

Exhibit 1



VIA FACSIMILE AND ELECTRONIC FILING

June 25, 2013

Hugh Gilmore
Director, Disclosure Services
FOIA Request
Department of the Treasury
Washington, DC 20220
Facsimile: (202) 622-3895

RE: Freedom of Information Act Request

Dear Mr. Gilmore:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Cause of Action hereby requests access to the following records pertaining to the Department of the Treasury's process for reviewing "sensitive information" in response to FOIA requests:

1. Cover e-mails, cover sheets, and memoranda that have been provided by FOIA personnel to Treasury's sensitive review committee since December 31, 2009;
2. Processing metrics for the sensitive FOIA requests since December 31, 2009;
3. Agendas for all sensitive review committee meetings since December 31, 2009; and
4. E-mail from October 1, 2009 through December 31, 2009, between or among employees of Office of the Executive Secretary, Office of the General Counsel, Office of Legislative Affairs, Office of Public Affairs, the Office of the Deputy Assistant Secretary for Privacy, Transparency, and Records (including Disclosure Services), and the Office of Financial Stability pertaining to the sensitive review process.

Cause of Action Is Entitled to News Media Status

For fee purposes, Cause of Action qualifies as a "representative of the news media" under 5 U.S.C. § 552(a)(4)(A)(ii)(II). Cause of Action is organized and operated, inter alia, to publish and broadcast news, i.e., information that is about current events or that would be of current interest to the public. Cause of Action routinely and systematically disseminates information to the public through various medium forms. Cause of Action maintains a frequently visited website, www.causeofaction.org. Additionally, since September 2011, Cause of Action has published an e-mail newsletter. This newsletter provides subscribers with regular updates

Mr. Hugh Gilmore
June 25, 2013
Page 2

regarding Cause of Action's activities and information the organization has received from various government entities. Cause of Action also disseminates information via Twitter and Facebook. Cause of Action also produces a newsletter titled "Agency Check," which informs interested persons about actions of federal agencies, and another periodical, "Cause of Action News."¹

Cause of Action gleans the information it regularly publishes in its newsletters from a wide variety of sources, including FOIA requests, government agencies, universities, law reviews and even other news sources. Cause of Action researches issues on government transparency and accountability, the use of taxpayer funds and social and economic freedom; regularly reports on this information; analyzes relevant data; evaluates the newsworthiness of the material; and puts the facts and issues into context. Cause of Action uses technology, including but not limited to the Internet, Twitter and Facebook, in order to publish and distribute news about current events and issues that are of current interest to the general public. These activities are hallmarks of publishing, news and journalism. As a result, federal agencies have continually recognized Cause of Action as a representative of the media in connection with its FOIA requests.²

Cause of Action Is Entitled to a Public-Interest Fee Waiver

Additionally, Cause of Action requests a waiver of any and all applicable fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), which provides that requested records shall be furnished without or at reduced charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." As discussed below, Cause of Action satisfies the statutory standard for a fee waiver.

A. Disclosure of the requested records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.

As an initial matter, we note that "obtaining information to act as a 'watchdog' of the government is a well-recognized public interest in the FOIA."³ It is for this reason that Cause of Action seeks disclosure of the requested records. In this instance, the request meets the four-factor test used by Treasury to determine whether disclosure of the requested information is in the public interest.⁴ First, the requested records concern identifiable "operations or activities of

¹ Newsletters, Cause of Action, available at <http://causeofaction.org/newsletters/>.

² See, e.g., FOIA Request 2013-145F, Consumer Fin. Prot. Bureau (May 29, 2013); FOIA Request HQ-2013-00940-F, Dep't of Energy (Apr. 26, 2013); FOIA Request 2013-073, Dep't of Homeland Sec. (Apr. 5, 2013); FOIA Request 2012-RMA-02563F, Dep't of Agric. (May 3, 2012); FOIA Request 2012-00270, Dep't of Interior (Feb. 17, 2012); Dep't of Commerce (Mar. 1, 2012); FOIA Request No. 12-00455-F, Dep't of Educ. (Jan. 20, 2012).

³ *Balt. Sun v. U.S. Marshals Serv.*, 131 F. Supp. 2d 725, 729 (D. Md. 2001); see also *Ctr. to Prevent Handgun Violence v. U.S. Dep't of the Treasury*, 981 F. Supp. 20, 24 (D.D.C. 1997) ("This self-appointed watchdog role is recognized in our system.").

⁴ See 31 C.F.R. 1.7(d) (2012) (incorporating the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, available at http://www.justice.gov/oip/foia_updates/Vol_VIII_1/viii1page2.htm).

Mr. Hugh Gilmore
June 25, 2013
Page 3

the government,”⁵ specifically Treasury’s formal but heretofore secret practice of applying extra scrutiny to certain FOIA requests. Second, the requested information is “likely to contribute”⁶ to the understanding of the Treasury’s FOIA operations because the requested information is not already in the public domain and will meaningfully inform the public about Treasury’s FOIA process. Third, disclosure will contribute to “public understanding,” as opposed to the understanding of the requester or a narrow segment of interested persons.⁷ We note in this context that Cause of Action has both the intent and ability to make the results of this request available to the public in various medium forms. Our staff has a combined forty-five (45) years of expertise in government oversight, investigative reporting and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work and share the resulting analysis with the public, whether through Cause of Action’s regularly published online newsletter, memoranda, reports or press releases. Fourth, and lastly, disclosure is likely to contribute “significantly” to the public understanding of Treasury’s sensitive review FOIA process, because the requested records will shed light on its origins, breadth, and purpose -- and such information is not readily available from other sources.⁸

B. Disclosure of the requested information is not primarily in the commercial interest of Cause of Action.

Cause of Action does not seek this information to benefit commercially. Cause of Action is a nonprofit organization as defined under § 501(c)(3) of the Internal Revenue Code. Our organization is committed to protecting the public’s right to be aware of the activities of government agencies and to ensuring the lawful and appropriate use of government funds by those agencies. Cause of Action will not make a profit from the disclosure of this information. Rather, this information will be used to further the knowledge and interests of the general public regarding how the Internal Revenue Service evaluates applicants for nonprofit, 501(c)(4) status. In the event the disclosure of this information creates a profit motive, that is not dispositive for the commercial interest test; media or scholars may have a profit motive as long as the dissemination of the information is in their professional capacity and would further the public interest.⁹ Therefore, Cause of Action also satisfies this statutory standard.¹⁰

Production of Information and Contact Information

In an effort to facilitate record production and to mitigate the cost of duplication, Cause of Action requests the production of records in electronic format (*e.g.*, e-mail, pdf). If a certain set of responsive records can be produced more readily, we respectfully request that those records be produced first and that the remaining records be produced on a rolling basis as circumstances permit.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See *Campbell v. U.S. Dep’t of Justice*, 164 F.3d 20, 38 (D.C. Cir. 1998).

