



**U.S. Department of Justice**  
Office of Information Policy  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Mr. Nick Schwellenbach  
Project on Government Oversight  
Suite 500  
1100 G Street, NW  
Washington, DC 20005  
[nick@pogo.org](mailto:nick@pogo.org)

Re: Appeal No. DOJ-AP-2018-000048  
Request No. FY17-232  
MWH:JMB

**VIA: FOIAonline**

Dear Mr. Schwellenbach:

You appealed from the action of the Office of Legal Counsel (OLC) on your Freedom of Information Act request for access to a listing of OLC opinions from January 1, 2017, to the date of your request, June 9, 2017. I note that your appeal concerns the withholdings made by OLC.

After carefully considering your appeal, and as a result of discussions between OLC personnel and this Office, I am releasing additional portions of one page to you, a copy of which I have enclosed. I am otherwise affirming OLC's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. OLC properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency records protected by the deliberative process privilege and the attorney-client privilege; and

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and

analyzed your appeal, your underlying request, and the action of OLC in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers 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. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

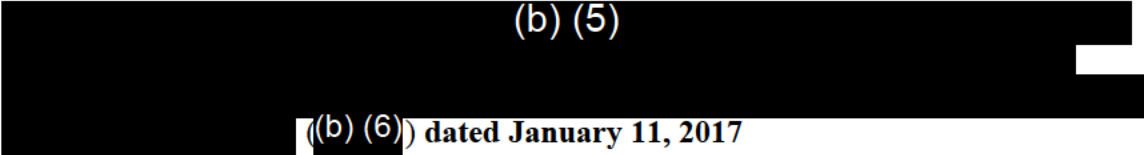
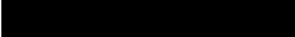
9/20/2018

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: OIP

**LIST OF OLC OPINIONS**  
January, 2017 through December, 2017

1. Counsel to the President: Memorandum re “Administration of the John F. Kennedy Centennial Commission” (Newland) **dated January 10, 2017**
2.  (b) (5)  
 (b) (6)) **dated January 11, 2017**
3. Acting General Counsel/HHS: Memorandum re “The Authority of the Department of Health and Human Services to Pay for Private Counsel to Represent an Employee before Congressional Committees (Colborn, Shaub) **dated January 18, 2017**
4. Acting General Counsel/HHS: Memorandum re “Who Qualifies as a “Very Senior” Employee Under 18 U.S.C. § 207(d)(1)(B)” (Flynn) **January 19, 2017**
5. Counsel to the President: Memorandum re “Application of the Anti-Nepotism Statute to a President Appointment in the White House Office (b) (6)) **dated January 20, 2017**
6. Counsel to the President: Memorandum re “Appointment of United States Representative (Newland) **dated March 13, 2017**
7. Counsel to the President: Letter re “Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch” (Colborn, (b) (6)) **dated May 1, 2017**