



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

July 31, 2020

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116  
OASIS No.: 1134379

Tim Mak  
National Public Radio, Inc.  
1111 North Capitol St., N.E.  
Washington, DC 20002

Dear Mr. Mak:

Re: *National Public Radio, Inc. et al v. United States Department of the Treasury*, Civil  
Action No. 1:19-CV-0017 (JDB)

This letter is the Office of Foreign Assets Control's (OFAC) sixteenth interim response to your three Freedom of Information Act (FOIA), 5 U.S.C. § 552, requests to the Department of the Treasury as outlined below.

FOIA No.	Date of Request	Subject of Request
2018-06-192	May 14, 2018	Alexander Torshin, Oleg Deripaska
2018-08-115	August 14, 2018	Maria Butina
2018-08-116	August 14, 2018	Kalashnikov Concern, Mark Barnes, National Rifle Association

On August 22, 2019, the Court ordered Treasury to review documents at a rate of 3,000 pages per month, regardless of how many documents are identified as being responsive.

In accordance with this court order, for this sixteenth interim release OFAC has reviewed at least 3,000 pages of records. Of the pages reviewed for this release, OFAC determined that 169 pages were responsive to your FOIA requests. The remaining pages were duplicates, non-responsive, or fall within the categories of records that we have agreed not to process at this time. Of the 169 responsive pages, 25 pages contain duplicative content; 18 pages are pending processing through the submitter notice process (see 31 C.F.R. §1.5); 55 pages are pending processing as consultations to other governmental agencies and/or within Treasury as specified in the filler pages (see 31 C.F.R. §1.3(d)(1)); 45 pages are being released in full; and 26 pages are being released in part with redactions made pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(C).

Additionally, we have received consultation responses from the Department of State (DOS) and another component of Treasury. Accordingly, we are supplementing our fifth interim release with nine pages (Bates Nos. 2018-08-116: 100-108), our sixth interim release with 37 pages (Bates Nos. 2018-08-116: 604-609; 613; 625-630; 838-842; 938-943; 992-998; 1000-1005), our seventh interim release with 37 pages (Bates Nos. 2018-08-116: 1331-1336; 1364-1368; 1370-1376; 1453-1471), and our eighth interim release with 11 pages (Bates Nos. 2018-08-116: 2293; 2424; 2426-2433; 2435) for which processing has been completed as a result of receiving

Mr. Mak  
Page 2

consultation responses. Of the 94 supplemental pages, 74 pages are being released in full and 20 pages are being released in part with redactions made pursuant to FOIA exemptions (b)(5) and (b)(6).

FOIA exemption (b)(5) protects from disclosure “inter-agency” or “intra-agency” records and information which would not be available by law to a party other than an agency in litigation with that agency. Treasury used exemption (b)(5) to withhold information under the deliberative process privilege. Treasury determined that some records or information, if released, would: 1) hinder open and frank discussions on matters of policy between subordinates and superiors; and/or 2) prematurely disclose proposed policies before they are actually adopted; and/or 3) engender public confusion from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency’s action.

OFAC used exemption (b)(5) to withhold information under the attorney-client privilege which protects confidential communications between government attorneys and their clients relating to legal matters for which Treasury has sought professional advice.

FOIA exemption (b)(6) protects from disclosure personal privacy information, the release of which would constitute a clearly unwarranted invasion of personal privacy. OFAC used a balancing test to determine that the individuals’ right to personal privacy outweighs the public’s right to release of the information. Treasury and DOS used exemption (b)(6) to withhold information such as names of individuals, telephone numbers, and email addresses.

FOIA exemption (b)(7) protects from disclosure records and information compiled for a law enforcement purpose, the release of which would violate one of the six subparts of the exemption.

OFAC withheld information, compiled for a law enforcement purpose, under FOIA exemption (b)(7)(C) to protect personal privacy information in law enforcement records, the release of which would constitute a clearly unwarranted invasion of personal privacy. The courts have determined that there are strong privacy interests inherent in law enforcement records. OFAC withheld such information as names of individuals, telephone numbers, and email addresses.

OFAC will continue to process its records until all responsive records have been processed.

Mr. Mak  
Page 3

If you have any questions or would like to discuss this matter, please feel free to contact Trial Attorney Joshua Kolsky at (202) 305-7664.

Sincerely,

Marshall H. Fields, Jr.  
Assistant Director  
Information Disclosure and Records Management  
Office of Sanctions Support and Operations  
Office of Foreign Assets Control

Enclosures:

1. Sixteenth Interim Release (92 pages, including 21 filler pages)
2. Second Supplement to Fifth Interim Release (nine pages)
3. First Supplement to Sixth Interim Release (37 pages)
4. First Supplement to Seventh Interim Release (37 pages)
5. First Supplement to Eighth Interim Release (11 pages)

CC: [joshua.kolsky@usdoj.gov](mailto:joshua.kolsky@usdoj.gov)