¹⁰ See 5 U.S.C. § 552(a)(4)(A)(iii).

Mr. Hugh Gilmore
June 25, 2013
Page 4

If you have any questions about this request, please contact me by e-mail at robyn.burrows@causeofaction.org or by telephone at (202) 499-4232. Thank you for your attention to this matter.



Robyn Burrows
Staff Attorney

Exhibit 2



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

July 1, 2013

RE: 2013-06-131

Ms. Robyn Burrows
Cause of Action
1919 Pennsylvania Ave., N.W.
Washington, DC 20006
E-MAIL: robyn.burrows@causeofaction.org

Dear Ms Burrows:

This concerns your Freedom of Information Act (FOIA) request submitted via FOIA OnLine on June 25, 2013, which was received in this office.

Every effort will be made in the Departmental Offices (DO) to provide you with a timely response. However, please be advised that unusual circumstances exist regarding a search and review of this information because two or more offices will need to be consulted to determine a response. In addition, the timeframe of the requested records have the potential of resulting in voluminous records. This will require an additional processing extension of ten (10) days.

Your request for a fee waiver will be addressed by the program office(s) assigned to the processing of your request. They will contact you directly. Your request may require further submissions, justifications, and or more reasonable descriptions.

Further inquiries concerning this request should make reference to the identification number at the top of this letter and should be faxed to 202-622-3895 or mailed to:

FOIA Request
Disclosure Services
Department of the Treasury
Washington, DC 20220

Sincerely,

Hugh Gilmore
Hugh Gilmore
Director, Disclosure Services

Digitally signed by Hugh Gilmore
DN: c=US, o=U.S. Government, ou=Department of
the Treasury, ou=Departmental Offices, ou=People,
serialNumber=G15561, cn=Hugh Gilmore
Date: 2013.07.01 09:17:13 -0400

Exhibit 3

Mike Geske

From: Ryan Mulvey
Sent: Wednesday, September 09, 2015 2:29 PM
To: hugh.gilmore@treasury.gov
Cc: 'ryan.law@treasury.gov'
Subject: FOIA Request 2013-06-131

Dear Mr. Gilmore,

I hope this e-mail finds you well. I write to request an update on the processing of FOIA Request No. **2013-06-131**, which has been pending with your office from June 25, 2013. I have not received any information concerning the request since the Treasury Department's acknowledgement letter of July 1, 2013. I have attempted on numerous occasions to contact the FOIA Service Center, but to no avail. If possible, please contact me at your earliest convenience with an estimated date of completion.

Thank you.

Ryan Mulvey

Ryan P. Mulvey | Counsel | Cause of Action

1919 Pennsylvania Avenue NW | Suite 650 | Washington, DC 20006

Ryan.Mulvey@causeofaction.org

202.400.2729 (office)

202.603.7698 (cell)

Admitted to the practice of law in New York State and the District of Columbia

Click [here](#) to subscribe to our alerts!



Confidentiality

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. It is not intended as legal advice, and may not be relied upon or used as legal advice. Nor does this communication establish an attorney client relationship between us. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

Exhibit 4



Advocates for Government Accountability

A 501(c)(3) Nonprofit Corporation

October 6, 2015

VIA FACSIMILE

Mr. Ryan Law
Director, FOIA & Transparency
Department of the Treasury
FOIA & Transparency Office
Washington, D.C. 20220
Fax: (202) 622-3895

Re: Freedom of Information Act Request No. 2013-06-131

Dear Mr. Law:

More than twenty-seven months ago, on June 25, 2013, Cause of Action submitted a Freedom of Information Act ("FOIA") request to the Department of the Treasury seeking four categories of records related to the Department's process for reviewing "sensitive information" in response to FOIA requests.¹ Notwithstanding the Department's acknowledgment letter dated July 1, 2013, the agency has failed to issue any further correspondence, let alone a determination.²

It has been 833 days since the submission of Cause of Action's FOIA request. Despite repeated attempts to contact the Disclosure Office by telephone and e-mail to receive an update on the processing Cause of Action's FOIA request, Cause of Action's attempts have, by far, been unsuccessful. Indeed, Cause of Action employees last spoke to an actual Department employee in or around April 2014. Cause of Action's e-mails and phone messages have otherwise gone unanswered. The Department's response is substantially overdue.

As you know, FOIA requires that an agency issue a determination on any FOIA request within twenty working days of receiving it,³ or in the case of unusual circumstances, within thirty working days.⁴ In this case, the Department invoked the automatic statutory extension for unusual circumstances.⁵ But it is hard to imagine that Cause of Action's request is so complicated, or potentially responsive records so voluminous, as to justify a further delay of over two years.

¹ Letter from Cause of Action to Hugh Gilmore, Dir. of Disclosure Servs., Dep't of the Treasury (June 25, 2013) (attached as Exhibit 1).

² Letter from Hugh Gilmore, Dir. of Disclosure Servs., Dep't of the Treasury, to Cause of Action (July 1, 2013) (attached as Exhibit 2)

³ 5 U.S.C. § 552(a)(6)(A)(i).

⁴ *Id.* § 552(a)(6)(B)(i).

⁵ Gilmore Letter, *supra* note 2.

Considering the significant delay in the processing of Cause of Action's request, Cause of Action respectfully requests that the Department of Treasury issue a final determination and produce any responsive records forthwith.

Thank you for your immediate attention to this matter. If you have any questions, please contact me by email at ryan.mulvey@causeofaction.org or by telephone at (202) 499-4232.

Sincerely,



RYAN P. MULVEY
COUNSEL

EXHIBIT
1



VIA FACSIMILE AND ELECTRONIC FILING

June 25, 2013

Hugh Gilmore
Director, Disclosure Services
FOIA Request
Department of the Treasury
Washington, DC 20220
Facsimile: (202) 622-3895

RE: Freedom of Information Act Request

Dear Mr. Gilmore:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Cause of Action hereby requests access to the following records pertaining to the Department of the Treasury's process for reviewing "sensitive information" in response to FOIA requests:

1. Cover e-mails, cover sheets, and memoranda that have been provided by FOIA personnel to Treasury's sensitive review committee since December 31, 2009;
2. Processing metrics for the sensitive FOIA requests since December 31, 2009;
3. Agendas for all sensitive review committee meetings since December 31, 2009; and
4. E-mail from October 1, 2009 through December 31, 2009, between or among employees of Office of the Executive Secretary, Office of the General Counsel, Office of Legislative Affairs, Office of Public Affairs, the Office of the Deputy Assistant Secretary for Privacy, Transparency, and Records (including Disclosure Services), and the Office of Financial Stability pertaining to the sensitive review process.

