustay, Melanie A (OIP)
Sent: Thursday, August 30, 2012 6:47 PM
To: Adams, Bertina (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: FOIA Post article

Tina -- Here is the revised Post on training.

Thanks so much!!!

Map

Let's post this next Tuesday.



From: Adams, Bertina (OIP)
Sent: Thursday, August 30, 2012 5:07 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: FOIA Post article

Melanie -- Attached is a draft FOIA Post article.

<< File: FOIAPost.Training Services Offered by OIP.docx >>

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 29, 2012 5:07 PM

To: Adams, Bertina (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: FOIA Post article

Oh, I only need it in the next few days or so – no specific time frame, so just put it together as you can.

thanks

From: Adams, Bertina (OIP)
Sent: Wednesday, August 29, 2012 5:06 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: FOIA Post article

Melanie -- I will give you a draft copy in the morning.

From: Pustay, Melanie A (OIP)
Sent: Wednesday, August 29, 2012 12:36 PM
To: Adams, Bertina (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: FOIA Post article

Tina – can you put together an article that is entitled: FOIA Training Services Offered by OIP.

Then in the article say that in addition to the regularly scheduled training OIP offers thru out the year, we are also available to assist agencies in any of their FOIA training needs. We can provide sessions on any FOIA topic, including pro. Considerations and exemptions, as well as litigation considerations. We can address the AG's FOIA Guidelines and milestones agencies should strive for to improve their FOIA administration. We can tailor the session to whatever the agency needs, focusing on those areas that are of greatest importance. We can speak for an hour or could help with a multi-day training. You cld end by saying that as part of our mission to encourage compliance with the FOIA we want to ensure that agencies receive the best, most up to date training on all aspects of the FOIA. They shd contact you to discuss any of their FOIA training needs.

Thanks!

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Thursday, September 06, 2012 8:08 AM
To: Brinkmann, Vanessa R (OIP); O'Neill, Sean (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: RE: Status of the FOIA Module effort

Perfect, thanks.

From: Brinkmann, Vanessa R (OIP)
Sent: Thursday, September 06, 2012 8:07 AM
To: Mallon, Carmen L (OIP); O'Neill, Sean (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: Re: Status of the FOIA Module effort

I recommend Laurie to attend from IR. If Tracy's attending then she'll have the IT angle covered but otherwise Jake would also be good.

From: Mallon, Carmen L (OIP)
Sent: Wednesday, September 05, 2012 05:43 PM
To: Brinkmann, Vanessa R (OIP); O'Neill, Sean (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: FW: Status of the FOIA Module effort

Vanessa/Sean,

Melanie would like a rep from IR and a rep from Appeals to attend this demo next week. Who would you recommend?

I will also tell Patrick that Tracy Russo should be invited.

Carmen

From: Deklotz, Patrick (OIP)
Sent: Wednesday, September 05, 2012 4:38 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP); Talebian, Bobak (OIP)
Subject: FW: Status of the FOIA Module effort

From: Tim Crawford [<mailto:Crawford.Tim@epamail.epa.gov>]
Sent: Wednesday, September 05, 2012 4:36 PM
To: Deklotz, Patrick (OIP)
Subject: RE: Status of the FOIA Module effort

(b) (5) Its a significant process exporting that information from our existing vendor which is one of the reasons we need more control of our data. Sorry you cannot make the 12th-- I'll include Melanie on the invite. (b) (5)

(b) (5)

Tim Crawford, OpenGov PMO
Senior Policy Advisor
USEPA

(o) (b) (6)

(c) (b) (6)

"Deklotz, Patrick (OIP)" ---09/05/2012 04:29:37 PM---Hi Tim, (b) (5)

From: "Deklotz, Patrick (OIP)" <Patrick.Deklotz@usdoj.gov>
To: Tim Crawford (b) (6)
Date: 09/05/2012 04:29 PM
Subject: RE: Status of the FOIA Module effort

Hi Tim,

(b) (5)

Thank you for keeping us updated.

Patrick

From: Tim Crawford (b) (6)]
Sent: Wednesday, September 05, 2012 4:18 PM
To: Deklotz, Patrick (OIP)
Subject: Status of the FOIA Module effort

Hi Patrick:

I wanted to give you an update on where we are in our development/deployment schedule.

Some of the major activities currently underway include:

- finalizing a functional addition requested by Treasury
- migrating FY12 DOC and EPA data
- conducting initial DOC training for power users
- creating additional help features and content
- finalizing our certification and accreditation package for increase security level
- configuring remaining agencies who will be confirming their implementations and undergoing training throughout Sept.
- training help desk staff

We are scheduled to have a "production" build transferred to the eRule system contractors by 9/21/12. It will be available in the production environment for the public to use by 10/1/12. Based on priorities, we will load the production build into our training environment after our launch is complete. The training environment will be the location where we can provide interested portions of DOJ and other potential partners the opportunity to have hands on interaction with the system without interfering with the production environment. If you would like to begin contacting portions of DOJ interested in considering the FOIA Module, I can work with you to schedule how best to proceed.

As a preview of the pre-production build prior to deployment, we are scheduling an opportunity for interested agency

points of contact to see a demonstration of the system next week. I am working on that notice and will add you all to it.
--thanks

Tim Crawford, OpenGov PMO
Senior Policy Advisor
USEPA

(o) (b) (6)

(c) (b) (6)

Pustay, Melanie A (OIP)

From: Courter, Ken (OIP)
Sent: Monday, September 10, 2012 10:07 AM
To: Pustay, Melanie A (OIP); Brinkmann, Vanessa R (OIP)
Subject: FW: FOIA/PA Question

Melanie, Vanessa –

(b) (5)



Thanks,

Ken

(b) (5)



From: Ludwig, Stacy (PRAO)
Sent: Saturday, September 08, 2012 12:39 AM
To: Courter, Ken (OIP)
Subject: RE: FOIA/PA Question

Ken:

Thank you so much for your prompt reply. I apologize for my delayed reply. We have been incredibly swamped.

(b) (5)




Any further assistance you can provide would be most appreciated.

Best Regards,

Stacy

From: Courter, Ken (OIP)
Sent: Friday, August 24, 2012 12:56 PM
To: Ludwig, Stacy (PRAO)
Subject: FOIA/PA Question

Hi Stacy –

(b) (5)



Thanks,

Ken

Kenneth Courter
Senior Attorney
Office of Information Policy
U.S. Department of Justice
(202) 616-5500 (Direct)
(202) 514-1009 (Fax)

Pustay, Melanie A (OIP)

From: Brinkmann, Vanessa R (OIP)
Sent: Tuesday, September 11, 2012 11:53 AM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: change to our FOIA reference guide online

Melanie: per your request, we now have relevant changes to OIP's site and FOIA.gov ready to go once you give the green light. The revised language is as follows:

On OIP's site:

(b) (5)

On FOIA.Gov:

(b) (5)

These are the only spots where the changed seemed appropriate. Let me know if you have any changes to the language; otherwise, we're ready to go live when you are!

Vanessa

From: Pustay, Melanie A (OIP)
Sent: Wednesday, September 05, 2012 3:11 PM
To: Brinkmann, Vanessa R (OIP); O'Neill, Sean (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: change to our FOIA reference guide online

Guys -- let's go ahead now and be ready to update the FOIA Reference Guide on our OIP website to more completely describe the FOIA's exclusions. This is part of what our upcoming exclusion guidance will ask all agencies to do so I would like to have our website ready to go next week when the guidance comes out. Under the heading "Initial Request Determinations" we list the FOIA's nine exemptions and mention the three exclusions in the final sentence. Let's delete that final sentence and add something like the following language instead:

"Congress also provided special protection in the FOIA for three narrow categories of law enforcement and national security records. The provisions protecting those records are known as "exclusions." The first exclusion protects the existence of an ongoing criminal law enforcement investigation when the subject of the investigation is unaware that it is pending and disclosure could reasonably be expected to interfere with enforcement proceedings. The second exclusion is limited to criminal law enforcement agencies and protects the existence of informant records when the informant's status has not been officially confirmed. The third

exclusion is limited to the FBI and protects the existence of foreign intelligence or counterintelligence, or international terrorism records when the existence of such records is classified. Records falling within an exclusion are not subject to the requirements of the FOIA. So, when a component responds to your request it will limit its response to those records that are subject to the FOIA. “

We should also include this language on FOIA.gov, wherever we discuss exemptions.

Let’s do the coding so we are ready to go next week.

Thanks --

Pustay, Melanie A (OIP)

From: Hurd, Matthew (OIP)
Sent: Thursday, September 13, 2012 6:21 AM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA request 12-203

Dear Melanie:

There was no file opened. So I have printed out this email chain and will attach it to the paper work that I currently have on this matter. I will file accordingly.

Thanks,

Matthew W. Hurd
Attorney Advisor
Office of Information Policy

From: Pustay, Melanie A (OIP)
Sent: Wednesday, September 12, 2012 5:16 PM
To: O'Neill, Sean (OIP); Hurd, Matthew (OIP)
Cc: Mallon, Carmen L (OIP); Courter, Ken (OIP)
Subject: FW: FOIA request 12-203

I reached out to Mr. Sanchez myself and as you can see from below his appeal is now moot. We can simply close out the file administratively. No letter or anything need be sent. Just include this email in the file (if we have one) or if no file was even opened yet, just attach this to the incoming and put in a chron file.

Thanks --

From: Julian Sanchez (b) (6)]
Sent: Wednesday, September 12, 2012 4:31 PM
To: Pustay, Melanie A (OIP)
Cc: Mallory, Arnetta (NSD); Bradley, Mark A (NSD); Tiernan, Kevin (NSD)
Subject: Re: FOIA request 12-203

Ms. Pustay:

Yes, as you suggest, this amended reply appears to moot my appeal; please feel free to close that file. Thanks again for your efforts to resolve this so rapidly.

Regards,
-Julian

Julian Sanchez
Research Fellow
Cato Institute

1000 Massachusetts Ave NW
Washington, DC 20001
Ph: (b) (6)
Cell: (b) (6)
Skype: normative

On 9/12/12 4:01 PM, "Pustay, Melanie A (OIP)" <Melanie.A.Pustay@usdoj.gov> wrote:

Mr. Sanchez -- I also wanted to close the loop with you on your administrative appeal. Given where things now stand I believe your appeal is moot at this point. If so, we can just administratively close it at our end. Please let me know ---

Thanks --

Melanie
Melanie Ann Pustay
Director
Office of Information Policy

From: Tiernan, Kevin (NSD)
Sent: Wednesday, September 12, 2012 2:18 PM
To: 'Julian Sanchez'
Cc: Mallory, Arnetta (NSD); Pustay, Melanie A (OIP); Bradley, Mark A (NSD)
Subject: RE: FOIA request 12-203

Mr. Sanchez:

We will reiterate to the ODNI the fact of our delay in processing and ask that they expedite their review. If they have not acknowledged receipt of your request and given you a time frame by the end of next week, please follow up with me and I will do the same with them.

Best,
Kevin

From: Julian Sanchez (b) (6)
Sent: Wednesday, September 12, 2012 2:14 PM
To: Tiernan, Kevin (NSD)
Cc: Mallory, Arnetta (NSD); Pustay, Melanie A (OIP)
Subject: Re: FOIA request 12-203

Dear Mr. Tiernan:

Thank you for this more pertinent response, and for initiating the appropriate review of the documents I have

requested.

