June 1, 2026

VIA DOJ OIP FOIA STAR PORTAL AND U.S. MAIL

Director
Office of Information Policy
United States Department of Justice
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Re: Administrative Appeal and Request for Supervisory Remand under the Freedom of Information Act; FBI FOIPA Request No. 1595076-000; MuckRock Dept. MR147596; Records Concerning Brian Christopher Laundrie / Gabrielle Venora Petito Investigation

Dear Director:

Nik Hatziefstathiou and AtNight Media LLC (formerly Original Media Group), through MuckRock News Dept. MR147596, respectfully appeal and request supervisory remand of the FBI's handling of FOIPA Request No. 1595076-000. The request sought records concerning the FBI's searches of Brian Christopher Laundrie's North Port, Florida residence and related public-facing investigative materials concerning Brian Laundrie and Gabrielle Venora Petito. The FBI acknowledged the request on June 13, 2023, denied the public-interest fee waiver the same day, classified the request for fee purposes as a general all-other request rather than a representative-of-the-news-media request, and then allowed the request to remain unresolved for nearly three years despite repeated follow-ups.

This submission asks OIP to vacate or remand the fee-waiver and fee-category determinations, direct the FBI to complete a reasonable search and production, and require the FBI to identify the processing track, locations searched, search terms, volume of responsive records, and any basis for withholding. If OIP concludes that any portion of this appeal is procedurally premature or untimely because the FBI has not yet issued a final merits determination, requesters ask OIP to construe this submission as a renewed fee-waiver/news-media request under 28 C.F.R. § 16.10(k)(4), a request for supervisory intervention while the request remains pending, and a notice of constructive exhaustion under 5 U.S.C. § 552(a)(6)(C)(i).

This appeal does not seek autopsy photographs, death-scene images, private medical files, victim-family personal information, or other material whose disclosure would cause a clearly unwarranted invasion of personal privacy. Those categories may be withheld or redacted where FOIA permits. The appeal seeks non-exempt, segregable government records showing what the FBI did, what records were gathered during the searches, what field offices and systems were searched, and what public-release or media materials the FBI maintained about a closed, nationally significant investigation.

I. Procedural background

1. The request. On June 9/10, 2023, requesters submitted a FOIA request to the FBI through MuckRock. The request identified AtNight Media as a representative of the news media and stated that the requested documents would be made available to the general public and were not sought for commercial purposes. The request sought: (a) notes, photos, video, or audio recordings gathered during the FBI searches of Brian Laundrie's residence at 4343 Wabasso Avenue, North Port, Florida 34287, by agents of the FBI's Denver Division; and (b) any memos, documents, reports, video, and other materials the FBI would generally provide to the public through members of the media relating to Brian Christopher Laundrie. Exhibit A.

2. The acknowledgment. By letter dated June 13, 2023, the FBI acknowledged FOIPA Request No. 1595076-000, identified the subject as 'LAUNDRIE, BRIAN CHRISTOPHER,' stated that the request had been received at FBI Headquarters through the eFOIPA system, and indicated that correspondence containing audio, video, or high-resolution photographs would be sent through standard mail rather than through eFOIPA. The same letter stated that responsive records subject to FOIA would be posted to the FBI's electronic FOIA Library,

The Vault, and that the public-interest fee-waiver request was under consideration. Exhibit B.

3. The fee/category determination. In the same acknowledgment, the FBI checked the fee-category box for 'general (all others)' requester. By a separate letter also dated June 13, 2023, the FBI denied the fee waiver solely on the ground that requester had failed to demonstrate that disclosure was likely to contribute significantly to public understanding of government operations or activities. The FBI did not check the box stating that disclosure would be primarily in requesters' commercial interest. Exhibit C.

4. Follow-ups and lack of final action. Requesters followed up on September 12, 2023, and received an email directing them to the FBI Vault status system and reporting general average processing times for simple, medium, large, and extra-large tracks. The FBI did not identify the track assigned to this request, the number of pages located, the offices searched, the anticipated completion date, or any substantive production schedule. Requesters continued to follow up on December 11, 2023; March 11, 2024; June 10, 2024; September 9, 2024; December 9, 2024; March 10, 2025; June 9, 2025; September 8, 2025; December 8, 2025; and March 9, 2026. Exhibits D and E.

