



FEMA

May 25, 2018

SENT VIA E-MAIL TO: ANDREW.JANCA@OUTLOOK.COM

Andrew Janca, Ph.D.
PO Box 76303
Washington, DC 20013

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

Dear Dr. Janca:

The U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) Information Management Division has completed its review of your appeal of the response by FEMA's Disclosure Branch to your Freedom of Information Act (FOIA) request, **FEMA 2017-FEFO-00165**.

In your original FOIA request, received by this office on October 21, 2016, you sought a copy of the following Strategic National Risk Assessment (SNRA) records:

1. SNRA 2015 Findings [Report], May 2015
2. SNRA 2015 Technical Appendix, May 2015 (452 pages), including both parts:
 - a. Front matter with 2015 added material (238 pages), pp. i-234; and the
 - b. SNRA 2011 Unclassified Documentation of Findings (214 pages), pp. 235-448.
3. SNRA 2015 Working Papers, May 2015 (153 pages)
4. PPD-8 Implementation Plan, May 2011 (13 pages)
5. SNRA Terms of Reference, June 2011 (2 pages)
6. SNRA 2015 Update Background and General Guidance, February 2015 (3 pages)
7. SNRA 2015 Qualitative Data Instructions, February 2015 (6 pages)
8. SNRA 2015 Risk Summary Sheet Instructions & Template, February 2015 (34 pages)

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 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), or were pages belonging to DHS.

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

FEMA 2018-FEAP-00004

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.

However, I did not find evidence a foreseeable harm analysis was conducted by the Disclosure Branch to determine whether it would be appropriate to disclose the records at issue, or portions thereof, as a matter of discretion. I am therefore granting your appeal with regard to Exemption 5, and remanding this matter to Disclosure Branch for a foreseeable harm analysis to be conducted. After the foreseeable harm analysis is conducted, Disclosure Branch will address the question of whether additional segregable portions of the aforementioned records could reasonably be released. This reevaluation is already underway, and I anticipate this reevaluation to be completed by June 15, 2018.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
(OGIS) 8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>

Telephone: 202-741-5770/Facsimile: 202-741-5769/Toll-free: 1-877-684-6448

Judicial review of my final action on your appeal is available to you in the United States District Court for the judicial district in which you reside, or in the District of Columbia.

If you have any questions or would like to discuss this matter, please contact this office at (202) 646-3323 or electronically via FEMA-FOIA@dhs.gov, and refer to **FEMA 2018-FEAP-00004**.

Sincerely,

William H. Holzerland
Senior Director for Information Management
Office of the Chief Administrative Officer
Federal Emergency Management Agency
U.S. Department of Homeland Security