I appreciate that these documents will require careful redaction prior to any release, in order to eliminate passages that might tend to reveal the targets of specific investigations or disclose sensitive operational methods, and that as a result, I probably cannot expect any very immediate further reply. As noted in my previous correspondence, however, the time required to conduct this review is likely to affect whether these documents are able to inform ongoing public debate concerning the reauthorization of the FISA Amendments Act. Are you able to provide me with either an approximate timeframe for review, in light of your experience with similar requests, or with a point of contact in ODNI with whom I might follow up on the status of my request in the future?

Thanks again for your assistance with this matter.

Regards,
-Julian Sanchez

Julian Sanchez
Research Fellow
Cato Institute
1000 Massachusetts Ave NW
Washington, DC 20001
Ph: (b) (6)
Cell: (b) (6)
Skype: normative

On 9/12/12 12:12 PM, "Tiernan, Kevin (NSD)" <Kevin.Tiernan@usdoj.gov> wrote:

Mr. Julian Sanchez
Cato Institute
1000 Massachusetts Avenue, NW
Washington, DC 20001

Dear Mr. Sanchez:

As you know from your correspondence with Ms. Pustay of the Office of Information Policy, we are sending you an amended response to your Freedom of Information Act Request for "copies of appropriately redacted versions of each of the semiannual reports prepared from May 2010 until the present concerning compliance with the procedures and guidelines issued pursuant to Section 702 of the Foreign Intelligence Surveillance Act, as required by 50 U.S.C. 1881 a(1)." Your Freedom of Information Act request was received in the FOIA office on July 6, 2012. I am sorry for the confusion caused by our earlier response.

As noted in your initial request, previous assessments have already been released pursuant to Freedom of Information Act requests submitted by the American Civil Liberties Union. You may also know that review and release of the assessments was conducted by the Office of the Director of National Intelligence (ODNI).

We have identified records that are responsive to your request, and have referred these

records to the ODNI. You should hear directly from ODNI upon their review of the Semi Annual Assessments required by 50 U.S.C. 1881 a(1).

If you are not satisfied with this response, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, 1425 New York Avenue, NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received within sixty days of the date of this letter. Both the letter and envelope should be clearly marked "Freedom of Information Act Appeal".

Kevin G. Tiernan
Records and FOIA Unit
USDOJ/NSD/OLP
600 E Street, NW
Suite 10702
Washington, DC 20530

202/233-0755 - office

Pustay, Melanie A (OIP)

From: Brinkmann, Vanessa R (OIP)
Sent: Wednesday, September 19, 2012 7:43 PM
To: Pustay, Melanie A (OIP)
Subject: Re: FOIA Logs

Speaking of which...Joel is coming on Tuesday to help moot me. (b) (6)

[REDACTED]

From: Pustay, Melanie A (OIP)
Sent: Wednesday, September 19, 2012 07:09 PM
To: Brinkmann, Vanessa R (OIP); Mallon, Carmen L (OIP)
Subject: Re: FOIA Logs

And you can do that in Oct! I know there is so much to do right now for the end of year crunch!

Sent from Blackberry

From: Brinkmann, Vanessa R (OIP)
Sent: Wednesday, September 19, 2012 06:58 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA Logs

We will put our heads together and come up with something!

From: Pustay, Melanie A (OIP)
Sent: Wednesday, September 19, 2012 6:45 PM
To: Brinkmann, Vanessa R (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA Logs

Thanks V – there are a couple elements to this process and one certainly is getting an overview of the responses. I leave it to you and Carmen to think of the best, most efficient way to do this!!

From: Brinkmann, Vanessa R (OIP)
Sent: Wednesday, September 19, 2012 2:40 PM
To: Mallon, Carmen L (OIP); Pustay, Melanie A (OIP)
Subject: RE: FOIA Logs

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)



From: Mallon, Carmen L (OIP)
Sent: Wednesday, September 19, 2012 2:32 PM
To: Brinkmann, Vanessa R (OIP); Pustay, Melanie A (OIP)
Subject: Re: FOIA Logs

V-

I gave the log to Jake with MAPs revisions and my instructions. I will work with Jake and do final review.

(b) (5)



From: Brinkmann, Vanessa R (OIP)
Sent: Wednesday, September 19, 2012 02:17 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: Re: FOIA Logs

I'm so sorry...!

From: Pustay, Melanie A (OIP)
Sent: Wednesday, September 19, 2012 01:31 PM
To: Brinkmann, Vanessa R (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA Logs

(b) (5)






(b) (5)



From: Brinkmann, Vanessa R (OIP)
Sent: Wednesday, September 19, 2012 12:21 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA Logs

(b) (5)



From: Pustay, Melanie A (OIP)
Sent: Wednesday, September 19, 2012 12:13 PM
To: Brinkmann, Vanessa R (OIP); Mallon, Carmen L (OIP)
Subject: FOIA Logs

(b) (5)



Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Wednesday, September 19, 2012 4:26 PM
To: Pustay, Melanie A (OIP)
Subject: Re: Google Alert - FOIA

:-)

From: Pustay, Melanie A (OIP)
Sent: Wednesday, September 19, 2012 04:24 PM
To: Mallon, Carmen L (OIP)
Subject: RE: Google Alert - FOIA

(b) (6)

From: Mallon, Carmen L (OIP)
Sent: Wednesday, September 19, 2012 11:05 AM
To: Pustay, Melanie A (OIP)
Subject: FW: Google Alert - FOIA

Maybe you can go to Italy to advocate for its govt to adopt a FOIA—

Media Matters re Schmalers--

From: Google Alerts [<mailto:googlealerts-noreply@google.com>]
Sent: Wednesday, September 19, 2012 10:23 AM
To: Mallon, Carmen L (OIP)
Subject: Google Alert - FOIA

News

2 new results for FOIA

[Italians call for a freedom of information act on 'Day of Transparency'](#)

[editorsweblog.org](#) (blog)

Today, September 19, is Italy's "Day of Transparency:" which activists hope to use to put pressure on the government for the adoption of a **Freedom of Information Act (FOIA)** in the country. A group of associations and prominent individuals started a ...

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[Media Matters: Obama Administration Mouthpiece](#)

[Patriot Post](#)

Dozens of communications that the Caller obtained via a **Freedom of Information Act (FOIA)** request demonstrate that DOJ Office of Public Affairs Director Tracy Schmalers was coordinating efforts with Media Matters to attack reporters who covered various ...

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Tip: Use site restrict in your query to search within a site (site:nytimes.com or site:.edu). [Learn more.](#)

[Delete](#) this alert.

[Create](#) another alert.
[Manage](#) your alerts.

Pustay, Melanie A (OIP)

From: O'Neill, Sean (OIP)
Sent: Thursday, September 20, 2012 1:29 PM
To: Pustay, Melanie A (OIP)
Subject: RE: Project On Government Oversight FOIA blog post

That's exactly what jumped out at me- i.e. that the example given by State is not a simple request.

From: Pustay, Melanie A (OIP)
Sent: Thursday, September 20, 2012 1:25 PM
To: Mallon, Carmen L (OIP); O'Neill, Sean (OIP); Talebian, Bobak (OIP); Brinkmann, Vanessa R (OIP); Hibbard, Douglas (OIP); McLeod, Janice G (OIP); Work, Anne D (OIP)
Subject: FW: Project On Government Oversight FOIA blog post

Fyi --

From: Suzanne Dershowitz [<mailto:sdershowitz@pogo.org>]
Sent: Thursday, September 20, 2012 1:15 PM
To: Pustay, Melanie A (OIP)
Subject: Project On Government Oversight FOIA blog post

Dear Melanie,

Thanks so much for all of your help providing comment for this piece, please see the final blog post below.

Best,
Suzie

Sep 20, 2012

Federal Agencies Lagging on FOIA Processing—What's the Hold Up?

When the [Office of Information Policy](#) (OIP) at the Justice Department released its [Summary of Agency Chief FOIA Officer Reports for 2012](#) and subsequently published its [Summary of Annual FOIA Reports for FY 2011](#) a couple weeks later, POGO reviewed both assessments closely. We applaud the nine federal agencies (out of the 99 subject to the Freedom of Information Act in FY 2011) that earned top marks on their FOIA program, meeting all seventeen milestones included in the Chief FOIA Officer Reports Summary. However, POGO was disappointed to see some particularly sluggish FOIA processing performances from others.

Here's a little background: In 1996, Congress passed the e-FOIA amendments ([H.R. 3802](#)), strengthening requirements for agencies to ensure timely responses to requests. To avoid prolonged delays for simple requests, Sec. 7 authorized multi-track processing. This means agencies can (and should) process simple and complex requests at the same time on separate tracks based on the amount of work or time involved—instead of on a “first-in, first-out” basis.



The Chief FOIA Officer Reports Summary

provided statistics on the average number of days it takes each agency to process a simple request—one that does not involve [unusual or exceptional circumstances](#). OIP clarified for POGO that they are tracking when an agency has provided a substantive response to the requester, not just a response, such as an acknowledgement letter. So these stats represent how long it takes (simple) requesters to actually get the information they are seeking. Sixty agencies in the OIP assessment processed the requests within an average of 20 working days or less. But twenty-seven agencies had a simple track and still failed to meet that requirement. While many of those agencies' averages hovered just above 20 days, a few were shockingly high.

The Chief FOIA Officer Reports Summary indicated that it takes the [Department of State](#) and [U.S. Agency for International Development](#) (USAID) on average seven times longer to process a simple FOIA request than the 20-day legal limit for simple requests.

It takes State, for example, an astounding average of **155 days** to process a simple request. When POGO asked why, a State Department spokesperson told us:

Unlike many other agencies that operate only domestically, the Department of State maintains records both domestically and at hundreds of posts (embassies and consulates) located throughout the world. FOIA requests made to the Department vary in size from very narrow requests for a single document to requests that are voluminous in size and complex in scope, requiring the review of thousands of documents, frequently retrieved both domestically and at posts overseas. Many of the Department's records contain sensitive national security information. The review of responsive records is undertaken by subject matter experts, often including coordination with multiple offices within the Department, as well as with other Federal agencies and foreign governments. In recent years, the Department also experienced an influx in new FOIA referrals, which tripled the number of cases received and added to the workload.

Traditionally, the Department of State has responded to FOIA requests incrementally, with interim responses made to requesters as segments are completed instead of at the conclusion of processing; this results in requesters' receiving responses much faster than the total average processing time would indicate.

And when we reached out to a USAID official to inquire about why it takes them an average of **147.66** days to process a simple request, we got this response:

The United States Agency for International Development (USAID) is a global agency with missions in over 80 countries and therefore requires us to seek documents from around the world, not just from our Washington headquarters. In addition, the average number is high due to a small number of long outstanding requests. USAID continues to aggressively work on the backlog and to improve its response time and has made this a priority. USAID is very committed to the principles embodied in the FOIA and employs a strategy to improve overall FOIA administration. New targeted goals were established during FY2011 and new staff were added which led to a 51% reduction of the prior years' backlog.

State and USAID say they have to gather records from “hundreds of posts throughout the world” and “missions in over 80 countries.” But the kinds of worldwide searches they describe are, by definition, not “simple” FOIA requests. We reached out to Director of OIP Melanie Pustay for more clarification, and she affirmed our understanding about the clear distinction between simple and complex requests.

Pustay stated that these agencies should not be using the simple track for requests that require worldwide searches:

The FOIA allows agencies to establish multiple tracks for processing requests so requests can be processed as efficiently as possible. In guidance issued to all agencies for use in preparing their Annual FOIA Reports, the Department of Justice defines the three most common tracks. One of those tracks is the “simple” track. A “simple” request is one that is placed in the fastest, non-expedited track “based on the low volume and/or simplicity of the records requested.” **The Office of Information Policy will reach out to the State Department and to USAID to discuss the criteria they are using to place requests in their “simple” track to ensure that they are properly characterizing those requests.** [Emphasis added]

We are glad that Pustay pledged to take action, but we know the problem doesn't end with proper categorization of requests.

