



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

March 15, 2012

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

Dear Mr. Rumold:

This letter responds to your Freedom of Information Act (FOIA) request to the Department of Justice dated June 2, 2011. The Office of Information Policy (OIP) has referred one document to the Office of Legal Counsel (OLC) for direct response to you.

In a letter dated November 16, 2011, OLC responded to you directly regarding that same FOIA request. In that letter, we notified you that we had searched OLC's files and found two responsive documents, which we withheld pursuant to FOIA Exemption Five, 5 U.S.C. § 552(b)(5). The document that OIP has referred to our office for processing is the same document as one of the two documents that OLC withheld in its November 16, 2011 response. We continue to withhold this document pursuant to Exemption Five.

Although I am aware that your request is the subject of ongoing litigation and appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Any administrative appeal must be received within 60 days of the date of this letter by the Office of Information Policy, United States Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink that reads "Paul P. Colborn".

Paul P. Colborn
Special Counsel