5. Constructive exhaustion. More than twenty working days have elapsed since the FBI received the request, and no final determination, production, no-records response, exemption determination, or appealable merits decision has been issued. The statute therefore treats requesters as having constructively exhausted administrative remedies. 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(C)(i); see also Oglesby v. U.S. Dep't of the Army, 920 F.2d 57, 61-65 (D.C. Cir. 1990). Requesters nevertheless submit this appeal to give DOJ an opportunity to correct the matter administratively.

II. Grounds for appeal and remand

A. The FBI has not made the determination FOIA requires.

FOIA requires an agency to determine within the statutory period whether it will comply with a request and to notify the requester of the determination, the reasons for the determination, and appeal rights. 5 U.S.C. § 552(a)(6)(A)(i). A valid determination must do more than acknowledge receipt; it must at least communicate the scope of records the agency will produce and withhold and the reasons for any withholding. Citizens for Responsibility & Ethics in Washington v. FEC, 711 F.3d 180, 188-89 (D.C. Cir. 2013).

The FBI's June 13, 2023 acknowledgment was not a final determination. It did not state that the FBI had completed any search, did not identify any records located or withheld, did not provide a production date, did not invoke a merits exemption, and did not assign a processing track. The repeated follow-ups confirm that the request remained pending for years without a substantive response. OIP should remand with instructions to issue a compliant final determination and rolling productions on a defined schedule.

B. The FBI must search the actual request, not merely treat it as a generic name file request.

The request was not a general request for every FBI file concerning Brian Laundrie. It sought specific categories of records connected to the searches of 4343 Wabasso Avenue and specific public-release/media materials concerning Brian Laundrie. The FBI's addendum states that its standard policy is to search main-entity records in the Central Records System and that a standard search does not include reference records, administrative records of prior FOIA requests, or civil-litigation files unless specifically requested. Here, the request reasonably calls for a search beyond a single main-entry name search because the requested records are tied to a search location, field-office involvement, evidence gathered at a residence, photographs/video/audio, and public/media release materials.

A reasonable search should include, at minimum, all FBI systems and offices reasonably likely to hold responsive records, including FBI Headquarters, the Denver Field Office, any Tampa/North Port-related field-office records or evidence files, public-affairs/media records, and responsive electronic case systems, indices, attachments, and cross-reference records for Brian Christopher Laundrie, Gabrielle Venora Petito, 4343 Wabasso Avenue, North Port, Florida, and the September 2021 residential search activity. If the FBI believes another component, field

office, or agency controls portions of the requested records, it should route, consult, or refer those records rather than leave the request dormant.

C. The fee-waiver denial should be vacated or treated as a renewed fee-waiver request while the matter remains pending.

The June 13, 2023 fee-waiver denial was conclusory. It selected only one ground - that requesters had not shown a likely significant contribution to public understanding of government operations or activities - while leaving unselected the ground that disclosure would primarily serve a commercial interest. The denial did not analyze the specific public interest in the FBI's conduct during a nationally significant missing-person/homicide investigation, the public controversy surrounding the search of the Laundrie residence, the FBI's evidence-gathering and media-release practices, or requesters' stated intent to disseminate the records publicly.

Disclosure would shed light directly on government operations and activities: how the FBI gathered, preserved, recorded, and publicly described evidence in a closed high-profile investigation; how field offices coordinated searches and public communications; and what non-exempt records were gathered at the residence. That subject is not remote or personal to requester. It concerns identifiable operations of a federal law-enforcement agency. See 5 U.S.C. § 552(a)(4)(A)(iii); 28 C.F.R. § 16.10(k)(2)(i)-(iii). FOIA fee waivers for noncommercial requesters are to be liberally construed. Judicial Watch, Inc. v. Rossotti, 326 F.3d 1309, 1312 (D.C. Cir. 2003).

Requesters are also able and intend to disseminate the information to a broad public audience. The original request expressly identified AtNight Media as a news-media requester and stated that the records would be made available to the general public. DOJ's own regulations direct components to presume that a representative of the news media satisfies the broad-public-understanding consideration when the request would shed light on government operations. 28 C.F.R. § 16.10(k)(2)(ii)(B). OIP should reverse or remand the fee-waiver denial, or treat this appeal as a renewed fee-waiver request because the underlying record request remains pending. 28 C.F.R. § 16.10(k)(4).