Even if these agencies start properly characterizing the complex requests as such, that won't do anything to speed up their processing time. According to OIP's Summary of Annual FOIA Reports, the average processing times for simple track requests across all departments and agencies was 23.65 days in FY 2011, and for complex track requests it was 103.74 days.

In the Summary of Annual FOIA Reports, OIP provided some additional data on how long it takes agencies and departments to process expedited FOIA requests. (FOIA processing [should be expedited](#) when an individual's life or safety would be jeopardized or if substantial due process rights of the requester would be impaired by the failure to process a request immediately.) According to OIP, expedited requests “can be either simple or complex in their scope, which causes comparisons to be necessarily imperfect.”

OIP's summary indicated that in addition to winning the Razzie for highest average processing time for simple requests among the departments, the State Department reported the highest average processing time for expedited requests—an average of **926 days**. We have reached out to State for comment on the reasons behind these delays, and we will update you as soon as we receive a response.

926 days is more than two years of wait time—and that's for requests that constitute exceptional need or urgency. State clearly needs to fix the problem to ensure that requests don't end up in a black hole and the public has prompt access to critical information. We heard unofficially from an inside source that the State Department is working diligently to get their FOIA processing under control. We hope so!

Too often it takes far too long for requesters to receive the information they are seeking. Several months ago, POGO did our own (smaller-scale) [analysis](#), leading us to conclude that some agencies are failing to even acknowledge receipt of FOIA requests within 20 days, as required by law. There is certainly room for improvement across the federal government, not only at the agencies with the highest averages according to OIP.

We'll keep you posted on the progress.

Suzie Dershowitz is a public policy fellow with the Project On Government Oversight.

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Suzie Dershowitz

Public Policy Fellow
POGO (Project On Government Oversight)
1100 G Street NW, Suite 500
Washington DC, 20005-7407
phone: (b) (6)
fax: (b) (6)

www.POGO.org

Blog: www.pogoblog.org :: Twitter: <http://twitter.com/POGOBlog> :: Facebook: <http://facebook.com/pogo.org>



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

March 28, 2016

John Greenewald, Jr.

[REDACTED]

[REDACTED]

john@greenewald.com

Re: OIP/13-05425 (F)
VRB:LAD:ACS

Dear Mr. Greenewald:

This is the final response to your Freedom of Information Act (FOIA) request dated October 17, 2013, and received in this Office on the same date, for "a copy of the first 200 pages of emails received by Melanie Ann Pustay, Director of the Office of Information Policy, that contain the word "FOIA" between July 2012 and November 1, 2012." This response is being made on behalf of the Office of Information Policy (OIP).

By letter dated December 10, 2015, we provided you with an interim response on 149 pages responsive to your request, and advised that we were continuing to process the remaining material responsive to your request. Our processing of these records is now complete, and I have determined that an additional fifty-two pages of emails are appropriate for release with excisions made pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), which pertains to certain inter- and intra-agency communications protected by the deliberative process attorney work-product privileges. Information is also being withheld under Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. For your information, the withheld materials consist of the contact information for non-OIP employees and third parties, deliberative discussions and attorney work-product material. Although additional portions of the enclosed records could be withheld pursuant to Exemption 5, I have determined in some instances that such material may be disclosed as a matter of agency discretion.

Please be advised that the yellow highlighting on certain pages was present on the original documents.

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) (2012). 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.

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Monday, July 16, 2012 12:38 PM
To: Wheeler, Celeste (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: RE: FOIA Talking Points

Celeste – thanks for monitoring this project so well.

From: Wheeler, Celeste (OIP)
Sent: Monday, July 16, 2012 11:55 AM
To: Chalakamari, Varudhini (OASG); Mallon, Carmen L (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA Talking Points

Hello – Only two of the Department's 10 oldest requests are still open. EOUSA closed an additional two requests since our last update on June 19. The remainder of the information is the same.

Here is our updated chart. Just let me know if you need anything else.

Thanks!
Celeste

<< File: Ten Oldest Initiative Spreadsheet.xlsx >>

Celeste Daise Wheeler
Attorney-Advisor
U.S. Department of Justice
Office of Information Policy
(202) 616-5501 (Direct)
(202) 514-1009 (Fax)

From: Chalakamari, Varudhini (OASG)
Sent: Monday, July 16, 2012 11:07 AM
To: Wheeler, Celeste (OIP); Mallon, Carmen L (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA Talking Points

Tony is going to try to call the components today, it's been on his schedule for a while but kept getting overtaken. Are there any major updates since June 19 from the components? Thanks!

<< File: DOJ Component FOIA Calls vcredits.docx >>

From: Wheeler, Celeste (OIP)
Sent: Tuesday, June 19, 2012 9:40 AM

To: Chilakamarri, Varudhini (OASG); Mallon, Carmen L (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA Talking Points

Good morning: Melanie asked me to send you an update. The Civil Division closed one additional request. The remainder of the information in the talking points is still current. I've attached the most up-to-date chart here as well. Just let me know if you need anything else.

Thanks,
Celeste

<< File: Ten Oldest Initiative Spreadsheet.xlsx >>

Celeste Daise Wheeler
Attorney-Advisor
U.S. Department of Justice
Office of Information Policy
(202) 616-5501 (Direct)
(202) 514-1009 (Fax)

From: Chilakamarri, Varudhini (OASG)
Sent: Monday, June 18, 2012 4:05 PM
To: Mallon, Carmen L (OIP); Wheeler, Celeste (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: FOIA Talking Points

Tony still has not had a chance to call the components, but we're trying to get that on his schedule for later this week. Can you take a look at these talking points and make sure the stats are current? I think we took them from the last chart you sent us, but that was at least 1-2 weeks ago.

Thanks,
Varu

<< File: DOJ Component FOIA Calls vcredits.docx >>

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Monday, July 16, 2012 12:51 PM
To: Gunn, Currie (OAAG)
Subject: RE: pending concurrence

Thanks very much.

From: Gunn, Currie (OAAG)
Sent: Monday, July 16, 2012 12:49 PM
To: Pustay, Melanie A (OIP)
Subject: RE: pending concurrence

Hi Melaine,

Just received this back today. Will put in the mail to your attention.

Thanks for being so patient.

Currie

From: Pustay, Melanie A (OIP)
Sent: Tuesday, May 29, 2012 5:27 PM
To: Gunn, Currie (OAAG)
Subject: RE: pending concurrence

Thanks --

From: Gunn, Currie (OAAG)
Sent: Tuesday, May 29, 2012 5:23 PM
To: Pustay, Melanie A (OIP)
Subject: RE: pending concurrence

Let me track it down and I will get back to you.

Thanks
Currie

From: Pustay, Melanie A (OIP)
Sent: Tuesday, May 29, 2012 5:03 PM
To: Gunn, Currie (OAAG)
Subject: pending concurrence

Hi Currie –

I wanted to see if you could retrieve for me a concurrence package I sent to Brian on March 28. (b) (5)

(b)(5)

Can you just send the package back to me?

Thanks –

Melanie

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Monday, July 16, 2012 1:13 PM
To: Brinkmann, Vanessa R (OIP)
Subject: RE: OLC Opinions

Thanks --

From: Brinkmann, Vanessa R (OIP)
Sent: Monday, July 16, 2012 1:09 PM
To: Brinkmann, Vanessa R (OIP); Russo, Tracy (OPA); Colborn, Paul P (OLC)
Cc: Solomon, Gail D (JMD); Flanagan, Cathy (JMD); Robin-Vergeer, Bonnie I. (OLC); Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: RE: OLC Opinions

Looks like Thursday before 3 works for most of us – I'll send out an invite.

From: Brinkmann, Vanessa R (OIP)
Sent: Wednesday, July 11, 2012 5:36 PM
To: Russo, Tracy (OPA); Colborn, Paul P (OLC)
Cc: Solomon, Gail D (JMD); Flanagan, Cathy (JMD); Robin-Vergeer, Bonnie I. (OLC); Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: Re: OLC Opinions

Would folks be available for a meeting on this in the next couple of weeks? Bonnie, Tracy, and I have had some individual discussions but I'd like to loop Melanie back in as well given that OLC is considering (b) (5) [REDACTED].

How about next Thursday the 19th?

Thanks,
Vanessa

From: Russo, Tracy (OPA)
Sent: Wednesday, June 27, 2012 05:58 PM
To: Colborn, Paul P (OLC); Brinkmann, Vanessa R (OIP)
Cc: Solomon, Gail D (JMD); Flanagan, Cathy (JMD); Robin-Vergeer, Bonnie I. (OLC)
Subject: RE: OLC Opinions

Of course, we'll wait to hear about her availability. I will be out Monday, but perhaps Tuesday will work. Thanks.

From: Colborn, Paul P (OLC)
Sent: Wednesday, June 27, 2012 5:45 PM
To: Russo, Tracy (OPA); Brinkmann, Vanessa R (OIP)
Cc: Solomon, Gail D (JMD); Flanagan, Cathy (JMD); Robin-Vergeer, Bonnie I. (OLC)
Subject: RE: OLC Opinions

Tracy, I'd like Bonnie Robin-Vergeer, who had the lead in OLC on the FOIA release you linked below, to be the OLC participant in this call. She's on vacation but will return to the office on Monday. Do you think you could defer this until then? Thanks.

Adding Bonnie.

From: Russo, Tracy (OPA)
Sent: Wednesday, June 27, 2012 4:31 PM
To: Brinkmann, Vanessa R (OIP); Colborn, Paul P (OLC)
Cc: Solomon, Gail D (JMD); Flanagan, Cathy (JMD)
Subject: RE: OLC Opinions

Hi Paul:

Are you free this Friday to discuss the issue as described below? Perhaps 10am or 1pm for a half-hour call?

Thanks.
Tracy

From: Pustay, Melanie A (OIP)
Sent: Wednesday, June 27, 2012 11:32 AM
To: Russo, Tracy (OPA); Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP)
Cc: Solomon, Gail D (JMD); Flanagan, Cathy (JMD)
Subject: RE: OLC Opinions

Hi Tracy –

In OLC, the contact would be Paul Colborn. He might have someone else work on this, but he is the best place to start. We are happy to work with you and OLC on this. Vanessa, who I copied above, would be your OIP contact as she is our expert on FOIA Libraries and proactive disclosures!

map

From: Russo, Tracy (OPA)
Sent: Wednesday, June 27, 2012 11:29 AM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Cc: Solomon, Gail D (JMD); Flanagan, Cathy (JMD)
Subject: FW: OLC Opinions

Hey ladies,

I got a call from the Sunlight Foundation about this FOIA release
http://www.governmentattic.org/6docs/DOJ_LegalCounselOpinions_1998-2012.pdf

They did a comparison of the release to the OLC website and found a few dozen opinions were missing from the web and would like us to post them.

They were also interested in us posting (if possible) titles of opinions that were redacted, even if we cannot post the whole opinion. (See the email below)

I'd like to work with your office and with OLC to figure out how we can best go about this.

Can you advise on who I should reach out to in that office and could we possibly have a conference call? Perhaps Friday?

Thanks,
Tracy

From: Daniel Schuman (b) (6)]
Sent: Wednesday, June 27, 2012 11:25 AM
To: Russo, Tracy (OPA)
Subject: OLC Opinions

Hi Tracy,

Thanks so much for chatting with me. I am sending along three documents: the FOIA request that identifies a number of OLC opinions, our summary statistics comparing OLC opinions from the DOJ and website and FOIA document, and a list of OLC opinions excluded from the FOIA website (including whether we were able to find the opinion elsewhere on the Internet.)