Cause of Action Is Entitled to News Media Status

For fee purposes, Cause of Action qualifies as a "representative of the news media" under 5 U.S.C. § 552(a)(4)(A)(ii)(II). Cause of Action is organized and operated, inter alia, to publish and broadcast news, i.e., information that is about current events or that would be of current interest to the public. Cause of Action routinely and systematically disseminates information to the public through various medium forms. Cause of Action maintains a frequently visited website, www.causeofaction.org. Additionally, since September 2011, Cause of Action has published an e-mail newsletter. This newsletter provides subscribers with regular updates

Mr. Hugh Gilmore
June 25, 2013
Page 2

regarding Cause of Action's activities and information the organization has received from various government entities. Cause of Action also disseminates information via Twitter and Facebook. Cause of Action also produces a newsletter titled "Agency Check," which informs interested persons about actions of federal agencies, and another periodical, "Cause of Action News."¹

Cause of Action gleans the information it regularly publishes in its newsletters from a wide variety of sources, including FOIA requests, government agencies, universities, law reviews and even other news sources. Cause of Action researches issues on government transparency and accountability, the use of taxpayer funds and social and economic freedom; regularly reports on this information; analyzes relevant data; evaluates the newsworthiness of the material; and puts the facts and issues into context. Cause of Action uses technology, including but not limited to the Internet, Twitter and Facebook, in order to publish and distribute news about current events and issues that are of current interest to the general public. These activities are hallmarks of publishing, news and journalism. As a result, federal agencies have continually recognized Cause of Action as a representative of the media in connection with its FOIA requests.²

Cause of Action Is Entitled to a Public-Interest Fee Waiver

Additionally, Cause of Action requests a waiver of any and all applicable fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), which provides that requested records shall be furnished without or at reduced charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." As discussed below, Cause of Action satisfies the statutory standard for a fee waiver.

- A. *Disclosure of the requested records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.*

As an initial matter, we note that "obtaining information to act as a 'watchdog' of the government is a well-recognized public interest in the FOIA."³ It is for this reason that Cause of Action seeks disclosure of the requested records. In this instance, the request meets the four-factor test used by Treasury to determine whether disclosure of the requested information is in the public interest.⁴ First, the requested records concern identifiable "operations or activities of

¹ Newsletters, Cause of Action, available at <http://causeofaction.org/newsletters/>.

² See, e.g., FOIA Request 2013-145F, Consumer Fin. Prot. Bureau (May 29, 2013); FOIA Request HQ-2013-00940-F, Dep't of Energy (Apr. 26, 2013); FOIA Request 2013-073, Dep't of Homeland Sec. (Apr. 5, 2013); FOIA Request 2012-RMA-02563F, Dep't of Agric. (May 3, 2012); FOIA Request 2012-00270, Dep't of Interior (Feb. 17, 2012); Dep't of Commerce (Mar. 1, 2012); FOIA Request No. 12-00455-F, Dep't of Educ. (Jan. 20, 2012).

³ *Balt. Sun v. U.S. Marshals Serv.*, 131 F. Supp. 2d 725, 729 (D. Md. 2001); see also *Ctr. to Prevent Handgun Violence v. U.S. Dep't of the Treasury*, 981 F. Supp. 20, 24 (D.D.C. 1997) ("This self-appointed watchdog role is recognized in our system.").

⁴ See 31 C.F.R. 1.7(d) (2012) (incorporating the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, available at http://www.justice.gov/oip/foia_updates/Vol_VIII_1/viii1page2.htm).

Mr. Hugh Gilmore
June 25, 2013
Page 3

the government,”⁵ specifically Treasury’s formal but heretofore secret practice of applying extra scrutiny to certain FOIA requests. Second, the requested information is “likely to contribute”⁶ to the understanding of the Treasury’s FOIA operations because the requested information is not already in the public domain and will meaningfully inform the public about Treasury’s FOIA process. Third, disclosure will contribute to “public understanding,” as opposed to the understanding of the requester or a narrow segment of interested persons.⁷ We note in this context that Cause of Action has both the intent and ability to make the results of this request available to the public in various medium forms. Our staff has a combined forty-five (45) years of expertise in government oversight, investigative reporting and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work and share the resulting analysis with the public, whether through Cause of Action’s regularly published online newsletter, memoranda, reports or press releases. Fourth, and lastly, disclosure is likely to contribute “significantly” to the public understanding of Treasury’s sensitive review FOIA process, because the requested records will shed light on its origins, breadth, and purpose -- and such information is not readily available from other sources.⁸

B. Disclosure of the requested information is not primarily in the commercial interest of Cause of Action.

Cause of Action does not seek this information to benefit commercially. Cause of Action is a nonprofit organization as defined under § 501(c)(3) of the Internal Revenue Code. Our organization is committed to protecting the public’s right to be aware of the activities of government agencies and to ensuring the lawful and appropriate use of government funds by those agencies. Cause of Action will not make a profit from the disclosure of this information. Rather, this information will be used to further the knowledge and interests of the general public regarding how the Internal Revenue Service evaluates applicants for nonprofit, 501(c)(4) status. In the event the disclosure of this information creates a profit motive, that is not dispositive for the commercial interest test; media or scholars may have a profit motive as long as the dissemination of the information is in their professional capacity and would further the public interest.⁹ Therefore, Cause of Action also satisfies this statutory standard.¹⁰

Production of Information and Contact Information

In an effort to facilitate record production and to mitigate the cost of duplication, Cause of Action requests the production of records in electronic format (*e.g.*, e-mail, pdf). If a certain set of responsive records can be produced more readily, we respectfully request that those records be produced first and that the remaining records be produced on a rolling basis as circumstances permit.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *See Campbell v. U.S. Dep’t of Justice*, 164 F.3d 20, 38 (D.C. Cir. 1998).


¹⁰ *See 5 U.S.C. § 552(a)(4)(A)(iii).*

Mr. Hugh Gilmore

June 25, 2013

Page 4

If you have any questions about this request, please contact me by e-mail at robyn.burrows@causeofaction.org or by telephone at (202) 499-4232. Thank you for your attention to this matter.


Robyn Burrows
Staff Attorney



EXHIBIT

2



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

July 1, 2013

RE: 2013-06-131

Ms. Robyn Burrows
Cause of Action
1919 Pennsylvania Ave., N.W.
Washington, DC 20006
E-MAIL: robyn.burrows@causeofaction.org

Dear Ms Burrows:

This concerns your Freedom of Information Act (FOIA) request submitted via FOIA OnLine on June 25, 2013, which was received in this office.

Every effort will be made in the Departmental Offices (DO) to provide you with a timely response. However, please be advised that unusual circumstances exist regarding a search and review of this information because two or more offices will need to be consulted to determine a response. In addition, the timeframe of the requested records have the potential of resulting in voluminous records. This will require an additional processing extension of ten (10) days.

