



FEMA

June 26, 2018

SENT VIA U.S. MAIL TO:

Andrew Janca, PhD
P.O. Box 76306
Washington, DC 20013

Re: **FEMA FOIA Case Number 2017-FEFO-00165**
FEMA FOIA Appeal Number 2018-FEAP-00004

Dear Dr. Janca:

This is in further response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), dated October 11, 2016 and received in this office on October 21, 2016. You requested a copy of the following records of the Strategic National Risk Assessment (SNRA):

1. SNRA 2015 Findings [Report], May 2015;
2. SNRA 2015 Technical Appendix, May 2015;
3. SNRA 2015 Working Papers, May 2015;
4. PPD-8 Implementation Plan, May 2011;
5. SNRA Terms of Reference, June 2011;
6. SNRA 2015 Update Background and General Guidance, February 2015;
7. SNRA 2015 Qualitative Data Instructions, February 2015, and;
8. SNRA 2015 Risk Summary Sheet Instructions & Template, February 2015.

By letter dated August 3, 2017, FEMA's Disclosure Branch provided you with its first interim response, which stated FEMA searched its National Preparedness Directorate, resulting in 703 total pages. Of those pages, items 6-8 (43 pages) were produced in full to you, while the remaining items were withheld in their entirety pursuant to FOIA Exemption 5, 5 U.S.C. § 552(b)(5). Additionally, we informed you we were still processing 13 pages of documents which contained DHS equity and required consultation before release.

On November 1, 2017, you appealed the Exemption 5 withholdings. With respect to the application of Exemption 5, after reviewing the administrative record for the processing of this

case, I have concluded the responsive records do constitute, “interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency,” and that due to their predecisional nature, the deliberative process privilege would technically apply.

On May 25, 2018, FEMA’s Disclosure Branch granted your appeal with regard to Exemption 5, and remanding this matter to Disclosure Branch for a foreseeable harm analysis to be conducted.

After further review of the documents, we have determined that 33 pages are releasable in their entirety, and 614 pages are partially releasable pursuant to FOIA Exemption 5, 5 U.S.C. § 552(b)(5).

Additionally, 26 pages of documents responsive to this request were not included in the first interim release. After carefully reviewing the responsive documents, we determined that they are appropriate for public release. They are enclosed in their entirety; no deletions or exemptions have been claimed.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, we determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

You have the right to appeal if you disagree with FEMA’s response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA’s initial determination on your FOIA request was erroneous in your correspondence, and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 days from the date of this letter to fema-foia@fema.dhs.gov, or alternatively, via mail at the following address:

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770/Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact us and refer to FOIA case number **2017-FEFO-00165**. You may send an e-mail to fema-foia@fema.dhs.gov, call (202) 646-3323, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,

Eric Neuschaefer
Chief, Disclosure Branch
Information Management Division
Mission Support

Enclosure(s): Responsive Documents (673 pages)