As you know, the DOJ has instituted a presumption that opinions be fully and promptly available to the public. As a start, we'd like to see all of the opinions that have been publicly named to be available on the DOJ's website. Many of them are available elsewhere online. In addition, it's likely that more have been released than we found in our initial review, so it would be great if the DOJ would check to see if other opinions have been identified by name and/or released to the public, and to list those reports and (except when impossible) publish them online.

We are going to continue digging to see if we can find other reports online, or identify other reports whose names have been released but aren't identified in the FOIA report. We know that there's 510 opinions from the FOIA report time period, so there's a lot more to find.

We're hoping to publish something on July 9th, so it would be great if we can report on any updates. I'm looking forward to hearing about your progress. Thanks again for your help.

With best regards,

Daniel

Daniel Schuman
Director | Advisory Committee on Transparency
Policy Counsel | The Sunlight Foundation

(b) (6)

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 1:36 PM
To: Columbus, Eric (ODAG)
Subject: RE: (b) (5)

Eric (b)(5)

I let them know that I would confer with you and that we would be back in touch later with our thoughts. Whenever it is convenient for you later in the week, we can talk. Just let me know.

Melanie

-----Original Message-----

From: Columbus, Eric (ODAG)
Sent: Monday, July 16, 2012 5:49 PM
To: Pustay, Melanie A (OIP)
Subject: FW: (b) (5)

(b)(5)
I'm generally available tomorrow but let's set up a time that works for you so I can plan other calls around it. Thx.

-----Original Message-----

From: Starzak, Alissa, Ms, DoD GC (b) (6)
Sent: Friday, June 29, 2012 2:55 PM
To: Pustay, Melanie A (OIP); Columbus, Eric (ODAG)
Cc: Cover, Robert, Mr, DoD OGC; D'Amato, Paul, Mr, DoD OGC; Kammer, William CIV WHS/ESD; Hogan, James CIV WHS/ESD; Aly, Stewart, Mr, DoD OGC; Hargrave, Caryn, Ms, DoD OGC; Eanes, Jeff W CIV OSD ODAM/O&MP
Subject: (b) (5)

Melanie, Eric --

(b)(5)

We would recommend setting up a conference call to discuss sometime in the near future. Please let us know what works for you.

Thank you --
Alissa

Alissa Starzak
Deputy General Counsel (Legislation)
Department of Defense
(b) (6) - Direct
(b) (6) - Main Office
(b) (6)

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Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 17, 2012 3:59 PM
To: Brinkmann, Vanessa R (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA.gov initiatives

sure

From: Brinkmann, Vanessa R (OIP)
Sent: Tuesday, July 17, 2012 3:10 PM
To: Mallon, Carmen L (OIP); Pustay, Melanie A (OIP)
Subject: Fw: FOIA.gov initiatives

should I see if Jake can make the 12?

From: Mallon, Carmen L (OIP)
Sent: Tuesday, July 17, 2012 02:49 PM
To: Russo, Tracy (OPA); Brinkmann, Vanessa R (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: Re: FOIA.gov initiatives

How about 12:00?

From: Russo, Tracy (OPA)
Sent: Tuesday, July 17, 2012 02:34 PM
To: Brinkmann, Vanessa R (OIP); Mallon, Carmen L (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: Re: FOIA.gov initiatives

I can do before. I have opa senior staff meeting at 2pm.

From: Brinkmann, Vanessa R (OIP)
Sent: Tuesday, July 17, 2012 02:33 PM
To: Russo, Tracy (OPA); Mallon, Carmen L (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA.gov initiatives

Tracy – maybe we can also talk about the FOIA Guide after our OLC meeting in addition to FOIA.Gov items? We had to cancel our meeting on that a ways back so this seems like a good opportunity to revisit it.

From: Russo, Tracy (OPA)
Sent: Monday, July 16, 2012 12:01 PM
To: Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA.gov initiatives

I am free on Thursday before 1 or after 3.

From: Mallon, Carmen L (OIP)
Sent: Monday, July 16, 2012 11:47 AM
To: Brinkmann, Vanessa R (OIP); Russo, Tracy (OPA)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA.gov initiatives

Anytime Thursday is good for Melanie and me.

From: Brinkmann, Vanessa R (OIP)
Sent: Monday, July 16, 2012 8:28 AM
To: Mallon, Carmen L (OIP); Russo, Tracy (OPA)
Cc: Pustay, Melanie A (OIP)
Subject: Re: FOIA.gov initiatives

Yes and I can propose times to OLC once I know what is best for you all. I am open that day.

From: Mallon, Carmen L (OIP)
Sent: Monday, July 16, 2012 08:24 AM
To: Brinkmann, Vanessa R (OIP); Russo, Tracy (OPA)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA.gov initiatives

If Thursday works for everyone perhaps we could set up a time.

From: Brinkmann, Vanessa R (OIP)
Sent: Friday, July 13, 2012 12:09 PM
To: Russo, Tracy (OPA); Mallon, Carmen L (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: Re: FOIA.gov initiatives

Tracy, if you are free to meet on the OLC opinion matter on Thursday, perhaps we could do it before or after that?

From: Russo, Tracy (OPA)
Sent: Friday, July 13, 2012 11:59 AM
To: Mallon, Carmen L (OIP)
Cc: Pustay, Melanie A (OIP); Brinkmann, Vanessa R (OIP)
Subject: RE: FOIA.gov initiatives

Let's get some time next week to dig in? I am very open all week.

From: Mallon, Carmen L (OIP)
Sent: Thursday, July 12, 2012 5:52 PM
To: Russo, Tracy (OPA)
Cc: Pustay, Melanie A (OIP); Brinkmann, Vanessa R (OIP)
Subject: FOIA.gov initiatives

Tracy,

In an effort to keep the ball rolling on our FOIA.gov wish list, I'm circling back regarding the following two priority items:

- (b)(5) [REDACTED]
- (b)(5) [REDACTED]

Let us know when you have some time to chat –

Thanks much,

Carmen

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Wednesday, July 18, 2012 11:21 AM
To: Montgomery, Sarah M (OAAG)
Subject: RE: NDLOM ruling on FOIA searches-- not sure if you have seen this yet

No I haven't seen it yet -- thanks for sending it on.

From: Montgomery, Sarah M (OAAG)
Sent: Wednesday, July 18, 2012 10:48 AM
To: Pustay, Melanie A (OIP)
Subject: NDLOM ruling on FOIA searches-- not sure if you have seen this yet

<< File: National_Day_Laborer_nysd_10-3488.pdf >>

Sarah Michaels Montgomery
DOJ Senior Litigation Counsel for E-Discovery
Office of the Associate Attorney General
950 Pennsylvania Ave., N.W.
RFK Main Justice Building, Room 5738
Washington, D.C. 20530
(O) 202.514.8357
(b) (6)
Sarah.M.Montgomery@usdoj.gov

Pustay, Melanie A (OIP)

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 19, 2012 7:20 PM
To: Russo, Tracy (OPA)
Subject: Re: Invitation: Discuss FOIA Module capabilities (Jul 25 03:00 PM EDT in OIC Conference Room Yellowstone 6122/DC-CCW-OEI@EPA)

Thanks!

Sent from Blackberry

From: Russo, Tracy (OPA)
Sent: Thursday, July 19, 2012 07:08 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP); Talebian, Bobak (OIP); Bishop-Green, Jacob (OIP); Brinkmann, Vanessa R (OIP)
Subject: RE: Invitation: Discuss FOIA Module capabilities (Jul 25 03:00 PM EDT in OIC Conference Room Yellowstone 6122/DC-CCW-OEI@EPA)

Adding to my calendar

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 19, 2012 7:06 PM
To: Mallon, Carmen L (OIP); Talebian, Bobak (OIP); Bishop-Green, Jacob (OIP); Brinkmann, Vanessa R (OIP); Russo, Tracy (OPA)
Subject: FW: Invitation: Discuss FOIA Module capabilities (Jul 25 03:00 PM EDT in OIC Conference Room Yellowstone 6122/DC-CCW-OEI@EPA)

Fyi -- (b) (5)

[REDACTED]

-----Original Appointment-----

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 19, 2012 3:24 PM
To: 'Tim Crawford/DC/USEPA/US'
Cc: Deklotz, Patrick (OIP); Miriam Nisbet (miriam.nisbet@nara.gov); Joey Hutcherson
Subject: Accepted: Invitation: Discuss FOIA Module capabilities (Jul 25 03:00 PM EDT in OIC Conference Room Yellowstone 6122/DC-CCW-OEI@EPA)
When: Wednesday, July 25, 2012 3:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

Tim, (b)(5)

[REDACTED]

(b)(5)

[Redacted text block containing approximately 15 lines of information]

Thanks –

Melanie

Pustay, Melanie A (OIP)

From: Chilakamarri, Varudhini (OASG)
Sent: Tuesday, July 24, 2012 1:04 PM
To: Mallon, Carmen L (OIP)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA Submission Validation Application (BETA)

Thanks Carmen – the credit should go to JMD-CIO, but I'm glad that there's been progress on this front! Just out of curiosity, is it possible for me to see what the new tool looks like?

From: Mallon, Carmen L (OIP)
Sent: Tuesday, July 24, 2012 8:35 AM
To: Chilakamarri, Varudhini (OASG)
Cc: Pustay, Melanie A (OIP)
Subject: FW: FOIA Submission Validation Application (BETA)

Varu-

Once again, because of your support we have been able to make strides in this critical area of data collection for the FOIA Annual Report. Thanks so much!!!

Carmen

From: Deklotz, Patrick (OIP)
Sent: Friday, June 29, 2012 5:03 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: FW: FOIA Submission Validation Application (BETA)

I was not overstating my reaction – it is a very simple-to-use tool and while we will likely need to ask for a couple of changes as I test this, it is going to save significant time on our review and should greatly cut down on the back-and-forth with components. At a minimum, I think this saves us eighty solid hours of time, but maybe significantly more. The user-friendliness of the tool also means that components should easily be able to fix their own data before it comes to OIP in the first place, placing much greater responsibility with each office for getting its data in order.

From: Deklotz, Patrick (OIP)
Sent: Friday, June 29, 2012 4:08 PM
To: Boriso, Ed
Cc: Kachursky, Robert (JMD); Jenkins, Karen R. (JMD); Sharma, Ashok K (JMD); Barron, Keith (JMD); Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: RE: FOIA Submission Validation Application (BETA)

Ed,

I still need to perform a lot of testing, but this is amazing and exactly the sort of tool that we had in mind! I believe this is going to save a significant amount of time, which will allow for us to be able to publish the Department's Report more quickly, and help to ensure that the data is as accurate as possible.

Thank you again, and I will get back to you next week with more detailed comments.

Patrick

From: Boriso, Ed
Sent: Friday, June 29, 2012 3:37 PM
To: Deklotz, Patrick (OIP)
Cc: Kachursky, Robert (JMD); Jenkins, Karen R. (JMD); Sharma, Ashok K (JMD); Barron, Keith (JMD)
Subject: FOIA Submission Validation Application (BETA)

Dear Patrick,

Attached is a BETA application to do FOIA Submission Validation based upon the provided business rules. Please verify the application is processing the rules correctly and is what you are looking for. I tested the application against the attached spreadsheet (which I believe covers all the validation scenarios).

