



United States Department of State

Washington, D.C. 20520

MAY -1 2012

Case Control No. 2012-22603

Mr. Mark Rumold  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110

Dear Mr. Rumold:

I refer to your letter dated February 21, 2012, requesting under the provisions of the Freedom of Information Act (Title 5 USC Section 552) and/or the Privacy Act (Title 5 USC Section 552a) the release of certain records maintained by the Department of State.

The Department of State has a number of record systems. Its Central Foreign Policy Record File is an automated centralized records system, containing substantive foreign policy documents. Additionally, offices within the Department and Foreign Service posts abroad maintain files specific to their operations. Information about the Department and the mission and functions of its individual bureaus and offices, as well as its posts abroad, may be found at our website, [www.state.gov](http://www.state.gov) or in the U.S. Government Manual published by the Government Printing Office and available at most public libraries.

Based on the subject matter of your request, we consulted with subject matter experts in the Office of the Legal Advisor. These officials advised us that no Circular 175 Memorandum or Memorandum of Law were ever issued for the Anti-Counterfeiting Trade Agreement. The officials also told us that USTR has lead within the U.S. Government for this issue.

Should you have any additional information that would assist us in identifying or locating the Department of State records you seek, please let us know within 60 days of the date of this letter, and we will be pleased to resume the processing of your request. Send additional information to: Office of Information Programs and Services, A/GIS/IPS, SA-2, Room 8100, U.S. Department of State, Washington, D.C. 20522-8100. You may also direct

questions concerning the processing of your request to the same address, or telephone (202)261-8484.

The D.C. Circuit Court of Appeals, in Oglesby v. Department of the Army, 920 F.2d 57 (D.C. Cir. 1990), ruled that a "no record" response constitutes an adverse determination, thereby requiring an agency to give appeal rights to the requester. Our determination that the Department does not have any records responsive to your request may be appealed within 60 days of the date of this letter. Although I believe that our search effort has been thorough and complete, I want to be sure that you are aware of this court decision.

Appeals should be addressed to: Chairman, Appeals Review Panel, c/o Appeals Officer, A/GIS/IPS/PP/LC, Room 8100, SA-2, U.S. Department of State, Washington, D.C. 20522-8100. A copy of the Department's appeal procedures is enclosed. Please refer to the case control number shown above in all correspondence concerning this case.

Sincerely,



Sheryl L. Walter, Director  
Office of Information Programs and Services

Enclosure:  
As stated.