



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

September 27, 2019

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116  
OASIS No.: 1070686

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) sixth 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

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 6<sup>th</sup> interim release OFAC has reviewed 3,000 pages of records. Of those 3,000 pages reviewed, OFAC determined that 2158 pages were either non-responsive to your FOIA requests or that they fall within the categories of records that we have agreed not to process at this time. With regard to the remaining 842 pages of records, 110 pages are pending processing through the submitter notice process (see 31 C.F.R. §1.5); 71 pages are pending processing as consultations to other Federal agencies (see 31 C.F.R. §1.3(d)(1)); 298 pages are pending processing through a combined submitter notice and consultation process; 210 pages are being released in full; 13 pages are being withheld in full pursuant to FOIA exemptions (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), and (b)(7)(E); and 75 pages are being released in part with redactions made pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), and (b)(7)(E).

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, including 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. OFAC also used exemption (b)(5) to withhold information under the attorney-client privilege which protects confidential communications between OFAC attorneys and OFAC (the client) relating to legal matters for which OFAC has sought legal 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 records and information, compiled for a law enforcement purpose, under FOIA exemption (b)(7)(A) because release could reasonably be expected to interfere with a pending or prospective enforcement proceeding.

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 individual names, telephone numbers and email addresses.

OFAC withheld information, compiled for a law enforcement purpose, under FOIA exemption (b)(7)(D) to protect the identity of a confidential source, who provided information, confidentially with the expectation that the information would remain confidential.

OFAC withheld records and 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  
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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

CC: [joshua.kolsky@usdoj.gov](mailto:joshua.kolsky@usdoj.gov)