You will need to do the following:

- 1) Unzip the publish.zip file to your "Documents" folder
- 2) Double-click the "FOIAValidationApplication.application" under the "publish" folder
- 3) Accept the installation warning screen
- 4) Select the file to validate
- 5) Set start and end row (default is a start row of 4 which is the first row of data after the header and an end row of empty which will process the entire file)
- 6) Choose the output format (currently the MS Word format has some issues, so for now leave it as "Text")

The application will change the text of incorrect Excel cells to red (in the case of a missing entry the cell background is set to red). The application adds a new column (AB) which lists the issues for the row. The application also creates an output file in text or MSWord format (as previously denoted, the MSWord format has some issues).

When you test, please keep in mind that the validation rules will flag items such as '0' if it is valid entry (i.e. days), a 'space ' ' where a date should be, the string "NULL" where an automated output should be ". The system does not interpret incorrect input data.

<< File: publish.zip >>

Ed << File: bad.xlsx >>

Edward Boriso
IT Specialist
USDOJ/ESS/SDS
ed.boriso@usdoj.gov

Pustay, Melanie A (OIP)

From: Chilakamarri, Varudhini (OASG)
Sent: Tuesday, July 24, 2012 9:53 AM
To: Pustay, Melanie A (OIP)
Subject: RE: FOIA regs

Will do -- (b) (5)

From: Pustay, Melanie A (OIP)
Sent: Monday, July 23, 2012 3:33 PM
To: Chilakamarri, Varudhini (OASG)
Cc: Mallon, Carmen L (OIP); Smith, Caroline A (OIP)
Subject: FOIA regs

Varu -- (b) (5)



Thanks --

Melanie

Pustay, Melanie A (OIP)

From: Smith, Caroline A (OIP)
Sent: Tuesday, July 24, 2012 3:06 PM
To: Pustay, Melanie A (OIP)
Cc: McLeod, Janice G (OIP)
Subject: RE: OAG 140 - OIP final FOIA rule

Miriam responded that she would review – so she is back at ODAG.

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 24, 2012 3:05 PM
To: Smith, Caroline A (OIP)
Cc: McLeod, Janice G (OIP)
Subject: RE: OAG 140 - OIP final FOIA rule

Thanks – Miriam Vogel had moved over to the WH, so unless she has come back to ODAG, Bob will need to send it to someone else in ODAG. Can you let him know that?

From: Smith, Caroline A (OIP)
Sent: Tuesday, July 24, 2012 12:59 PM
To: Pustay, Melanie A (OIP)
Cc: McLeod, Janice G (OIP)
Subject: FW: OAG 140 - OIP final FOIA rule

From Bob -

From: Hinchman, Robert (OLP)
Sent: Tuesday, July 24, 2012 12:54 PM
To: Moran, Molly (OAG); Vogel, Miriam (ODAG)
Cc: Chilakamarri, Varudhini (OASG); Jones, Kevin R (OLP); Smith, Caroline A (OIP); Baker, Lamar W. (OLP)
Subject: RE: OAG 140 - OIP final FOIA rule

TO: OAG – Molly Moran
DAG – Miriam Vogel

cc: ASG – Varu Chilakamarri
OIP – Caroline Smith
OLP – Kevin R. Jones, Lamar Baker

Molly, Miriam,

Varu in the Associate's Office has approved (b) (5) OIP's Final FOIA rule.

(b) (5)

(b) (5)

Please let me know at your convenience.

Thanks.

Bob

From: Chilakamarri, Varudhini (OASG)
Sent: Tuesday, July 24, 2012 12:22 PM
To: Hinchman, Robert (OLP)
Cc: Jones, Kevin R (OLP); Baker, Lamar W. (OLP)
Subject: RE: OAG 140 - OIP final FOIA rule

(b) (5)

Thanks,
Varu

From: Hinchman, Robert (OLP)
Sent: Thursday, June 21, 2012 4:57 PM
To: Moran, Molly (OAG); Chilakamarri, Varudhini (OASG); Hertz, Jessica (ODAG)
Cc: Jones, Kevin R (OLP); Baker, Lamar W. (OLP)
Subject: OAG 140 - OIP final FOIA rule

TO: OAG – Molly Moran
DAG – Jessica Hertz
ASG – Varu Chilakamarri

cc: OLP – Kevin R. Jones, Lamar Baker

The attached final rule "*Revision of Department's Freedom of Information Act Regulations*" (OAG 140) finalizes with changes a proposed rule on this subject that was published on March 21, 2011 (76 FR 15236). The Department's FOIA regulations are being revised to update and streamline the language of several procedural provisions, and to incorporate changes brought about by the amendments to the FOIA under the OPEN Government Act of 2007. Additionally, the regulations are being updated to reflect developments in the case law and to include current cost figures to be used in calculating and charging fees.

OIP's discussion of the fifteen comments it received during the two public comment periods and its responses thereto are set forth on pp. 3-20 of the attached rule. Briefly, comments were received concerning the rule's: 1) fee-related provisions; 2) exclusion provisions; 3) requirements for making a request; 4) responsibility for responding to requests; 5) timing of responses to requests; 6) responses to requests; 7)

confidential commercial information; 8 administrative appeals; 9) preservation of records; and on other miscellaneous matters.

Please let me know if you have any comments or concerns with this rule or whether OLP may submit this rule to OMB for review pursuant to Executive Order 12866.

Thanks.

Bob

<< File: oag140 2012_06_14.doc >>

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Tuesday, July 24, 2012 4:07 PM
To: Chilakamarri, Varudhini (OASG)
Cc: Pustay, Melanie A (OIP)
Subject: FW: FOIA Submission Validation Application (BETA)
Attachments: publish.zip; FY-12 Excel 2007 Raw Data Spreadsheet 5-2012.xlsx; List of Errors caught by tool.txt; OLC, with Errors flagged by data validation tool.xlsx

Varu-

You should be able to access the application using the instructions below.

Carmen

From: Deklotz, Patrick (OIP)
Sent: Tuesday, July 24, 2012 2:38 PM
To: Mallon, Carmen L (OIP)
Subject: FW: FOIA Submission Validation Application (BETA)

Carmen, the file is attached.

Here are the instructions for use from JMD:

- 1) Unzip the publish.zip file to your "Documents" folder
- 2) Double-click the "FOIAValidationApplication.application" under the "publish" folder
- 3) Accept the installation warning screen
- 4) Select the file (Excel Spreadsheet) to validate
- 5) Set start and end row (default is a start row of 4 which is the first row of data after the header and an end row of empty which will process the entire file)

Even these instructions make it appear more complicated than it really is. Once the files have been extracted to the computer, one only need open the program, select the spreadsheet they wish to validate, and hit "Start," so long as the component is using a correctly formatted spreadsheet. The tool produces both a marked up version of the spreadsheet (with validation errors noted in red – and the specific errors listed in column AB of the spreadsheet), and either a Word or text list of all the errors. Attached is an example of one of the submissions from the recent data call.

Pustay, Melanie A (OIP)

From: Russo, Tracy (OPA)
Sent: Wednesday, July 25, 2012 1:27 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP); Bishop-Green, Jacob (OIP); Deklotz, Patrick (OIP)
Subject: RE: FOIA Module Meeting

I will meet you at EPA

From: Pustay, Melanie A (OIP)
Sent: Tuesday, July 24, 2012 2:44 PM
To: Russo, Tracy (OPA)
Cc: Mallon, Carmen L (OIP); Bishop-Green, Jacob (OIP); Deklotz, Patrick (OIP)
Subject: RE: FOIA Module Meeting

Tracy – will you be coming to the meeting with EPA re their module tomorrow? Here is a list of issues we identified for discussion.

From: Deklotz, Patrick (OIP)
Sent: Tuesday, July 24, 2012 12:59 PM
To: Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP); Bishop-Green, Jacob (OIP)
Subject: FOIA Module Meeting

Melanie,

Would you like to discuss anything in advance of tomorrow's meeting regarding the Module?

<< File: Possible Items to Discuss at Meeting.docx >>

Thank you,
Patrick

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Monday, July 30, 2012 8:03 AM
To: Pustay, Melanie A (OIP); McLeod, Janice G (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Impressive!

From: Pustay, Melanie A (OIP)
Sent: Thursday, July 26, 2012 2:58 PM
To: McLeod, Janice G (OIP)
Cc: Mallon, Carmen L (OIP)
Subject: FW: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Fyi re Caroline --

From: Mar, Sharon [(b) (6)]
Sent: Thursday, July 26, 2012 1:30 PM
To: Smith, Caroline A (OIP); Pustay, Melanie A (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Thanks for the speedy review!

Sharon Mar
Policy Analyst
OMB|Office of Information and Regulatory Affairs
[(b) (6)]


From: Smith, Caroline A (OIP) [<mailto:Caroline.A.Smith@usdoj.gov>]
Sent: Thursday, July 26, 2012 11:23 AM
To: Mar, Sharon; Pustay, Melanie A (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Hi Sharon,

[(b) (5)]



Please feel free to contact me if you have any questions – [(b) (6)]



Caroline

Caroline A. Smith

Attorney Advisor
Office of Information Policy
U.S. Department of Justice
202-514-8858
fax: 202-514-1009

From: Mar, Sharon (b) (6) [redacted]
Sent: Monday, July 23, 2012 2:52 PM
To: Pustay, Melanie A (OIP)
Cc: Smith, Caroline A (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

We usually do a week of informal review.

Sharon Mar
Policy Analyst
OMB|Office of Information and Regulatory Affairs
(b) (6) [redacted]

From: Pustay, Melanie A (OIP) [mailto:Melanie.A.Pustay@usdoj.gov]
Sent: Monday, July 23, 2012 2:49 PM
To: Mar, Sharon
Cc: Smith, Caroline A (OIP)
Subject: RE: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Hi Sharon – We can certainly take a look. I am copying here our FOIA regulations expert Caroline Smith, who will review NCPC's draft. How firm is the comment time?

Melanie

From: Mar, Sharon (b) (6) [redacted]
Sent: Monday, July 23, 2012 1:47 PM
To: Pustay, Melanie A (OIP)
Subject: OIRA request for comments by 7/27 COB: NCPC Draft FOIA Regulations

Melanie,

Wanted to send along NCPC's Draft FOIA rules since they have not updated them in a long time. Although NCPC is not subject to our EO review, might you be able to take a look at these and provide comments?

Please let me know if there are any issues by the close of the week.

Thanks,

Sharon Mar
Policy Analyst
OMB|Office of Information and Regulatory Affairs
(b) (6) [redacted]

From: Schuyler, Anne R. (b) (6)
Sent: Thursday, July 19, 2012 10:55 AM
To: Mar, Sharon
Cc: Socks, Barry S.; Mahmud, Natalia
Subject: NCPD Draft FOIA Regulations

Sharon: Attached please find a (b) (5)

[REDACTED]

Regards,
Anne Schuyler

Caution: This message may contain information protected from disclosure by attorney-client and/or attorney work product privileges or by other applicable laws, regulations or orders. Do not disseminate without the approval of the Office of General Counsel. If you have received this message in error, please notify the sender by reply e-mail and delete all copies of this message.



The Federal Planning Agency for the Nation's Capital

Anne R. Schuyler | General Counsel

National Capital Planning Commission

401 9th Street, NW Suite 500 | Washington, DC 20004

Direct: (b) (6) Main (202) 482-7200 | Mobile: (b) (6)

E-mail: (b) (6) www.ncpc.gov

Please consider the environment before printing this email

Pustay, Melanie A (OIP)

From: Gunn, Currie (OAAG)
Sent: Thursday, August 02, 2012 4:42 PM
To: Mallon, Carmen L (OIP); Chilakamarri, Varudhini (OASG)
Cc: Pustay, Melanie A (OIP); Brinkmann, Vanessa R (OIP); Hibbard, Douglas (OIP); Day, Laurie (OIP); Alvarez, Greg (OIP); Smith, Natasha C. (OIP)
Subject: RE: FOIA Actions Pending in the Office of the Associate Attorney General

All,

We are working very diligently on getting these all complete. I did receive word today from Valeree Villanueava that the memo dated May 29 from Daniel Epstein has been closed. Any searches in progress can be canceled. We can check that one off. ☺

Unfortunately, this is the vacation season so, some may be away from the office. To help speed this process along, I am also doing searches some that need my assistance. I will keep you updated.

