



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

May 28, 2020

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116
OASIS No.: 1120310

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) fourteenth 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 fourteenth interim release OFAC has reviewed at least 3,000 pages of records. Of the pages reviewed for this release, OFAC determined that 501 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 501 responsive pages, 404 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)); 70 pages are being released in full; 13 pages are being withheld in full pursuant to FOIA exemption (b)(3), with portions of those pages withheld under exemptions (b)(5), (b)(6), and (b)(7)(C); and 14 pages are being released in part with redactions made pursuant to FOIA exemptions (b)(6) and (b)(7)(C).

FOIA exemption (b)(3) allows for the withholding of records or information that is prohibited from disclosure by another federal statute. OFAC is withholding records created or obtained in the implementation of the Foreign Narcotics Kingpin Designation Act (Kingpin Act) [21 U.S.C. §§ 1901-08] pursuant to 21 U.S.C. § 1904(e)(3).

Mr. Mak
Page 2

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 OFAC. OFAC used exemption (b)(5) to withhold 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 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. OFAC used a balancing test to determine that the individuals’ right to personal privacy outweighs the public’s right to release of the information. OFAC withheld 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

Enclosure: Fourteenth Interim Release (98 pages, including 14 filler pages)

CC: joshua.kolsky@usdoj.gov