D. The FBI should classify requester as representative of the news media and should not assess search fees.

The FBI's all-other fee classification is inconsistent with the request. FOIA and DOJ regulations provide that representatives of the news media are not subject to search fees, and DOJ expressly recognizes internet-only news organizations as news-media entities. 5 U.S.C. § 552(a)(4)(A)(ii)(II); 28 C.F.R. § 16.10(b)(6), (c)(1)(i), (d)(1). The D.C. Circuit has instructed that the news-media inquiry turns on whether the requester gathers information of potential interest to a segment of the public, uses editorial skill to turn raw materials into a distinct work, and distributes that work to an audience. Cause of Action v. FTC, 799 F.3d 1108, 1121-25 (D.C. Cir. 2015).

AtNight Media requested records for public dissemination about a matter of public concern. The request was made through MuckRock, a public-records platform used to publish and track government-records requests, and identified a public-facing media purpose. No record in the FBI's June 13, 2023 correspondence explains why the FBI rejected news-media status or gave requesters an opportunity to supplement the record. OIP should direct the FBI to reclassify requester as a representative of the news media.

In any event, the FBI should not assess search fees after missing FOIA's response deadline. FOIA and DOJ regulations restrict fees when a component fails to comply with time limits, including a bar on search fees and, for news-media requesters, duplication fees absent specific statutory exceptions. 5 U.S.C. § 552(a)(4)(A)(viii); 28 C.F.R. § 16.10(d)(2). The FBI has not provided a timely unusual-circumstances letter, a page-count showing exceeding 5,000 pages, or evidence of the required consultation efforts sufficient to preserve fees.

E. Exemptions and privacy interests can be handled through targeted redaction and segregability.

The request concerns a deceased subject and a closed FBI investigation, but requesters recognize that some records may implicate survivor privacy, third-party privacy, law-enforcement techniques, or other protected interests. That does not justify inaction or categorical nonprocessing. FOIA requires the FBI to release reasonably segregable non-exempt portions of responsive records. 5 U.S.C. § 552(b); Mead Data Cent., Inc. v. U.S. Dep't of

the Air Force, 566 F.2d 242, 260 (D.C. Cir. 1977).

The privacy interests recognized in National Archives & Records Administration v. Favish, 541 U.S. 157 (2004), can be protected by redacting family-member identifiers, private medical information, graphic images, home-contact information of third parties, and other exempt material. The FBI can still release non-exempt search inventories, public-affairs materials, non-graphic photographs or descriptions, reports, memoranda, logs, or segregable factual passages that illuminate agency conduct.

III. Requested relief

1. accept this submission as an administrative appeal, renewed fee-waiver/news-media request, and request for supervisory remand concerning FBI FOIPA Request No. 1595076-000;

2. vacate or remand the June 13, 2023 fee-waiver denial and direct the FBI to classify requester as a representative of the news media;

3. direct the FBI not to assess search fees and, if requester is classified as news media, not to assess duplication fees absent a specific written showing satisfying 5 U.S.C. § 552(a)(4)(A)(viii) and 28 C.F.R. § 16.10(d)(2);

4. direct the FBI to conduct and describe a reasonable search of all locations likely to contain responsive records, including field-office, headquarters, public-affairs, electronic case-file, evidence, media, audio/video, and cross-reference systems reasonably associated with the request;

5. direct the FBI to process the records on a rolling basis; identify any records already posted to The Vault by exact URL, title, Bates range, or other document identifier; and produce records in electronic format where practicable;

6. require any final determination to identify the volume of responsive records located, produced, withheld in full, withheld in part, referred, or pending consultation, with record-specific exemption markings and a segregability determination; and

7. preserve requesters' right to seek OGIS mediation and judicial review if the request is not promptly resolved.

IV. Enclosures

Exhibit A - Original June 9/10, 2023 FOIA request and eFOIPA access confirmation.

Exhibit B - FBI June 13, 2023 acknowledgment letter for FOIPA Request No. 1595076-000.

Exhibit C - FBI June 13, 2023 fee-waiver denial and FOIPA addendum/explanation of exemptions.

Exhibit D - September 12, 2023 follow-up and FBI status email.

Exhibit E - Periodic follow-ups from December 11, 2023 through March 9, 2026.