Thanks
Currie

From: Mallon, Carmen L (OIP)
Sent: Thursday, August 02, 2012 1:54 PM
To: Chilakamarri, Varudhini (OASG); Gunn, Currie (OAAG)
Cc: Pustay, Melanie A (OIP); Brinkmann, Vanessa R (OIP); Hibbard, Douglas (OIP); Day, Laurie (OIP); Alvarez, Greg (OIP); Smith, Natasha C. (OIP)
Subject: FOIA Actions Pending in the Office of the Associate Attorney General

Varu/Currie-

As you know, we are nearing the end of the fiscal year and have a number of priority requests that we need to close to show success in closing the ten oldest requests in OASG and also to show backlog reduction. These Department statistics will be publicly reported in our Annual FOIA Report so we want to be able to show a very successful year. Accordingly, we wanted to bring to your attention the current FOIA actions pending in your office. Whatever you can do to help us move these actions along would be very much appreciated and please don't hesitate to let me know if there is anything I can do to help.

Thanks,
Carmen

<< File: 7.27.12.docx >>

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Monday, August 06, 2012 10:30 AM
To: Columbus, Eric (ODAG)
Cc: Pustay, Melanie A (OIP)
Subject: RE: OAG 140 - OIP final FOIA rule
Attachments: CFR.pdf

Hi Eric-

I just left you a v-mail message to let you know that unfortunately we do not have a redline version that shows the changes to the regs from their current form to the proposed updated version. Probably the best way to compare them would be to view the current regs, which I have attached, with the new proposed regs. Would this work?

Thanks,
Carmen

From: Pustay, Melanie A (OIP)
Sent: Thursday, August 02, 2012 7:23 PM
To: Columbus, Eric (ODAG)
Cc: Mallon, Carmen L (OIP)
Subject: RE: OAG 140 - OIP final FOIA rule

Eric -- we have looked thru Caroline's directory and we don't have a redline that shows the changes to the regs from their current form to this final form. What we sent you was the redline of the changes from the proposed version and the final version after integration of public comment. If you can wait until Monday, Caroline will be back and she can create a comparison for you. Will that work?

Thanks –
Melanie

From: Columbus, Eric (ODAG)
Sent: Wednesday, August 01, 2012 9:31 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Cc: Hinchman, Robert (OLP); Burrows, Charlotte (ODAG); Smith, Caroline A (OIP); Moran, Molly (OAG); Greenfeld, Helaine (OAG); McLeod, Janice G (OIP); Jones, Kevin R (OLP)
Subject: FW: OAG 140 - OIP final FOIA rule

Melanie/Carmen – I received out-of-office auto-replies from Janice and Caroline – might one of you be able to provide the redlines referenced below? Thx.

Eric

From: Columbus, Eric (ODAG)
Sent: Wednesday, August 01, 2012 9:27 PM
To: Hinchman, Robert (OLP); Burrows, Charlotte (ODAG)
Cc: Smith, Caroline A (OIP); Moran, Molly (OAG); Greenfeld, Helaine (OAG); McLeod, Janice G (OIP); Jones, Kevin R (OLP)
Subject: RE: OAG 140 - OIP final FOIA rule

Thanks so much, Bob, and sorry for the mixup on our end. Caroline/Janice (or Bob if he has it) – when you get a chance, could you provide me with (1) a redline of the final rule compared to the proposed rule, and (2) a redline of the final rule compared to the current version of our FOIA reg. Thanks.

Eric

From: Hinchman, Robert (OLP)
Sent: Wednesday, August 01, 2012 1:03 PM
To: Columbus, Eric (ODAG); Burrows, Charlotte (ODAG)
Cc: Smith, Caroline A (OIP); Moran, Molly (OAG); Greenfeld, Helaine (OAG); McLeod, Janice G (OIP); Jones, Kevin R (OLP); Vogel, Miriam (ODAG)
Subject: FW: OAG 140 - OIP final FOIA rule

TO: DAG – Eric Columbus, Charlotte Burrows

cc: OAG – Molly Moran, Helaine Greenfeld
DAG – Miriam Vogel
OIP – Janice McLeod, Caroline Smith
OLP – Kevin R. Jones

Eric, Charlotte,

Miriam Vogel concurred in the OIP FOIA rule for ODAG and Varu Chilakamarri for OASG. (Please see the highlighted text below.)

I didn't realize that both of you should also have received the rule. I've attached a copy for your convenience.

It is my understanding that Molly added Helaine to the review of this rule in OAG.

Please let me know if you need anything further.

Thanks.

Bob

From: Columbus, Eric (ODAG)
Sent: Wednesday, August 01, 2012 12:55 PM
To: Hinchman, Robert (OLP)
Cc: Burrows, Charlotte (ODAG)
Subject: OIP draft FOIA regulations

Bob,

OIP's weekly report says that OASG has signed off on the revised FOIA regs and that it's awaiting review by ODAG and then OAG. Is that accurate? Charlotte and I (who handle OIP/FOIA issues in ODAG) haven't seen it yet. Thanks.

Eric

= = = = =

From: Moran, Molly (OAG)
Sent: Thursday, July 26, 2012 11:37 PM
To: Vogel, Miriam (ODAG); Hinchman, Robert (OLP)
Cc: Chilakamarri, Varudhini (OASG); Jones, Kevin R (OLP); Smith, Caroline A (OIP); Baker, Lamar W. (OLP); Greenfeld, Helaine (OAG)
Subject: Re: OAG 140 - OIP final FOIA rule

+ Helaine.

From: Vogel, Miriam (ODAG)
Sent: Thursday, July 26, 2012 05:11 PM
To: Hinchman, Robert (OLP); Moran, Molly (OAG)
Cc: Chilakamarri, Varudhini (OASG); Jones, Kevin R (OLP); Smith, Caroline A (OIP); Baker, Lamar W. (OLP)
Subject: RE: OAG 140 - OIP final FOIA rule

I have reviewed (scanned, actually) and didn't notice any points of concern. I have no comments or edits to propose. Thanks for the opportunity to review.

Miriam

From: Hinchman, Robert (OLP)
Sent: Tuesday, July 24, 2012 2:44 PM
To: Vogel, Miriam (ODAG); Moran, Molly (OAG)
Cc: Chilakamarri, Varudhini (OASG); Jones, Kevin R (OLP); Smith, Caroline A (OIP); Baker, Lamar W. (OLP)
Subject: RE: OAG 140 - OIP final FOIA rule

Miriam,

Here you are.

Thanks.

Bob

<< File: oag140 2012_06_14.doc >>

From: Vogel, Miriam (ODAG)
Sent: Tuesday, July 24, 2012 2:41 PM

To: Hinchman, Robert (OLP); Moran, Molly (OAG)
Cc: Chilakamarri, Varudhini (OASG); Jones, Kevin R (OLP); Smith, Caroline A (OIP); Baker, Lamar W. (OLP)
Subject: RE: OAG 140 - OIP final FOIA rule

I'd be happy to review. Could you provide the attachment? Thanks.

From: Hinchman, Robert (OLP)
Sent: Tuesday, July 24, 2012 12:54 PM
To: Moran, Molly (OAG); Vogel, Miriam (ODAG)
Cc: Chilakamarri, Varudhini (OASG); Jones, Kevin R (OLP); Smith, Caroline A (OIP); Baker, Lamar W. (OLP)
Subject: RE: OAG 140 - OIP final FOIA rule

TO: OAG – Molly Moran

DAG – Miriam Vogel

cc: ASG – Varu Chilakamarri

OIP – Caroline Smith

OLP – Kevin R. Jones, Lamar Baker

Molly, Miriam,

Varu in the Associate's Office has approved (b) (5) OIP's Final FOIA rule.

(b) (5)

(b) (5)

Please let me know at your convenience.

Thanks.

Bob

From: Chilakamarri, Varudhini (OASG)
Sent: Tuesday, July 24, 2012 12:22 PM
To: Hinchman, Robert (OLP)
Cc: Jones, Kevin R (OLP); Baker, Lamar W. (OLP)
Subject: RE: OAG 140 - OIP final FOIA rule

(b) (5)

Thanks,

Varu

From: Hinchman, Robert (OLP)
Sent: Thursday, June 21, 2012 4:57 PM
To: Moran, Molly (OAG); Chilakamarri, Varudhini (OASG); Hertz, Jessica (ODAG)
Cc: Jones, Kevin R (OLP); Baker, Lamar W. (OLP)
Subject: OAG 140 - OIP final FOIA rule

TO: OAG – Molly Moran

DAG – Jessica Hertz

ASG – Varu Chilakamarri

cc: OLP – Kevin R. Jones, Lamar Baker

The attached final rule "*Revision of Department's Freedom of Information Act Regulations*" (OAG 140) finalizes with changes a proposed rule on this subject that was published on March 21, 2011 (76 FR 15236). The Department's FOIA regulations are being revised to update and streamline the language of several procedural provisions, and to incorporate changes brought about by the amendments to the FOIA under the OPEN Government Act of 2007. Additionally, the regulations are being updated to reflect developments in the case law and to include current cost figures to be used in calculating and charging fees.

OIP's discussion of the fifteen comments it received during the two public comment periods and its responses thereto are set forth on pp. 3-20 of the attached rule. Briefly, comments were received concerning the rule's: 1) fee-related provisions; 2) exclusion provisions; 3) requirements for making a request; 4) responsibility for responding to requests; 5) timing of responses to requests; 6) responses to requests; 7) confidential commercial information; 8 administrative appeals; 9) preservation of records; and on other miscellaneous matters.

Please let me know if you have any comments or concerns with this rule or whether OLP may submit this rule to OMB for review pursuant to Executive Order 12866.

Thanks.

Bob

<< File: oag140 2012_06_14.doc >>

Pustay, Melanie A (OIP)

From: Russo, Tracy (OPA)
Sent: Tuesday, August 07, 2012 3:58 PM
To: Pustay, Melanie A (OIP)
Subject: Re: FYI: Blog for FOIA Assessments

Great! Thanks.

From: Pustay, Melanie A (OIP)
Sent: Tuesday, August 07, 2012 03:57 PM
To: Russo, Tracy (OPA)
Subject: RE: FYI: Blog for FOIA Assessments

Tracy - I elaborated on the sentence, as shown by the new version below:

At the same time, the assessment shows that there are areas where further improvements can be made. For example, while sixty-six agencies either had no backlog of pending requests or were able to reduce an existing backlog, there were others whose backlogs increased. Similarly, while sixty-eight agencies closed all of their ten oldest pending requests, or had none pending to close, there were others who did not meet this milestone.

From: Russo, Tracy (OPA)
Sent: Tuesday, August 07, 2012 3:06 PM
To: Pustay, Melanie A (OIP)
Subject: Fw: FYI: Blog for FOIA Assessments

?

From: Chitre, Nanda (OPA)
Sent: Tuesday, August 07, 2012 02:40 PM
To: Russo, Tracy (OPA)
Subject: RE: FYI: Blog for FOIA Assessments

I think we should provide some links to materials. (b) (5) [REDACTED]

[REDACTED]

In the WashPost piece its says:

The federal government was more likely last year than in 2010 to use the act's exemptions to refuse information. And the government overall had a bigger backlog of requests at the end of 2011 than at the start, largely because of 30,000 more pending requests to the Department of Homeland Security.