Your request for a fee waiver will be addressed by the program office(s) assigned to the processing of your request. They will contact you directly. Your request may require further submissions, justifications, and or more reasonable descriptions.

Further inquiries concerning this request should make reference to the identification number at the top of this letter and should be faxed to 202-622-3895 or mailed to:

FOIA Request
Disclosure Services
Department of the Treasury
Washington, DC 20220

Sincerely,

Hugh Gilmore
Director, Disclosure Services

Exhibit 5



Advocates for Government Accountability

A 501(c)(3) Nonprofit Corporation

November 3, 2015

VIA E-MAIL

Dr. James Holzer, Director
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road, Room 2510
College Park, MD 20740
E-mail: ogis@nara.gov

Re: Department of the Treasury FOIA Request No. 2013-06-131

Dear Dr. Holzer:

I write on behalf of Cause of Action, a nonprofit strategic oversight group committed to ensuring that government decision-making is open, honest, and fair.¹ In carrying out its mission, Cause of Action uses various investigative and legal tools to educate the public about the importance of government transparency and accountability, including the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. This letter is a request for the assistance of the Office of Government Information Services (“OGIS”) in contacting the Department of Treasury (“Treasury”) with respect to a substantially overdue FOIA request.

More than twenty-eight months ago, on June 25, 2013, Cause of Action submitted a FOIA request to Treasury seeking four categories of records related to Treasury’s process for reviewing “sensitive information” in response to FOIA requests.² Notwithstanding an acknowledgment letter dated July 1, 2013,³ the agency has failed to issue any further update, let alone a final determination. Following countless e-mail and telephone inquiries that went unanswered or otherwise produced no substantive update, last month, in a further attempt to alert the agency to its non-responsiveness and obligations under FOIA, Cause of Action sent a letter requesting a final determination and prompt production of responsive records.⁴ That letter remains unacknowledged.

¹ See CAUSE OF ACTION, www.causeofaction.org (last accessed Nov. 3, 2015).

² Letter from Cause of Action to Hugh Gilmore, Dir. of Disclosure Servs., Dep’t of the Treasury (June 25, 2013) (attached as Exhibit 1).

³ Letter from Hugh Gilmore, Dir. of Disclosure Servs., Dep’t of the Treasury, to Cause of Action (July 1, 2013) (attached as Exhibit 2).

⁴ Letter from Cause of Action to Ryan Law, Dir. of Disclosure Servs., Dep’t of the Treasury (Oct. 6, 2015) (attached as Exhibit 3).

It has been 861 days since the submission of Cause of Action's FOIA request. Despite repeated attempts to contact Treasury's Disclosure Office to receive an update on the processing of the request, Cause of Action's attempts have proved futile. Indeed, we last spoke to an actual Treasury employee in or around April 2014. Treasury's non-responsiveness is entirely unacceptable.

As you know, FOIA requires that an agency issue a determination on any request within twenty working days of receiving it,⁵ or in the case of unusual circumstances, within thirty working days.⁶ In this case, Treasury invoked an automatic extension for unusual circumstances.⁷ But it is hard to imagine that Cause of Action's request is so complicated, or potentially responsive records so voluminous, as to justify a delay of over two years. At the least, Treasury should respond to Cause of Action's repeated attempts to secure an update on the processing of its request and to receive an estimated date of completion – information that an agency is *statutorily required* to provide.⁸

Considering the significant delay in the processing of the FOIA request, Cause of Action seeks to have Treasury issue a final determination forthwith and to produce promptly any responsive records. Additionally, Treasury should contact Cause of Action to provide an estimated timeline for these actions and to provide other available details on the processing of the request. It is Cause of Action's hope that OGIS will be able to provide mediation services in this regard.

In accordance with the Privacy Act of 1974, as amended, Cause of Action hereby authorizes OGIS to make inquiries on Cause of Action's behalf, including the right to review all documentation that OGIS deems necessary in connection with Cause of Action's request for assistance regarding the aforementioned FOIA request. Cause of Action understands that any documents provided to OGIS may be copied and forwarded to officials at Treasury as part of the mediation/resolution process. Cause of Action also authorizes any Federal department, agency, or component to release to OGIS information and records related to Cause of Action's request.

Thank you for your immediate attention to this matter. Please feel free to contact me by e-mail at ryan.mulvey@causeofaction.org or by telephone at (202) 499-4232.

Sincerely,



RYAN P. MULVEY
COUNSEL

Encl. (3)

⁵ 5 U.S.C. § 552(a)(6)(A)(i).

⁶ *Id.* § 552(a)(6)(B)(i).

⁷ Gilmore Letter, *supra* note 3.

⁸ 5 U.S.C. § 552(a)(7)(B)(ii).

EXHIBIT

1



VIA FACSIMILE AND ELECTRONIC FILING

June 25, 2013

Hugh Gilmore
Director, Disclosure Services
FOIA Request
Department of the Treasury
Washington, DC 20220
Facsimile: (202) 622-3895

RE: Freedom of Information Act Request

Dear Mr. Gilmore:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Cause of Action hereby requests access to the following records pertaining to the Department of the Treasury's process for reviewing "sensitive information" in response to FOIA requests:

1. Cover e-mails, cover sheets, and memoranda that have been provided by FOIA personnel to Treasury's sensitive review committee since December 31, 2009;
2. Processing metrics for the sensitive FOIA requests since December 31, 2009;
3. Agendas for all sensitive review committee meetings since December 31, 2009; and
4. E-mail from October 1, 2009 through December 31, 2009, between or among employees of Office of the Executive Secretary, Office of the General Counsel, Office of Legislative Affairs, Office of Public Affairs, the Office of the Deputy Assistant Secretary for Privacy, Transparency, and Records (including Disclosure Services), and the Office of Financial Stability pertaining to the sensitive review process.