For the foregoing reasons, OIP should vacate or remand the FBI fee and processing determinations and require prompt completion of the search, review, and production required by FOIA.

Respectfully submitted,

Nik Hatziefstathiou
For AtNight Media LLC
Through MuckRock News Dept. MR147596
nth@oneworldcommand.com | 844-922-3236

EXHIBIT A

Original June 9/10, 2023 FOIA request and eFOIPA access confirmation

Exhibit A-1: Original FOIA Request

Source file: 000_2023-06-09 22_45_09.083629+00_00_comm.txt

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

AtNight Media (formerly Original Media Group) requests communications relating the investigation of Brian Laundrie and the murder of Gabrielle Venora Petito. On September 20, 2021, agents from the Denver division of the FBI and local police agencies executed a search warrant and declared a “crime scene” at the Laundrie North Port residence. (For verification of the warrant, please see this statement via Twitter by the FBI: https://twitter.com/FBITampa/status/1439957009508544514. On Jan. 21, 2022, the FBI closed the investigation (For verification please see: https://www.fbi.gov/contact-us/field-offices/denver/news/press-releases/fbi-denver-provides-final-investigative-update-on-gabrielle-petito-case).

Request.
1. Notes, photos, video or audio recordings gathered during the multiple searches of Brian Laundrie’s residence located at 4343 Wabasso Avenue, North Port, Florida, 34287 by agents of the Denver division of the FBI.
2. Any memos, documents, reports, video and other material the Agency would generally provide to the public through members of the media relating to “Brian Christopher Laundrie”, otherwise known as “Brian Laundrie.”

AtNight Media is a representative of the news media and is primarily engaged in the dissemination of information to the public.

If this request is unclear, please contact me to allow revisions rather than deny the request. Similarly, if the requested data are available only in part, please fulfill the portion of the request that is available rather than denying it in full. For example, notes or reports are available/subject to release but personal identifying information are not, reply with the report summary and omit sensitive information.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Nik Hatziefstathiou

Exhibit A-2: eFOIPA Access Confirmation

Source file: 001_2023-06-10 04_31_49.020244+00_00_comm.txt

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You have successfully requested access to FBI's eFOIPA website.

Please access the efoia.fbi.gov by following this temporary authorization url:
<https://efoia.fbi.gov/authorize/49021be0a5848aed1c422667983537f61054336d>.
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EXHIBIT B

FBI June 13, 2023 acknowledgment letter

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 13, 2023

MUCKROCK NEWS
DEPT MR147596
263 HUNTINGTON AVENUE
BOSTON, MA 02115

FOIPA Request No.: 1595076-000
Subject: LAUNDRIE, BRIAN CHRISTOPHER

Dear Mr. Hatziefstathiou:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- [x] Your request has been received at FBI Headquarters for processing.
- [x] You submitted your request via the FBI's eFOIPA system.
  - [ ] Future correspondence about your FOIPA request will be provided in an email link unless the record file type is not supported by the eFOIPA system.
  - [x] Correspondence for requests regarding living individuals, or containing audio, video, and high resolution photographs cannot be sent through the eFOIPA system. Future correspondence about your FOIPA request will be delivered through standard mail.
- [ ] The subject of your request is currently being processed and documents subject to the FOIPA will be released to you upon completion.
- [x] Release of responsive records subject to the FOIPA will be posted to the FBI's electronic FOIA Library (The Vault), http:/vault.fbi.gov, and you will be contacted when the release is posted.
- [x] Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- [x] For the purpose of assessing any fees, we have determined:
  - [ ] As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - [ ] As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - [x] As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.vault.fbi.gov by clicking on "Check Status of your FOI/PA Request." Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed, the notice will indicate that appropriate correspondence has been mailed to the address on file.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Joseph E. Bender Jr.

Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division

EXHIBIT C

FBI June 13, 2023 fee-waiver denial and FOIPA addendum

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 13, 2023

MUCKROCK NEWS
DEPT MR147596
263 HUNTINGTON AVENUE
BOSTON, MA 02115

FOIPA Request No.: 1595076-000
Subject: LAUNDRIE, BRIAN CHRISTOPHER

Dear Nik Hatziefstathiou:

This is in response to your request for a fee waiver for the above referenced Freedom of Information/Privacy Acts (FOIPA) request. Fee waivers are reviewed on a case by case basis, and your request was denied for the reason(s) selected below. See 5 U.S.C. § 552 (a)(4)(A)(iii) and 28 C.F.R. § 16.10(k).

