

Sealing, Donna

From: Russell Nichols *oIS*
Sent: Monday, April 20, 2009 1:04 PM
To: Donna Sealing
Cc: Catherine Holzle
Subject: RE: Draft YA on New FOIA Procedures

Donna,

I apologize for continuing to have afterthoughts every time I read this, but now I have another one after I approved what you sent to Cathy. Therefore, I'm Cc'ing her so that she'll know we're thinking about the below change in case it crosses her mind too:

Because we use the term but we don't say exactly what it means, I think we should add a definition or elaboration for the term "foreseeable harm." To paraphrase the DOJ guidance, foreseeable harm is not merely speculative or abstract fears but the agency must reasonably foresee that disclosure would cause harm. DOJ actually gives an example using Exemption 5. If we have enough space (are YA's limited to a certain number of characters?), perhaps the DOJ example could be included in the YA. What do you think about taking the sentence about foreseeable harm out of the second paragraph on page one and adding a definition/elaboration of foreseeable harm as a new paragraph right before the last paragraph on page one? That way you'd have an explanation of FH followed by the paragraph that starts with "In order to comply...".

Russ

From: Donna Sealing
Sent: Monday, April 20, 2009 12:08 PM
To: Catherine Holzle
Cc: Russell Nichols; Trip Rothschild
Subject: RE: Draft YA on New FOIA Procedures

Cathy,

Here's the updated YA for your review.

Donna

From: Catherine Holzle *o6C*
Sent: Friday, April 10, 2009 5:47 PM
To: Donna Sealing
Cc: Russell Nichols; Trip Rothschild
Subject: RE: Draft YA on New FOIA Procedures

Trip had some additional concerns on this draft YA, which I have incorporated into the attached revision of suggested edits. Essentially, it involves providing an explanation of the nature of the exemptions mentioned. I broke them into separate bulleted items to make it (hopefully) less confusing. Let me know what you think.

My suggested edits are attached. Please let me know if you have any questions. Thanks.

From: Donna Sealing
To: Trip Rothschild
Cc: Russell Nichols

Sent: Mon Apr 06 08:56:28 2009
Subject: Draft YA on New FOIA Procedures
Good Morning Trip,

Attached for your review is the YA on the new FOIA procedures.

Donna

From: Russell Nichols
Sent: Friday, March 27, 2009 7:49 AM
To: Trip Rothschild
Cc: Donna Sealing; Catherine Holzle; Joseph Gray; Stephen Burns
Subject: RE: FOIA Memo 03-19-09

Of course.

From: Trip Rothschild
Sent: Friday, March 27, 2009 7:44 AM
To: Russell Nichols
Cc: Donna Sealing; Catherine Holzle; Joseph Gray; Stephen Burns
Subject: RE: FOIA Memo 03-19-09

That sounds like a good game plan. OGC would like to review the yellow announcement in draft form.

From: Russell Nichols
Sent: Friday, March 27, 2009 7:06 AM
To: Trip Rothschild
Cc: Donna Sealing; Catherine Holzle
Subject: RE: FOIA Memo 03-19-09

Donna attended a meeting yesterday sponsored by DOJ where the AG memo was the topic. She plans to issue a Yellow Announcement (YA) that will provide guidance about the Attorney General's memo and require submission of a foreseeable harm statement for denials. There may be other things in the YA too, but we want to get it out soon even though DOJ has not issued the new reporting guidelines yet. She also plans to hold a class for the agency FOIA coordinators, and will update the FOIA training class and materials, and the instructional guidance that her section provides to FOIA coordinators. I don't think this merits rewriting MD 3.1. Do you have any other suggestions?

From: Trip Rothschild
Sent: Thursday, March 26, 2009 4:36 PM
To: Russell Nichols; Catherine Holzle
Subject: FW: FOIA Memo 03-19-09

Any thoughts?

From: Stephen Burns
Sent: Thursday, March 26, 2009 4:20 PM
To: Joseph Gray; Trip Rothschild
Subject: Fw: FOIA Memo 03-19-09

Are we developing implementation guidance for staff? I haven't been able to read yet because the PDF is not easily readable on the Blackberry.
Steve

From: Kristy Remsburg
To: OGC Distribution
Sent: Thu Mar 26 13:56:50 2009
Subject: FOIA Memo 03-19-09
For your information.

Please see the attached memorandum from the Attorney General as this pertains to all of us.

Kristy