



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

May 31, 2019

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116
OASIS No.: 1058545

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) second interim response to your three Freedom of Information Act (FOIA), 5 U.S.C. § 552, requests to the Department of the Treasury outlined in brief 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 |

In item four of FOIA No. 2018-08-116, you seek all documents that constitute the evidentiary package used to support, or form the basis of, OFAC's July 16, 2014 sanctions designation of Kalashnikov Concern. The second interim release is comprised of non-exempt portions of this designation package and of records referring or relating to Alexander Torshin.

OFAC has conducted a search of its records and, among the results, located 352 pages of records that comprise the evidentiary package referenced above and certain communications referring or relating to Alexander Torshin. Of these 352 pages, 12 are redacted in part pursuant to FOIA exemptions (b)(3), (b)(6), (b)(7)(C) and (b)(7)(E). The remaining 340 pages are being released to you in full.

FOIA exemption (b)(3) allows for the withholding of records or information that is prohibited from disclosure by another federal statute. OFAC is withholding information regarding intelligence sources and methods pursuant to 50 U.S.C. § 3024(i)(1).

FOIA exemption (b)(6) protects from disclosure personal privacy information, the release of which would constitute a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. OFAC is withholding information such as individuals' names and initials. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure

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of the withheld information. Any private interest in that information does not factor into the aforementioned balancing test.

FOIA exemption (b)(7)(C) protects from disclosure records or information compiled for law enforcement purposes, the release of which would reasonably be expected to constitute an unwarranted invasion of personal privacy. *See* 5 U.S.C. § 552(b)(7)(C). The courts have determined that there are strong privacy interests inherent in law enforcement records. Accordingly, OFAC is invoking exemption (b)(7)(C) to protect individuals' names and initials.

OFAC is using FOIA exemption (b)(7)(E) to protect from release "records or information compiled for law enforcement purposes...[which] 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[.]" *See* 5 U.S.C. § 552(b)(7)(E).

OFAC will continue to process records responsive to your three FOIA requests until all records have been processed. 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: Responsive Documents (352 pages)

CC: joshua.kolsky@usdoj.gov