



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

September 30, 2020

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116
OASIS No.: 1146140

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) eighteenth 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 eighteenth interim release OFAC has reviewed at least 3,000 pages of records. Of the pages reviewed for this release, OFAC determined that 587 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 587 responsive pages, 506 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)); 50 pages are being released in full; three pages are being withheld in full pursuant to FOIA exemptions (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E); and 28 pages are being released in part with redactions made pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C).

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. OFAC used exemption (b)(5) to withhold information under the deliberative process privilege. OFAC 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)

Mr. Mak

Page 2

engender public confusion from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

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 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 records and information, compiled for a law enforcement purpose, under FOIA exemption (b)(7)(A) because release could reasonably be expected to interfere with enforcement proceedings.

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 an 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 the names of individuals, telephone numbers, and email addresses.

OFAC withheld information, compiled for a law enforcement purpose, under FOIA exemption (b)(7)(E) to protect information that if released would disclose techniques and procedures that could reasonably be expected to risk circumvention of the law.

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

Enclosure:
Eighteenth Interim Release (96 pages, including 18 filler pages)

CC: joshua.kolsky@usdoj.gov