



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

June 30, 2020

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116
OASIS No.: 1128010

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) fifteenth 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 fifteenth interim release OFAC has reviewed at least 3,000 pages of records. Of the pages reviewed for this release, OFAC determined that 325 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 325 responsive pages, 51 pages are pending processing through the submitter notice process (see 31 C.F.R. §1.5); 28 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)); 134 pages are being released in full; seven pages are being withheld in full pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(C); and 105 pages are being released in part with redactions made pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C).

Additionally, we have received consultation responses from the Department of Justice (DOJ), the Department of State (DOS), and the Department of Commerce's Bureau of Industry and Security (BIS). Accordingly, we are supplementing our third interim release with 11 pages (Bates Nos. 2018-06-192: 000624-000634) and our fifth interim release with 84 pages (Bates Nos. 2018-08-116: 000121-000204) for which processing has been completed as a result of receiving consultation responses. Of the 95 supplemental pages, 81 pages are being released in full and 14

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pages are being released in part with redactions made pursuant to FOIA exemptions (b)(5), (b)(6), 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, DOJ, and DOS 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) engender public confusion from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency’s action.

OFAC and DOJ used exemption (b)(5) to withhold records and 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. OFAC, DOJ, DOS, and BIS 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)(A) because release could reasonably be expected to interfere with pending or prospective 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 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.

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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. Fifteenth Interim Release (254 pages, including 13 filler pages)
2. Second Supplement to Third Interim Release (11 pages)
3. First Supplement to Fifth Interim Release (84 pages)

CC: joshua.kolsky@usdoj.gov