Cause of Action Is Entitled to News Media Status

For fee purposes, Cause of Action qualifies as a "representative of the news media" under 5 U.S.C. § 552(a)(4)(A)(ii)(II). Cause of Action is organized and operated, inter alia, to publish and broadcast news, i.e., information that is about current events or that would be of current interest to the public. Cause of Action routinely and systematically disseminates information to the public through various medium forms. Cause of Action maintains a frequently visited website, www.causeofaction.org. Additionally, since September 2011, Cause of Action has published an e-mail newsletter. This newsletter provides subscribers with regular updates

Mr. Hugh Gilmore
June 25, 2013
Page 2

regarding Cause of Action's activities and information the organization has received from various government entities. Cause of Action also disseminates information via Twitter and Facebook. Cause of Action also produces a newsletter titled "Agency Check," which informs interested persons about actions of federal agencies, and another periodical, "Cause of Action News."¹

Cause of Action gleans the information it regularly publishes in its newsletters from a wide variety of sources, including FOIA requests, government agencies, universities, law reviews and even other news sources. Cause of Action researches issues on government transparency and accountability, the use of taxpayer funds and social and economic freedom; regularly reports on this information; analyzes relevant data; evaluates the newsworthiness of the material; and puts the facts and issues into context. Cause of Action uses technology, including but not limited to the Internet, Twitter and Facebook, in order to publish and distribute news about current events and issues that are of current interest to the general public. These activities are hallmarks of publishing, news and journalism. As a result, federal agencies have continually recognized Cause of Action as a representative of the media in connection with its FOIA requests.²

Cause of Action Is Entitled to a Public-Interest Fee Waiver

Additionally, Cause of Action requests a waiver of any and all applicable fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), which provides that requested records shall be furnished without or at reduced charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." As discussed below, Cause of Action satisfies the statutory standard for a fee waiver.

- A. *Disclosure of the requested records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.*

As an initial matter, we note that "obtaining information to act as a 'watchdog' of the government is a well-recognized public interest in the FOIA."³ It is for this reason that Cause of Action seeks disclosure of the requested records. In this instance, the request meets the four-factor test used by Treasury to determine whether disclosure of the requested information is in the public interest.⁴ First, the requested records concern identifiable "operations or activities of

¹ Newsletters, Cause of Action, available at <http://causeofaction.org/newsletters/>.

² See, e.g., FOIA Request 2013-145F, Consumer Fin. Prot. Bureau (May 29, 2013); FOIA Request HQ-2013-00940-F, Dep't of Energy (Apr. 26, 2013); FOIA Request 2013-073, Dep't of Homeland Sec. (Apr. 5, 2013); FOIA Request 2012-RMA-02563F, Dep't of Agric. (May 3, 2012); FOIA Request 2012-00270, Dep't of Interior (Feb. 17, 2012); Dep't of Commerce (Mar. 1, 2012); FOIA Request No. 12-00455-F, Dep't of Educ. (Jan. 20, 2012).

³ *Balt. Sun v. U.S. Marshals Serv.*, 131 F. Supp. 2d 725, 729 (D. Md. 2001); see also *Ctr. to Prevent Handgun Violence v. U.S. Dep't of the Treasury*, 981 F. Supp. 20, 24 (D.D.C. 1997) ("This self-appointed watchdog role is recognized in our system.").

⁴ See 31 C.F.R. 1.7(d) (2012) (incorporating the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, available at http://www.justice.gov/oip/foia_updates/Vol_VIII_1/viii1page2.htm).

Mr. Hugh Gilmore
June 25, 2013
Page 3

the government,”⁵ specifically Treasury’s formal but heretofore secret practice of applying extra scrutiny to certain FOIA requests. Second, the requested information is “likely to contribute”⁶ to the understanding of the Treasury’s FOIA operations because the requested information is not already in the public domain and will meaningfully inform the public about Treasury’s FOIA process. Third, disclosure will contribute to “public understanding,” as opposed to the understanding of the requester or a narrow segment of interested persons.⁷ We note in this context that Cause of Action has both the intent and ability to make the results of this request available to the public in various medium forms. Our staff has a combined forty-five (45) years of expertise in government oversight, investigative reporting and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work and share the resulting analysis with the public, whether through Cause of Action’s regularly published online newsletter, memoranda, reports or press releases. Fourth, and lastly, disclosure is likely to contribute “significantly” to the public understanding of Treasury’s sensitive review FOIA process, because the requested records will shed light on its origins, breadth, and purpose -- and such information is not readily available from other sources.⁸

B. Disclosure of the requested information is not primarily in the commercial interest of Cause of Action.

Cause of Action does not seek this information to benefit commercially. Cause of Action is a nonprofit organization as defined under § 501(c)(3) of the Internal Revenue Code. Our organization is committed to protecting the public’s right to be aware of the activities of government agencies and to ensuring the lawful and appropriate use of government funds by those agencies. Cause of Action will not make a profit from the disclosure of this information. Rather, this information will be used to further the knowledge and interests of the general public regarding how the Internal Revenue Service evaluates applicants for nonprofit, 501(c)(4) status. In the event the disclosure of this information creates a profit motive, that is not dispositive for the commercial interest test; media or scholars may have a profit motive as long as the dissemination of the information is in their professional capacity and would further the public interest.⁹ Therefore, Cause of Action also satisfies this statutory standard.¹⁰

Production of Information and Contact Information

In an effort to facilitate record production and to mitigate the cost of duplication, Cause of Action requests the production of records in electronic format (*e.g.*, e-mail, pdf). If a certain set of responsive records can be produced more readily, we respectfully request that those records be produced first and that the remaining records be produced on a rolling basis as circumstances permit.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See *Campbell v. U.S. Dep’t of Justice*, 164 F.3d 20, 38 (D.C. Cir. 1998).


¹⁰ See 5 U.S.C. § 552(a)(4)(A)(iii).

Mr. Hugh Gilmore

June 25, 2013

Page 4

If you have any questions about this request, please contact me by e-mail at robyn.burrows@causeofaction.org or by telephone at (202) 499-4232. Thank you for your attention to this matter.



Robyn Burrows
Staff Attorney

EXHIBIT

2



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

July 1, 2013

RE: 2013-06-131

Ms. Robyn Burrows
Cause of Action
1919 Pennsylvania Ave., N.W.
Washington, DC 20006
E-MAIL: robyn.burrows@causeofaction.org

Dear Ms Burrows:

This concerns your Freedom of Information Act (FOIA) request submitted via FOIA OnLine on June 25, 2013, which was received in this office.

Every effort will be made in the Departmental Offices (DO) to provide you with a timely response. However, please be advised that unusual circumstances exist regarding a search and review of this information because two or more offices will need to be consulted to determine a response. In addition, the timeframe of the requested records have the potential of resulting in voluminous records. This will require an additional processing extension of ten (10) days.

Your request for a fee waiver will be addressed by the program office(s) assigned to the processing of your request. They will contact you directly. Your request may require further submissions, justifications, and or more reasonable descriptions.