From: Russo, Tracy (OPA)
Sent: Tuesday, August 07, 2012 1:52 PM
To: Chitre, Nanda (OPA)
Subject: FYI: Blog for FOIA Assessments

Melanie is going to post this on OIP's blog and I will cross-post to ours.

Thanks.

Tracking Agency Progress to Implement the FOIA Guidelines

As a part of his 2009 FOIA Guidelines, Attorney General Holder directed the Chief FOIA Officers at each agency to review "all aspects of their agencies' FOIA administration" and to report annually to the Justice Department on the steps taken "improve FOIA operations and facilitate information disclosure." These "Chief FOIA Officer Reports" provide descriptions of the steps agencies have taken to improve FOIA administration and serve as a complement to the agencies' Annual FOIA Reports, which contain detailed statistics on the numbers of requests received and processed during the preceding fiscal year.

Last year, the Office of Information Policy (OIP) conducted an assessment of the progress made in FOIA administration by the fifteen executive departments. OIP identified metrics for assessment, such as improvements to efficiency and reduction in backlogs, and then used data from both agency Annual FOIA Reports and Chief FOIA Officer Reports to score the agencies on their progress in those areas.

For 2012, we have expanded the assessment to include all ninety-nine agencies subject to the FOIA in fiscal year 2011. We also have changed several of the metrics, taking into account the progress that has already been made in implementing the FOIA Guidelines to make the assessment progressively more challenging.

For 2012, we have also prepared a narrative to accompany the assessment. The narrative provides a wealth of examples from large and small agencies of the improvements that have been made to help improve the FOIA process. Lastly, OIP has included guidance to agencies to assist them in making additional improvements in the years ahead.

The 2012 assessment provides a "visual snapshot" of agency activities in five key areas, including:

- applying the presumption of openness,
- increasing efficiencies,
- making information available proactively,
- using technology, and
- reducing backlogs and improving timeliness.

The assessment is meant to “readily [illustrate] the many areas where agencies have made real progress and also serves to highlight the areas where further improvement can be made.” Notably, our review found that:

Agencies continue to make concrete progress in implementing the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. The 2012 assessment shows that agencies are applying the presumption of openness, are taking steps to ensure that they have effective systems in place for responding to requests, are increasing both the content on their websites and its usability, and are offering requesters the opportunity to submit requests electronically.

(b) (5)

By assessing agencies on a wide variety of factors that all contribute to improving information disclosure, the public, as well as the agencies themselves, can readily see where agencies have excelled, and where further work can still be done, in improving the administration of the FOIA.

You can access the 2012 Chief FOIA Officer Report Summary and Assessment, along with summaries from previous years, success stories from the Chief FOIA Officer Reports, and the Reports themselves on our Reports page.

tracy j. russo

new media @ the department of justice

202.353.0173 (o) | (b) (6) (bb)

tracy.russo@usdoj.gov

"the place of justice is a hallowed place." -f.b.

Pustay, Melanie A (OIP)

From: Robinson, Tonya (b) (6)
Sent: Tuesday, August 07, 2012 9:05 PM
To: Pustay, Melanie A (OIP); Kohn, Lisa; Gregg, Remington A.
Subject: Re: OIP's FOIA assessment is now posted

Melanie, you really did an awesome job. Many thanks for being so accommodating.

All the best,
Tonya

Tonya Robinson
Domestic Policy Council
(b) (6)

From: Pustay, Melanie A (OIP) (b) (6)
Sent: Tuesday, August 07, 2012 05:55 PM
To: Kohn, Lisa; Gregg, Remington A.; Robinson, Tonya
Subject: RE: OIP's FOIA assessment is now posted

Thanks very much. I felt that we had a good conversation with the stakeholders as well. I really think the face to face works best. So we'll see how things go.

And, I'm always happy to continue to partner on these issues –
Thanks again -

Melanie

From: Kohn, Lisa (b) (6)
Sent: Tuesday, August 07, 2012 5:52 PM
To: Gregg, Remington A.; Pustay, Melanie A (OIP); Robinson, Tonya
Subject: RE: OIP's FOIA assessment is now posted

Yes, thanks very much Melanie, and I completely echo Remington. The stakeholders seemed to greatly appreciate the heads up and the opportunity for a constructive dialogue.

Thanks again for all of your work on this, and we'll look forward to continuing to partner with you on these issues.

Best,
Lisa

From: Gregg, Remington A.
Sent: Tuesday, August 07, 2012 5:47 PM
To: Pustay, Melanie A (OIP); Kohn, Lisa; Robinson, Tonya
Subject: RE: OIP's FOIA assessment is now posted

Wonderful. Thanks much, Melanie. And great work yesterday.

From: Pustay, Melanie A (OIP) [\(b\) \(6\)](#)
Sent: Tuesday, August 07, 2012 5:40 PM
To: Kohn, Lisa; Robinson, Tonya; Gregg, Remington A.
Subject: OIP's FOIA assessment is now posted

Wanted to send you all the link to our FOIA Post blog announcing the posting of the assessment.
<http://blogs.justice.gov/oip/archives/798>

Melanie

Pustay, Melanie A (OIP)

From: Brinkmann, Vanessa R (OIP)
Sent: Monday, August 20, 2012 4:56 PM
To: Brinkley, Winnie (ODAG); Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Cc: Hibbard, Douglas (OIP); Day, Laurie (OIP); Smith, Natasha C. (OIP)
Subject: Re: Returning via interoffice mail Leven FOIA.

Thanks Winnie!

From: Brinkley, Winnie (ODAG)
Sent: Monday, August 20, 2012 04:52 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP)
Subject: Returning via interoffice mail Leven FOIA.

Winnie Brinkley

U.S. Department of Justice

Office of the Deputy Attorney General

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

Tel: (202) 514-2101 (main)

Tel: (202) 616-0656 (direct)

Fax: (202) 514-0467

Pustay, Melanie A (OIP)

From: Brinkmann, Vanessa R (OIP)
Sent: Thursday, August 23, 2012 8:26 AM
To: Brinkley, Winnie (ODAG); Pustay, Melanie A (OIP)
Cc: Mallon, Carmen L (OIP); Villanueva, Valeree A (OIP)
Subject: Re: FOIA Request

Fabulous!

From: Brinkley, Winnie (ODAG)
Sent: Thursday, August 23, 2012 08:23 AM
To: Pustay, Melanie A (OIP); Brinkmann, Vanessa R (OIP)
Subject: FW: FOIA Request

FYI.

Winnie Brinkley

From: Simms, Donna Y. (ODAG)
Sent: Wednesday, August 22, 2012 12:15 PM
To: Mallon, Carmen L (OIP)
Cc: Brinkley, Winnie (ODAG)
Subject: FOIA Request

Ms. Mallon:

On 8/22/12, David A. O'Neil, ADAG & COS, signed approving your FOIA request of Ali Beydoun. The original paperwork is being returned to OIP on 8/22/12, via interoffice mail.

Thanks.

Donna Y. Simms

Office of the Deputy Attorney General

U.S. Department of Justice

Washington, D.C. 20530

donna.y.simms@usdoj.gov

202.514.2073 - desk

202.514.9368 - fax

Pustay, Melanie A (OIP)

From: Hibbard, Douglas (OIP)
Sent: Tuesday, August 28, 2012 7:33 PM
To: Bishop-Green, Jacob (OIP); Pustay, Melanie A (OIP)
Subject: Re: FOIA Request of David Martosho of the Daily Caller

Jake,

Please send the Martosko release, including the documents, to Tracy for a final review.

From: Schmalder, Tracy (OPA)
Sent: Tuesday, August 28, 2012 07:22 PM
To: Pustay, Melanie A (OIP)
Cc: Hibbard, Douglas (OIP)
Subject: Re: FOIA Request of David Martosho of the Daily Caller

Great. I'll turn around quickly ... Just don't recall the docs.

From: Pustay, Melanie A (OIP)
Sent: Tuesday, August 28, 2012 07:21 PM
To: Schmalder, Tracy (OPA)
Cc: Hibbard, Douglas (OIP)
Subject: Re: FOIA Request of David Martosho of the Daily Caller

Sure -- we'll send them back down.

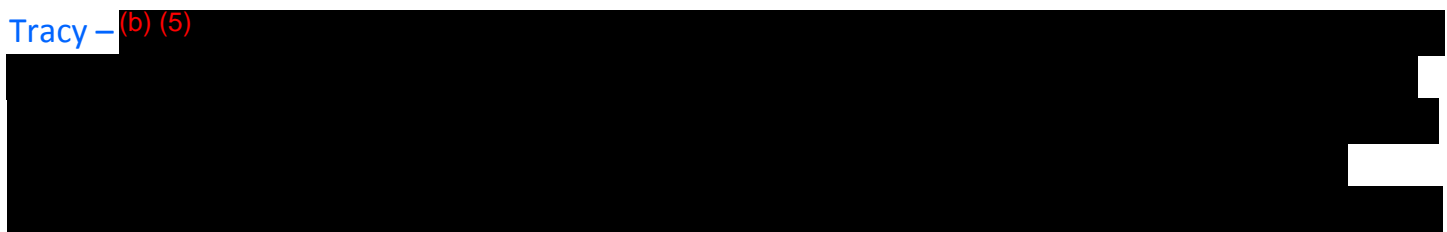
Sent from Blackberry

From: Schmalder, Tracy (OPA)
Sent: Tuesday, August 28, 2012 06:48 PM
To: Pustay, Melanie A (OIP)
Cc: Hibbard, Douglas (OIP)
Subject: Re: FOIA Request of David Martosho of the Daily Caller

Can I see the docs again?

From: Pustay, Melanie A (OIP)
Sent: Tuesday, August 28, 2012 06:34 PM
To: Schmalder, Tracy (OPA)
Cc: Hibbard, Douglas (OIP)
Subject: FW: FOIA Request of David Martosho of the Daily Caller

Tracy – (b) (5)



(b) (5)



Thanks –

Melanie

From: Hibbard, Douglas (OIP)
Sent: Tuesday, August 28, 2012 2:19 PM
To: Pustay, Melanie A (OIP)
Subject: FW: FOIA Request of David Martosho of the Daily Caller

From: Hibbard, Douglas (OIP)
Sent: Monday, August 13, 2012 1:38 PM
To: Schmalder, Tracy (OPA)
Cc: Bishop-Green, Jacob (OIP)
Subject: RE: FOIA Request of David Martosho of the Daily Caller

Tracy,

(b) (5)



Doug

From: Schmalder, Tracy (OPA)
Sent: Thursday, August 09, 2012 11:28 AM
To: Hibbard, Douglas (OIP)
Cc: Bishop-Green, Jacob (OIP)
Subject: RE: FOIA Request of David Martosho of the Daily Caller

Hi Doug- (b) (5)



(b) (5)




I will be out of the office next week, so if we could do a call before then, I'd appreciate it.

Tracy

From: Hibbard, Douglas (OIP)
Sent: Thursday, August 09, 2012 11:25 AM
To: Schmalder, Tracy (OPA)
Cc: Bishop-Green, Jacob (OIP)
Subject: FOIA Request of David Martosho of the Daily Caller

Ms. Schmalder,

(b) (5)



If you have any questions, please feel free to call me at 6-5461.

Doug

Pustay, Melanie A (OIP)

From: Talebian, Bobak (OIP)
Sent: Thursday, September 06, 2012 10:15 AM
To: Mallon, Carmen L (OIP); Russo, Tracy (OPA)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA Accomplishments March 2012

Tracy,

Thanks so much for holding off on sending this. I have now taken another look and attached is a clean copy which should have no other typos.