☑ You failed to demonstrate that the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government.

☐ Disclosure of the information is primarily in the commercial interest of the requester.

You have the opportunity to reduce the scope of your request. If records are located, reducing the scope could potentially place your request in a quicker processing queue. In addition to allowing for timelier processing, it may also reduce applicable costs associated with your request.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at

foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Joseph E. Bender, Jr.
Acting Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosures

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C.§ § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C.§ 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.

a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.

(iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

EXHIBIT D

September 12, 2023 follow-up and FBI status email

Exhibit D-1: September 12, 2023 Follow-Up

Source file: 004_2023-09-12 05_00_17.818008+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit D-2: FBI Status Email

Source file: 005_2023-09-12 11_58_09.767106+00_00_comm.txt

Thank you for contacting foipaquestions@fbi.gov. Please check the status of your FOIPA Request at http://vault.fbi.gov by clicking on “Check Status of Your FOI/PA Request” on the right side of the page, and follow the instructions below.

Check the Status of Your FOIPA Request
If your FOIPA Number is [1234567-0] please enter [1234567-000] into the system. If your FOIPA Number is [1234567-1] please enter [1234567-001] into the system. If you have any questions about the status of your FOIPA request, please e-mail foipaquestions@fbi.gov.

FIND STATUS OF FOIPA- Request statuses are updated weekly

Please enter the whole FOIPA number-Example: [1234567-000]

FOIPA:
Results will show the Request Number, Case Type and Process Description shown below:
FOIPA:
1234567-000

Case Type:
FOIPA

Process Description (Will display the current progress of the request)
The FBI’s FOIPA Program is searching the FBI’s indices for potentially responsive documents. You may be contacted via formal letter for all fees and/or negotiation issues that may apply.

NOTE: Recent requests are entered into the FOIPA database in the order that they are received. Before you can check the status, you must have received correspondence assigning a FOIPA request number and the information transferred to the online database. Status information is updated weekly. If a request has been closed within the last six months the online database will display the following: The FOIPA number entered has been closed, and appropriate correspondence has been sent to the address on file.

Estimated Dates of Completion
Requests are processed in the order in which they are received through our multi-track processing system. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium, large, and extra-large sub-tracks based upon request size. Simple track requests typically require the least amount of time to process. Currently, simple track cases average approximately 122 days from the date of receipt for processing. Our complex requests in the medium processing track are currently averaging 1,230 days, large processing track are currently averaging approximately 2,010 days, and extra-large processing track are currently averaging 2,370 days for processing.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov<mailto:foipaquestions@fbi.gov>

Do you have further questions about the FOI/PA process? Visit us at http://www.fbi.gov/foia

Please check the status of your request online at https://vault.fbi.gov/fdps-1/@@search-fdps
    Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at http://tips.fbi.gov/ or reach out to your local field office.

EXHIBIT E

Periodic follow-ups from December 11, 2023 through March 9, 2026

Exhibit E: Periodic Follow-Up

Source file: 006_2023-12-11 06_00_35.721862+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit E: Periodic Follow-Up

Source file: 007_2024-03-11 05_01_23.108569+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit E: Periodic Follow-Up

Source file: 008_2024-06-10 05_02_24.512430+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit E: Periodic Follow-Up

Source file: 009_2024-09-09 05_00_33.436140+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit E: Periodic Follow-Up

Source file: 010_2024-12-09 06_00_32.260390+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit E: Periodic Follow-Up

Source file: 011_2025-03-10 05_00_36.868189+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit E: Periodic Follow-Up

Source file: 012_2025-06-09 05_00_39.180922+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit E: Periodic Follow-Up

Source file: 013_2025-09-08 05_00_42.300469+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit E: Periodic Follow-Up

Source file: 014_2025-12-08 06_01_30.777157+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.

Exhibit E: Periodic Follow-Up

Source file: 015_2026-03-09 05_01_00.217987+00_00_comm.txt

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on June 10, 2023. Please let me know when I can expect to receive a response. You had assigned it reference number #1595076-000.

Thanks for your help, and let me know if further clarification is needed.