Further inquiries concerning this request should make reference to the identification number at the top of this letter and should be faxed to 202-622-3895 or mailed to:

FOIA Request
Disclosure Services
Department of the Treasury
Washington, DC 20220

Sincerely,

Hugh Gilmore
Director, Disclosure Services

EXHIBIT

3



Advocates for Government Accountability

A 501(c)(3) Nonprofit Corporation

October 6, 2015

VIA FACSIMILE

Mr. Ryan Law
Director, FOIA & Transparency
Department of the Treasury
FOIA & Transparency Office
Washington, D.C. 20220
Fax: (202) 622-3895

Re: Freedom of Information Act Request No. 2013-06-131

Dear Mr. Law:

More than twenty-seven months ago, on June 25, 2013, Cause of Action submitted a Freedom of Information Act ("FOIA") request to the Department of the Treasury seeking four categories of records related to the Department's process for reviewing "sensitive information" in response to FOIA requests.¹ Notwithstanding the Department's acknowledgment letter dated July 1, 2013, the agency has failed to issue any further correspondence, let alone a determination.²

It has been 833 days since the submission of Cause of Action's FOIA request. Despite repeated attempts to contact the Disclosure Office by telephone and e-mail to receive an update on the processing Cause of Action's FOIA request, Cause of Action's attempts have, by far, been unsuccessful. Indeed, Cause of Action employees last spoke to an actual Department employee in or around April 2014. Cause of Action's e-mails and phone messages have otherwise gone unanswered. The Department's response is substantially overdue.

As you know, FOIA requires that an agency issue a determination on any FOIA request within twenty working days of receiving it,³ or in the case of unusual circumstances, within thirty working days.⁴ In this case, the Department invoked the automatic statutory extension for unusual circumstances.⁵ But it is hard to imagine that Cause of Action's request is so complicated, or potentially responsive records so voluminous, as to justify a further delay of over two years.

¹ Letter from Cause of Action to Hugh Gilmore, Dir. of Disclosure Servs., Dep't of the Treasury (June 25, 2013) (attached as Exhibit 1).

² Letter from Hugh Gilmore, Dir. of Disclosure Servs., Dep't of the Treasury, to Cause of Action (July 1, 2013) (attached as Exhibit 2)

³ 5 U.S.C. § 552(a)(6)(A)(i).

⁴ *Id.* § 552(a)(6)(B)(i).

⁵ Gilmore Letter, *supra* note 2.

Considering the significant delay in the processing of Cause of Action's request, Cause of Action respectfully requests that the Department of Treasury issue a final determination and produce any responsive records forthwith.

Thank you for your immediate attention to this matter. If you have any questions, please contact me by email at ryan.mulvey@causeofaction.org or by telephone at (202) 499-4232.

Sincerely,

A handwritten signature in blue ink that reads "Ryan P. Mulvey". The signature is written in a cursive style with a horizontal line extending to the right from the end of the name.

RYAN P. MULVEY
COUNSEL

Exhibit 6

Mike Geske

From: OGIS <OGIS@nara.gov>
Sent: Wednesday, November 04, 2015 11:06 AM
To: OGIS
Cc: ogis@nara.gov; Ryan Mulvey
Subject: Case# 201600152

Dear Mr. Ryan Mulvey:

Case# 201600152

Thank you for contacting the Office of Government Information Services (OGIS).

Your request for assistance, which we received on November 3, 2015, via e-mail, will be assigned to an OGIS Facilitator who will contact you accordingly.

For tracking purposes, we have assigned your request for assistance the case number listed above. Please cite this case number in all communications to our office regarding this matter.

Thank you,

The Office of Government Information Services

On Tuesday, November 3, 2015 at 1:29:36 PM UTC-5, Ryan Mulvey wrote:

Dear OGIS:

Please find attached a request for assistance from Cause of Action with respect to a FOIA request at the Department of the Treasury.

Thank you for your attention to this matter.

Best regards,

Ryan Mulvey

Ryan P. Mulvey | Counsel | Cause of Action

1919 Pennsylvania Avenue NW | Suite 650 | Washington, DC 20006

Ryan.Mulvey@causeofaction.org

202.400.2729 (office)

202.603.7698 (cell)

Admitted to the practice of law in New York State and the District of Columbia

[Click here to subscribe to our alerts!](#)



Confidentiality

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. It is not intended as legal advice, and may not be relied upon or used as legal advice. Nor does this communication establish an attorney client relationship between us. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

Exhibit 7

Mike Geske

From: Hirsh Kravitz <hirsh.kravitz@nara.gov>
Sent: Tuesday, November 17, 2015 12:10 PM
To: Ryan Mulvey
Subject: OGIS Case Number 2016-00152

Dear Mr. Mulvey:

I'm an Attorney-Advisor with the Office of Government Information Services (OGIS) assigned to work on your case. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Department of Treasury (Treasury).

Congress created OGIS to serve as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

OGIS:

- Advocates for neither the requester nor the agency, but for the FOIA process to work as intended
- Provides mediation services to help resolve disputes between FOIA requesters and Federal agencies
- Strives to work in conjunction with the existing request and appeal process
- May become involved at any point in the FOIA administrative process

OGIS does not:

- Compel agencies to release documents
- Enforce FOIA
- Process requests or review appeals
- Provide assistance outside the realm of FOIA
- Make determinations or dictate resolutions to disputes

I will reach out to Treasury and inquire about your case.

Sincerely,

Hirsh Kravitz
Attorney-Advisor
Office of Government Information Resources (OGIS)
National Archives and Records Administration
hirsh.kravitz@nara.gov
[202-741-5776](tel:202-741-5776)

Exhibit 8

Mike Geske

From: Hirsh Kravitz <hirsh.kravitz@nara.gov>
Sent: Friday, March 11, 2016 2:38 PM
To: Ryan Mulvey
Subject: Re: OGIS Case Number 2016-00152

Mr. Mulvey:

Treasury will proceed on the interim responses and hold off on item 4 until you let me know about the scope. I will provide you with a formal letter next week. Thank you

Hirsh

Hirsh Kravitz
Attorney-Advisor
Office of Government Information Resources (OGIS)
National Archives and Records Administration
hirsh.kravitz@nara.gov
202-741-5776

On Fri, Mar 11, 2016 at 2:13 PM, Hirsh Kravitz <hirsh.kravitz@nara.gov> wrote:
Mr. Mulvey:

Thank you for your reply. I think that sounds fine. I will reach out to the agency to let them know and will get back to you. Thank you

Hirsh

Hirsh Kravitz
Attorney-Advisor
Office of Government Information Resources (OGIS)
National Archives and Records Administration
hirsh.kravitz@nara.gov
[202-741-5776](tel:202-741-5776)

On Fri, Mar 11, 2016 at 2:12 PM, Ryan Mulvey <ryan.mulvey@causeofaction.org> wrote:

Mr. Kravitz,

Thank you for your correspondence. We would still appreciate OGIS's assistance in mediating negotiations with Treasury for the processing of our FOIA request. We are comfortable with the proposed interim productions. And we are willing to examine a narrowed scope for Item 4. At this time, however, we haven't yet determined how we wish to do so. I will be in touch as soon as possible, but in the meantime, would it be possible for Treasury to begin its interim productions?

