



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

SOL-2021-003887

July 23, 2021

Via email: MatthewDHardin@protonmail.com

Matthew D. Hardin
1725 I Street
NW Suite 300
Washington, DC 20006

Re: *Energy Policy Advocates v. U.S. Department of the Interior*, 1:21-cv-1247
Energy Policy Advocates v. U.S. Department of the Interior, 1:21-cv-1519

Dear Mr. Hardin,

On May 3, 2021, the U.S. Department of the Interior, Office of the Solicitor received your client's Freedom of Information Act (FOIA) request, tracked as SOL-2021-003887. In your request, you specifically ask for:

All memoranda or documents produced by or received by employees within the Departmental Ethics Office pertaining or relating to Elizabeth Klein. This request includes, but is not limited to, any final memoranda developed for the purpose of outlining recusal obligations, potential conflicts of interest that might involve Klein's former employer, its clients or members, and any particular matters that have been identified, as well as any waivers issued by agency ethics officials. This request also includes but again is not limited to any and all communications, including written analysis in any form, by and to officials in the Ethics Office regarding meeting requests with nongovernmental entities involving Ms. Klein. If any requested records were produced prior to the official start date of Ms. Klein those should also be included..

In processing the request, for this first release, the Office of the Solicitor reviewed 581 pages of potentially responsive documents, of which 577 were determined to be responsive to the request. Upon review, 122 pages were duplicative, 277 pages are being released in full, 4 pages are being redacted in part and 171 pages are undergoing consultation, pursuant to 43 C.F.R. § 2.13. The pages being released in part were redacted pursuant to Exemption 6 personal privacy interests. Please see the attached responsive documents.

Personnel and Medical Files

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6).

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information redacted under Exemption 6 consists of personal information, mobile phone numbers, and email addresses, and we have determined that the individuals to whom this information pertain have a substantial privacy interest in withholding it.

Lara Mangum, Attorney-Advisor, Office of the Solicitor was consulted in reaching this decision. Lance Purvis, FOIA Officer, Office of the Solicitor, is responsible for making this decision.

This concludes the Office of the Solicitor’s first response to your request. Additional responses are forthcoming. The fee incurred in responding to your request is less than \$50 and is not being charged in accordance with 43 CFR 2.16(b)(2).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have questions about our response to your request, you may contact April D. Seabrook, Assistant U.S. Attorney at 202-252-2525 or April.Seabrook@usdoj.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Purvis". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lance Purvis
Office of the Solicitor FOIA Officer

cc: April D. Seabrook, AUSA