



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

August 30, 2019

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116
OASIS No.: 1075250

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) fifth 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

For this fifth interim release, OFAC has identified among the search results 300 pages of communications referring or relating to Kalashnikov Concern or the National Rifle Association. Of these 300 pages of records, information found in 120 pages requires consultation with the Department of State, the Department of Commerce, the Office of the U.S. Trade Representative, another government agency, and/or other components of Treasury. *See* 31 C.F.R. § 1.3(d). Once the consultation process is complete, OFAC will process those records to you. Of the remaining 180 pages of records, 79 are redacted in part pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C), and 101 pages are being released to you in full.

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 the agency. Specifically, OFAC used Exemption (b)(5) to withhold records and information under the deliberative process privilege. OFAC determined that some discrete pieces of 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.

Exemption (b)(5) was also used to withhold records and information under the attorney-client privilege which protects confidential communications between government attorneys and

Mr. Mak
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Treasury components (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. This requires a balancing of the public's right to disclosure against the individual's right to privacy. FOIA Exemption (b)(6) was used to withhold information such as individuals' names, initials, email addresses, and phone numbers. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the withheld information.

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 invoked Exemption (b)(7)(C) to protect information such as individuals' names, email addresses, and phone numbers.

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

Enclosures: Responsive Documents (183 pages, including filler pages)

CC: joshua.kolsky@usdoj.gov