Thank you,

Ryan Mulvey

Ryan P. Mulvey | Counsel

Cause of Action Institute

1919 Pennsylvania Ave. NW, Suite 650

Washington, D.C. 20006

(o) [202.400.2729](tel:202.400.2729) / (c) [202.603.7698](tel:202.603.7698)

Ryan.Mulvey@causeofaction.org

Admitted to the practice of law in New York State and the District of Columbia



Confidentiality: *The information contained in, and attached to, this communication may be confidential, and is intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.*

From: Hirsh Kravitz [mailto:hirsh.kravitz@nara.gov]
Sent: Friday, March 11, 2016 1:54 PM
To: Ryan Mulvey <ryan.mulvey@causeofaction.org>
Subject: Re: OGIS Case Number 2016-00152

Mr. Mulvey:

Im writing to follow up on your request for assistance and see if you would still like our assistance. If so, please take a look at our previous correspondence. Thank you

Hirsh

Hirsh Kravitz

Attorney-Advisor

Office of Government Information Resources (OGIS)

National Archives and Records Administration

hirsh.kravitz@nara.gov

[202-741-5776](tel:202-741-5776)

On Fri, Mar 4, 2016 at 3:43 PM, Hirsh Kravitz <hirsh.kravitz@nara.gov> wrote:

Good Afternoon Mr. Mulvey:

I just spoke with Treasury about your request. Treasury informed me that there are many records associated with this request and therefore, they asked me to reach out to you to see if you would be willing to accept several interim responses while they process your request.

As you know, your request contains 4 parts:

- 1.E-mails, cover sheets, and memoranda that have been provided by FOIA personnel to Treasury's sensitive review committee since December 31, 2009;
2. Processing metrics for the sensitive FOIA requests since December 31, 2009;
3. Agendas for all sensitive review committee meetings since December 31, 2009; and
4. E-mail from October 1, 2009 through December 31, 2009, between or among employees of Office of the Executive Secretary, Office of the General Counsel, Office of Legislative Affairs, Office of Public Affairs, the Office of the Deputy Assistant Secretary for Privacy, Transparency, and Records (including Disclosure Services), and the Office of Financial Stability pertaining to the sensitive review process.

Treasury is proposing the following interim responses:

1st – Cover e-mail, cover sheets, and memoranda provided to the review committee since December 31, 2009.

2nd – Processing metrics for the sensitive FOIA requests since December 31, 2009.

3rd – Agendas for all sensitive review committee meetings since December 31, 2009

4th- As it pertains to item 4 of the request, Treasury would like to see if we can help narrow the scope. According to Treasury, this item has the potential to produce a voluminous amount of documents, in which would be difficult and timely to process. They wanted me to see if it would be possible to narrow the scope by month, specific FOIA request, specific office, specific names or subject?

Please let me know your thoughts. Thank you

Hirsh

Hirsh Kravitz

Attorney-Advisor

Office of Government Information Resources (OGIS)

National Archives and Records Administration

hirsh.kravitz@nara.gov

[202-741-5776](tel:202-741-5776)

Exhibit 9

Mike Geske

From: Hirsh Kravitz <hirsh.kravitz@nara.gov>
Sent: Friday, March 18, 2016 3:23 PM
To: Ryan Mulvey
Cc: deryl.richardson@treasury.gov
Subject: OGIS Case Number 2016-00152
Attachments: 2016-00152 Mulvey Final Letter.pdf

Mr. Mulvey:

Please see the attached response to your request for assistance. Thank you

Hirsh

Hirsh Kravitz
Attorney-Advisor
Office of Government Information Resources (OGIS)
National Archives and Records Administration
hirsh.kravitz@nara.gov
202-741-5776



OFFICE of GOVERNMENT INFORMATION SERVICES

March 18, 2016 - Sent via e-mail

Mr. Ryan Mulvey
Ryan.Mulvey@causeofaction.org

In Re: Case No.: 201600152
NG: HK

Dear Mr. Mulvey:

This responds to your November 3, 2015 request for assistance to the Office of Government Information Services (OGIS), pertaining to your Freedom of Information Act (FOIA) request to the Department of Treasury (Treasury). Thank you for contacting OGIS.

As you may be aware, Congress created OGIS to complement existing Freedom of Information Act (FOIA) practice and procedure: we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We carefully reviewed your submission of information, and we understand that you submitted a request for four categories of records related to Treasury's process for reviewing "sensitive information" requested through FOIA. As you conveyed in your letter to OGIS, you received an acknowledgment letter dated July 1, 2013, from Treasury but have otherwise not received an update from the agency.

OGIS staff contacted Treasury to discuss your request. As you are aware, Treasury informed OGIS that there are numerous documents responsive to your request, and asked OGIS to discuss with you whether a series of interim responses to your request would be acceptable. In addition, Treasury asked if you would be willing to narrow the scope of item four of your request. OGIS Attorney Advisor Hirsh Kravitz communicated with you about this matter on March 11, 2016; as a result of your discussion, Treasury will provide interim responses as follows:

- The first response will include emails, cover sheets, and memoranda provided to the review committee since December 31, 2009
- The second response will include processing metrics for sensitive FOIA requests since December 31, 2009
- The third response will include agendas for all sensitive review committee meetings since December 31, 2009

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS

COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov

e-mail: ogis@nara.gov

phone: 202-741-5770

toll-free: 1-877-684-6448

fax: 202-741-5760



NATIONAL
ARCHIVES

Regarding the suggestion that you consider ways to narrow item four of your request, the agency will wait to hear from you about how you wish to move forward.

I hope you find this information useful. At this time, there is no further assistance OGIS can offer and we will close your case. Thank you for bringing this matter to OGIS.

Sincerely,

A handwritten signature in blue ink that reads "James V.M.L. Holzer, I". The signature is written in a cursive style with a large, sweeping initial "J".

JAMES V.M.L. HOLZER
Director

cc: Deryl Richardson, Associate Director, FOIA and Transparency
Privacy, Transparency, and Records, United States Department of the Treasury

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.

Exhibit 10

Mike Geske

From: Karen.Edwards@treasury.gov
Sent: Friday, August 05, 2016 11:31 AM
To: Ryan Mulvey
Cc: hirsh.kravitz@nara.gov; Karen.Edwards@treasury.gov
Subject: RE: Treasury FOIA Case #2013-06-131 (Robyn Burrows, Cause of Action)

Mr. Mulvey ...

I've placed a call to get an update. I'll get back to you as soon as I know more. I appreciate your patience.