Thanks again,
Bobby



Clean Copy FOIA Accomplishments.docx

From: Mallon, Carmen L (OIP)
Sent: Thursday, September 06, 2012 8:13 AM
To: Talebian, Bobak (OIP); Russo, Tracy (OPA)
Cc: Pustay, Melanie A (OIP)
Subject: RE: FOIA Accomplishments March 2012

I just noticed a small typo in the first heading "Streamline" not "Steamline".

From: Talebian, Bobak (OIP)
Sent: Wednesday, September 05, 2012 5:45 PM
To: Russo, Tracy (OPA)
Cc: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)
Subject: FW: FOIA Accomplishments March 2012

Tracy,

We have updated the March 2012 FOIA Accomplishments bullet points for Bloomberg. The first attachment shows the changes that were made in track changes and the second attachment is a clean copy with all the changes accepted. Please do not hesitate to let me know if you have any questions or concerns.

Best,
Bobby

<< File: Redline FOIA Accomplishments.docx >> << File: Clean Copy FOIA Accomplishments.docx >>

From: Russo, Tracy (OPA)
Sent: Tuesday, September 04, 2012 4:38 PM

To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP)

Subject: FW: FOIA Accomplishments March 2012

(b) (5)



<< File: FOIA Accomplishments March 2012.docx >>

Pustay, Melanie A (OIP)

From: Montgomery, Sarah M (OAAG)
Sent: Thursday, September 06, 2012 6:59 PM
To: Pustay, Melanie A (OIP); Chilakamarri, Varudhini (OASG)
Cc: Mallon, Carmen L (OIP)
Subject: Re: FOIA e-discovery pilot

Thanks Melanie- (b) (5)

We are looking to meet the week of September 24th when I am in DC. Once the meeting is set, I will give you a call and we can talk some. Hope all is well with you! Sincerely, Sarah

From: Pustay, Melanie A (OIP)
Sent: Thursday, September 06, 2012 06:47 PM
To: Montgomery, Sarah M (OAAG); Chilakamarri, Varudhini (OASG)
Cc: Mallon, Carmen L (OIP)
Subject: FOIA e-discovery pilot

Sarah/Varu -- Attached is a very nice presentation that Civil gave us today summarizing the conclusion of our pilot comparing traditional, manual processing of FOIA requests with the far more sophisticated approach made possible by using e-discovery tools. The results are very amazing – as we totally expected they would be!

(b) (5)

Thanks –
Melanie

From: Bishop-Green, Jacob (OIP)
Sent: Thursday, September 06, 2012 4:09 PM
To: Pustay, Melanie A (OIP); Mallon, Carmen L (OIP); Brinkmann, Vanessa R (OIP); Alvarez, Greg (OIP)
Subject: FW: ppt

Today's presentation.

From: Stanton, Allison (CIV)
Sent: Thursday, September 06, 2012 2:13 PM
To: Bishop-Green, Jacob (OIP)
Subject: ppt

Here's the ppt. for today. Be up in a sec. Thanks!

Allison C. Stanton
Director of E-Discovery
Office of the Assistant Attorney General
Department of Justice - Civil Division
RFK Main Building
950 Pennsylvania Ave., NW
Washington, D.C. 20530
P: 202-514-8315
F: 202-305-3138
Allison.Stanton@usdoj.gov

Pustay, Melanie A (OIP)

From: Day, Laurie (OIP)
Sent: Friday, September 07, 2012 4:12 PM
To: Pustay, Melanie A (OIP)
Cc: Russo, Tracy (OPA); Deklotz, Patrick (OIP)
Subject: RE: Invitation to Demo of the FOIA Module: multi-agency shared service on Wednesday, Sept., 12, 2012 (9:00 - 12:00 EST)

Melanie,

(b) (5) Looks like this is their government roll-out since it is in the auditorium at Commerce. We can discuss next week.
Laurie

From: Russo, Tracy (OPA)
Sent: Friday, September 07, 2012 9:48 AM
To: Deklotz, Patrick (OIP); Day, Laurie (OIP)
Subject: RE: Invitation to Demo of the FOIA Module: multi-agency shared service on Wednesday, Sept., 12, 2012 (9:00 - 12:00 EST)

(b) (5)

From: Deklotz, Patrick (OIP)
Sent: Friday, September 07, 2012 9:48 AM
To: Russo, Tracy (OPA); Day, Laurie (OIP)
Subject: RE: Invitation to Demo of the FOIA Module: multi-agency shared service on Wednesday, Sept., 12, 2012 (9:00 - 12:00 EST)

Yes, that is correct.

From: Russo, Tracy (OPA)
Sent: Friday, September 07, 2012 9:47 AM
To: Deklotz, Patrick (OIP); Day, Laurie (OIP)
Subject: RE: Invitation to Demo of the FOIA Module: multi-agency shared service on Wednesday, Sept., 12, 2012 (9:00 - 12:00 EST)

(b) (5)

From: Deklotz, Patrick (OIP)
Sent: Friday, September 07, 2012 9:35 AM
To: Russo, Tracy (OPA); Day, Laurie (OIP)
Subject: FW: Invitation to Demo of the FOIA Module: multi-agency shared service on Wednesday, Sept., 12, 2012 (9:00 - 12:00 EST)

Good morning,

Melanie indicated that you may be interested in attending this demonstration. I will be viewing via the web access option.

Patrick
202.598.1619

From: Tim Crawford [mailto:(b) (6) gov]
Sent: Wednesday, September 05, 2012 4:57 PM
Subject: Invitation to Demo of the FOIA Module: multi-agency shared service on Wednesday, Sept., 12, 2012 (9:00 - 12:00 EST)

As many of you are aware, a partnership of federal agencies has been working together to create a cost effective shared service to assist agencies in meeting their responsibilities associated with the Freedom of Information Act (FOIA) while providing the public with additional benefits. As we've done at various phases of this project, we are extending an invitation to federal agencies to preview the FOIA Module prior to its public release on Oct. 1, 2012.

This preview will be held:

Wednesday, Sept. 12, 2012 from 9:00am till 12:00 noon EST,
at the **Department of Commerce's auditorium** (entrance is located on 14th St., NW, between Constitution and Pennsylvania).

To register, please send an email to: FRSC@epa.gov
Provide your Name, Title, and Agency

We will also be proving web access for those not in the DC area or who cannot otherwise attend in person.

To join the meeting:

(b) (6)

Meeting Name: FOIA 9-12-12

Date: September 12, 2012

When: Wednesday 12 September, 09:00 AM - 12:00 PM

Time Zone: (GMT-05:00) Eastern Time (US and Canada)

Conf line:

(b) (6)

Tim Crawford, OpenGov PMO
Senior Policy Advisor
USEPA
(o) (b) (6)
(c) (b) (6)

Pustay, Melanie A (OIP)

From: Mallon, Carmen L (OIP)
Sent: Tuesday, September 11, 2012 2:41 PM
To: (b) (6)
Cc: Chilakamarri, Varudhini (OASG); Pustay, Melanie A (OIP); Brinkmann, Vanessa R (OIP)
Subject: Re: Urgent Request -- FOIA Priority

Super, thanks so much for responding so quickly!!

One more urgent consult pending is the Millspaw request.

I sent you an email about it last week. Once you ok it we're good to go!

Thanks very much Ed!!!

Carmen

From: Siskel, Edward [(b) (6) gov]
Sent: Tuesday, September 11, 2012 02:33 PM
To: Mallon, Carmen L (OIP)
Cc: Chilakamarri, Varudhini (OASG); Pustay, Melanie A (OIP); Brinkmann, Vanessa R (OIP)
Subject: RE: Urgent Request -- FOIA Priority

Carmen—(b) (5) . Thanks, Ed

From: Mallon, Carmen L (OIP) [mailto:Carmen.L.Mallon@usdoj.gov]
Sent: Tuesday, September 11, 2012 1:41 PM
To: Siskel, Edward
Cc: Chilakamarri, Varudhini (OASG); Pustay, Melanie A (OIP); Brinkmann, Vanessa R (OIP)
Subject: Urgent Request -- FOIA Priority


Ed,

As you know, we're entering the final stretches of the FY and I am attaching a few documents that require your review as a final check before we respond to this requester. Given the time constraints I thought it would be faster to simply send these few documents to you electronically and informally. (b) (5)

[REDACTED]

Attached here are two documents (1-page e-mails) that roughly transcribe the President's remarks and we are proposing a partial release with a portion withheld on FOIA Exemption 5 (deliberative process privilege).

Attached here is the relevant portion of the official transcript of the remarks. I've attached the first three pages for context, but the relevant part is at the bottom of Page 3. (b) (5)



Copy of the request:

Please let me know if you agree with our proposed disclosure recommendations and thanks very much!!

Carmen

Pustay, Melanie A (OIP)

From: Chilakamarri, Varudhini (OASG)
Sent: Friday, September 14, 2012 2:42 PM
To: Pustay, Melanie A (OIP)
Subject: RE: Chief FOIA Officer Meeting

Terrific- thanks!

From: Pustay, Melanie A (OIP)
Sent: Friday, September 14, 2012 2:40 PM
To: Chilakamarri, Varudhini (OASG)
Subject: RE: Chief FOIA Officer Meeting

This all looks great. I like the light tone as well!

From: Chilakamarri, Varudhini (OASG)
Sent: Friday, September 14, 2012 2:35 PM
To: Pustay, Melanie A (OIP)
Subject: RE: Chief FOIA Officer Meeting

The materials you provided were very helpful – thank you! Here's a draft of what I plan to send to Tony as prep for the meeting – can you take a quick look to see if it looks okay? (He may end up re-writing this, as he often does with his remarks!) The first document is just an overview for him.

<< File: Prep for Chief FOIA Officer Mtg.docx >> << File: Acting ASG West Talking Points for the Chief FOIA Officers Meeting.docx >>

From: Pustay, Melanie A (OIP)
Sent: Friday, September 14, 2012 2:13 PM
To: Chilakamarri, Varudhini (OASG)
Subject: RE: Chief FOIA Officer Meeting

I could go over the new exclusion guidance!

From: Chilakamarri, Varudhini (OASG)
Sent: Friday, September 14, 2012 2:09 PM
To: Pustay, Melanie A (OIP)
Subject: RE: Chief FOIA Officer Meeting

In addition to talking about the 2012 Chief FOIA Officer Reports and the requirements for the 2013 Reports, are there any other topics you plan to cover?

From: Pustay, Melanie A (OIP)
Sent: Friday, September 14, 2012 12:39 PM

To: Chilakamarri, Varudhini (OASG)
Subject: RE: Chief FOIA Officer Meeting

No, I have not, but I'll email him again and ask.

From: Chilakamarri, Varudhini (OASG)
Sent: Friday, September 14, 2012 12:23 PM
To: Pustay, Melanie A (OIP)
Subject: RE: Chief FOIA Officer Meeting

Also, have you heard back from Steve Croly as to whether there is anything he'd like us to convey?

From: Chilakamarri, Varudhini (OASG)
Sent: Friday, September 14, 2012 12:20 PM
To: Pustay, Melanie A (OIP)
Subject: Chief FOIA Officer Meeting

Do you think it makes sense for Tony to start by introducing himself and then before going into his talking points, maybe he can ask everyone to go around and say who they are and what agency they are from? Did Tom do something like that before?

Varu Chilakamarri
Senior Counsel
Office of the Associate Attorney General
U.S. Department of Justice
(202) 353-2811

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically submitted within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script, appearing to read "V. Brinkmann".

for

Vanessa R. Brinkmann,
Senior Counsel