



United States Department of State

Washington, D.C. 20520

September 21, 2018

Case No.: F-2016-17168

Segments: INR-0005IC1

INR-0006C2IC1

INR-0006C4

INR-0007IC1C1

Ms. Scarlet Kim
Privacy International
62 Britton Street
London, Great Britain

Dear Ms. Kim:

I refer to our letter, dated June 27, 2018, regarding the release of certain Department of State material under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. Due to interagency consults, the Department's processing of records potentially responsive to your request is ongoing. The Department has processed ten additional responsive documents. We have determined that two documents may be released in part and seven documents must be withheld in full. After further review, the document that was referred to the CIA for direct reply in our previous letter, dated March, 15, 2018, must be withheld in full and is part of this production. Additionally, since the last production one document was referred to the Department of Defense for direct reply to you and released in their 7/11/18 response before State had a chance to inform you of the direct reply.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document. In some cases, two or more exemptions may apply to the same document. All non-exempt material that is reasonably segregable from the exempt material has been released. The seven documents withheld in full were withheld pursuant to FOIA Exemptions 1, 3, and 5 U.S.C. §§ 552 (b)(1), (b)(3), and (b)(5).

We will keep you informed as your case progresses. We are currently aiming to resolve the remaining interagency consults by October 9. If you have any questions, you may contact Trial Attorney Marcia Sowles at marcia.sowles@usdoj.gov or (202) 514-4960. Please refer to the case number, F-2016-17168, and the civil action number, 17-cv-01324, in all correspondence about this case.

Sincerely,

Eric F. Stein, Director

Office of Information Programs and Services

Enclosures: As stated

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- | | |
|----------------|---|
| ARMSEXP | Arms Export Control Act, 50a USC 2411(c) |
| CIA PERS/ORG | Central Intelligence Agency Act of 1949, 50 USC 403(g) |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT | Foreign Service Act of 1980, 22 USC 4004 |
| INA | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN | Iran Claims Settlement Act, Public Law 99-99, Sec. 505 |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

- NR Material not responsive to a FOIA request excised with the agreement of the requester

~~SECRET~~
Department of State

INCOMING TELEGRAM

JRE

PAGE 01 OTTAWA 06300 311718Z
ACTION INRD-08

9016 ~~REF~~

INFO LOG-01 ADS-00 CCO-00 /009 W
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RELEASE IN PART
B7(D),B7(E),1.4(D)

O 311714Z JUL 90
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC IMMEDIATE 7984

~~SECRET~~ OTTAWA 06300

Classification Extended on : 08/23/2018 ~ Class: SECRET ~ Authority: DSCG
11-1 ~ Declassify on: 08/23/3028

ROGER-CHANNEL

E. O. 12356: DECL: OADR
TAGS: PINR, SOCI, CA
SUBJECT: [REDACTED]

B7(D)
B7(E)

1.4(D)

REFS: (A) OTTAWA 6226; (B) STATE 247743; (C) OTTAWA 6239

1. ~~SECRET~~ ENTIRE TEXT

2. EMBASSY (AMBASSADOR, ACTING DCM, [REDACTED], ACTING LEGATT, AND ACTING POL MINISTER-COUNSELOR) HAS FURTHER

[REDACTED]

B7(D)
B7(E)

File Second Party - Canada

6. WE RECOGNIZE THAT THIS RECOMMENDATION IS SOMEWHAT DIFFERENT FROM THAT CONTAINED IN REF C. [REDACTED]

B7(D)

NEY

REVIEW AUTHORITY: Charles Lahiguera, Senior Reviewer

ROGER CHANNEL

~~SECRET~~

RELEASE IN PART
B5, B7(D), B7(E), 1.4(D)

~~SECRET~~

OUTGOING
TELEGRAM

Department of State

Classification Extended on: 08/23/2018 ~ Class:
SECRET ~ Authority: DSCG 11-1 ~ Declassify
on: 08/23/2028

PAGE 01 STATE 252772
ORIGIN INRD-08

6325

STATE 2527

INFO LOG-08 ADS-08 /006 R

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DRAFTED BY: EUR/CAN:RMOGDEN:SLI
APPROVED BY: INR/C/IL:LGRAHL
EUR:RHPINES
L:EUR:MPEAY
S/S:JJACOBS

P:AWOLFF
S/S:WRPEARSON

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O 012116Z AUG 90
FM SECSTATE WASHDC
TO ANEMBASSY OTTAWA IMMEDIATE

~~SECRET~~ STATE 252772

ROGER CHANNEL
E.O. 12356: DECL: OADR
TAGS: PINR, CA
SUBJECT: [REDACTED]

B7(D)
B7(E)

REF: (A) SECSTATE 247743, (B) OTTAWA 06239, (C) OTTAWA
06226, (D) OTTAWA 6300

1.4(D)

1.4(D)

1. ~~SECRET~~ ENTIRE TEXT.

B7(D)
B7(E)

2. PRIOR TO RECEIPT OF REF D, AN INTERAGENCY MEETING
CHAIRIED BY DAS PINES WAS HELD JULY 31 TO DISCUSS THE
ISSUES RAISED REFTELS. REPS FROM STATE, [REDACTED] THE FBI AND
THE BUREAU OF INDIAN AFFAIRS PARTICIPATED. [REDACTED]

8. AT THE CONCLUSION OF THE MEETING, WE AGREED THAT STATE
AND JUSTICE WILL SEEK TO RESOLVE THE LEGAL ISSUES TO THEIR
MUTUAL SATISFACTION.

9. IN SUMMARY, DEPARTMENT WILL BE ENTIRELY CONTENT IF THE
GOC WITHDRAWS ITS REQUESTS. NEVERTHELESS, IF THE REQUEST
IS RENEWED AND IT SATISFIES THE CONCERNS OF OUR LEGAL
ADVISOR, AND IS STRONGLY RECOMMENDED BY THE EMBASSY,
ACCEPTANCE OF SUCH A RECOMMENDATION IS NOT FORECLOSED. KIMMITT

3. FOR YOUR BACKGROUND, THE FOLLOWING IS BEING
TRANSMITTED. WE WILL NOT BE TAKING ANY FURTHER ACTION FOR
NOW IN LIGHT OF YOUR LATEST CABLE.

THE GROUP QUICKLY AGREED THAT [REDACTED]
[REDACTED] WOULD NOT BE APPROVED NOW
AND IN ANY EVENT WERE NOT BEING REQUESTED BY THE GOC AT
THIS TIME. [REDACTED]

B7(D)
B7(E)

File Canva

B5

REVIEW AUTHORITY: Charles Lahiguera, Senior
Reviewer

~~SECRET~~