Karen M. Edwards
FOIA Analyst, FOIA and Transparency
Privacy, Transparency, and Records
U.S. Department of the Treasury
Karen.Edwards@Treasury.gov
202 927-8989

From: Ryan Mulvey [mailto:ryan.mulvey@causeofaction.org]
Sent: Thursday, August 04, 2016 2:19 PM
To: Edwards, Karen
Cc: hirsh.kravitz@nara.gov
Subject: RE: Treasury FOIA Case #2013-06-131 (Robyn Burrows, Cause of Action)

Ms. Edwards:

Thank you for your continued assistance in ensuring Treasury's processing of Request No. 2013-06-131. Do you have any further updates since your June 30th e-mail?

Thank you,

Ryan Mulvey

Ryan P. Mulvey | Counsel
Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, D.C. 20006
(o) 202.400.2729 / (c) 202.603.7698
Ryan.Mulvey@causeofaction.org

Admitted to the practice of law in New York State and the District of Columbia



Advocates for Government Accountability

Confidentiality: The information contained in, and attached to, this communication may be confidential, and is intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

From: Karen.Edwards@treasury.gov [<mailto:Karen.Edwards@treasury.gov>]
Sent: Thursday, June 30, 2016 5:34 PM
To: Ryan Mulvey <ryan.mulvey@causeofaction.org>
Cc: Karen.Edwards@treasury.gov; hirsh.kravitz@nara.gov
Subject: RE: Treasury FOIA Case #2013-06-131 (Robyn Burrows, Cause of Action)

Good afternoon Mr. Mulvey ...

I just wanted to let you know that I although I expected to hear back from Legal last Friday, I have not heard back as of yet. I did not want too much time to go by without contacting you with an update. I've reached out to the office today and am awaiting a response. I will try again tomorrow. Feel free to call if you have questions.

Karen M. Edwards
FOIA Analyst, FOIA and Transparency
Privacy, Transparency, and Records
U.S. Department of Treasury
Karen.Edwards@Treasury.gov
202 927-8989

From: Ryan Mulvey [<mailto:ryan.mulvey@causeofaction.org>]
Sent: Thursday, March 31, 2016 10:55 AM
To: Edwards, Karen
Subject: RE: Treasury FOIA Case #2013-06-131 (Robyn Burrows, Cause of Action)

Ms. Edwards,

Thank you for your e-mail. It was a pleasure to speak with you as well. Please consider this confirmation that we agree to the proposed ordering of the interim releases, as set forth in your e-mail. Also, as we discussed, we will discuss the possible narrowing of Item 4 once these initial rolling productions are completed.

CA Institute's new address is as follows:

Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, DC 20006

I would appreciate it if you could confirm that the case file has been updated with this new address. I'd hate for anything to get sent to our old office! Thank you again.

Best,

Ryan

Ryan P. Mulvey | Counsel
Cause of Action Institute

1875 Eye Street NW, Suite 800
Washington, D.C. 20006
(o) 202.400.2729 / (c) 202.603.7698
Ryan.Mulvey@causeofaction.org

Admitted to the practice of law in New York State and the District of Columbia



Confidentiality: *The information contained in, and attached to, this communication may be confidential, and is intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.*

From: Karen.Edwards@treasury.gov [<mailto:Karen.Edwards@treasury.gov>]
Sent: Tuesday, March 29, 2016 5:15 PM
To: Ryan Mulvey <ryan.mulvey@causeofaction.org>
Cc: Karen.Edwards@treasury.gov
Subject: Treasury FOIA Case #2013-06-131 (Robyn Burrows, Cause of Action)

Mr. Mulvey ...

It was a pleasure talking with you earlier concerning the processing of Treasury FOIA Case #2013-06-131 (Robyn Burrows, Cause of Action) going forward.

Per our conversation, my contact information is as follows:

Karen Edwards
Information Disclosure Specialist
U.S. Department of Treasury
Privacy, Transparency, and Records
Office of FOIA and Transparency
1750 Pennsylvania Avenue, NW
Suite 8135
Washington, DC 20020
202 927-8989 (w)

As we discussed, I will be providing Cause of Action interim responses in an order different from that mentioned in James Holzer's letter (Hirsh Kravitz, OGIS) dated March 18, 2016. I will be processing records for item #3 first (agendas for all sensitive review committee meetings); followed by records for item #2 (processing metrics); to be followed by records for item #1 (cover email, coversheets, and memoranda provided to the review committee).

In addition to forwarding your contact information to my attention, please also confirm that receiving interim responses in this order is acceptable to Cause of Action.

If you have further questions, or need additional information, please feel free to call. I look forward to working with you.

Sincerely,
Karen M. Edwards
Information Disclosure Specialist

U.S. Department of Treasury
Privacy, Transparency, and Records
Office of FOIA and Transparency
1750 Pennsylvania Avenue, N.W., Suite 8135
Washington, D.C. 20020
202 927-8989 (w)

Exhibit 11

Mike Geske

From: Karen.Edwards@treasury.gov
Sent: Thursday, September 01, 2016 10:01 AM
To: Ryan Mulvey
Cc: hirsh.kravitz@nara.gov; Karen.Edwards@treasury.gov
Subject: RE: Status Update (FOIA Case #2013-06-131, Robyn Burrows, Cause of Action)

Good morning Mr. Mulvey ...

I am checking. I will email you as soon as I hear back.

Karen M. Edwards
FOIA Analyst, FOIA and Transparency
Privacy, Transparency, and Records
U.S. Department of the Treasury
Karen.Edwards@Treasury.gov
202 927-8989

From: Ryan Mulvey [mailto:ryan.mulvey@causeofaction.org]
Sent: Wednesday, August 31, 2016 5:03 PM
To: Edwards, Karen
Cc: hirsh.kravitz@nara.gov
Subject: RE: Status Update (FOIA Case #2013-06-131, Robyn Burrows, Cause of Action)

Ms. Edwards,

Have you received any updates from Treasury? The agency expected production to begin on June 28. We still have yet to receive any records.

Thank you,

Ryan

Ryan P. Mulvey | Counsel
Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, D.C. 20006
(o) 202.400.2729 / (c) 202.603.7698
Ryan.Mulvey@causeofaction.org

Admitted to the practice of law in New York State and the District of Columbia



Confidentiality: The information contained in, and attached to, this communication may be confidential, and is intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

From: Karen.Edwards@treasury.gov [mailto:Karen.Edwards@treasury.gov]
Sent: Thursday, August 11, 2016 6:48 PM
To: Ryan Mulvey <ryan.mulvey@causeofaction.org>
Cc: Karen.Edwards@treasury.gov; hirsh.kravitz@nara.gov
Subject: Status Update (FOIA Case #2013-06-131, Robyn Burrows, Cause of Action)

Mr. Mulvey ...

Thank you for your patience. The case is still under review. I will update you as soon as I know more. I'm on 927-8989 if you have additional questions.

Karen M. Edwards
FOIA Analyst, FOIA and Transparency
Privacy, Transparency, and Records
U.S. Department of the Treasury
Karen.Edwards@Treasury.gov
202 927-8989