



United States Department of State

Washington, D.C. 20520

MAY 18 2005

Case No. 200501307

Ms. Jennifer Ching
Gibbons, Del Rio, Dolan, Griffinger & Vecchione
One Riverfront Plaza
Newark, NJ 07102

Dear Ms. Ching:

I refer to your letter dated May 25, 2004 to the Central Intelligence Agency, requesting the release of certain material under the Freedom of Information Act (Title 5 USC Section 552). As you may know, a number of documents retrieved in response to your request originated with the Department of State and were therefore referred to us for appropriate action.

Of the four responsive documents referred to us, we have determined that one may be released, and two may be released with excisions. All released material is enclosed.

A decision on the remaining document requires coordination with another government; it has been referred for review and response to this office. Additional information will be provided as soon as it becomes available.

The material in the excised portions of one document released in part is currently and properly classified under Executive Order 12958 in the interest of national defense or foreign relations. As such, it is exempt from release under subsection (b)(1) of the Freedom of Information Act.

The material in the excised portion of one of the documents released in part is of such a nature that its release would constitute a clearly unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b) (6) of the Freedom of Information Act.

In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.


With respect to material withheld by the Department of State, you have the right to appeal our determination within 60 days. Appeals should be addressed to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/LC, SA-2, Room 8100, Department of State, Washington, D.C. 20522-8100. The letter of appeal should refer to the case number shown above. A copy of the appeals procedures is enclosed.

If you have any questions with respect to the processing of your request, you may write to the Office of IRM Programs and Services, SA-2, Department of State, Washington, D.C. 20522-8113. You may also reach us by telephone at (202) 261-8314. Please be sure to refer to the case control number shown above in all correspondence about this case.

Your continuing cooperation is appreciated.

Sincerely,



 Margaret P. Grafeld
Director

Office of IRM Programs and Services

Enclosures:
As stated.

Rules and Regulations

Subpart F – Appeal Procedures

§171.52 Appeal of denial of access to, declassification of, amendment of, accounting of disclosures of, or challenge to classification of records.

- (a) *Right of administrative appeal.* Except for records that have been reviewed and withheld within the past two years or are the subject of litigation, any requester whose request for access to records, declassification of records, amendment of records, accounting of disclosure of records, or any authorized holder of classified information whose classification challenge has been denied, has a right to appeal the denial to the Department's Appeals Review Panel. This appeal right includes the right to appeal the determination by the Department that no records responsive to an access request exist in Department files. Privacy Act appeals may be made only by the individual to whom the records pertain.
- (b) *Form of appeal.* There is no required form for an appeal. However, it is essential that the appeal contain a clear statement of the decision or determination by the Department being appealed. When possible, the appeal should include argumentation and documentation to support the appeal and to contest the bases for denial cited by the Department. The appeal should be sent to: Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/LC, U.S. Department of State, SA-2, Room 8100, Washington, DC 20522-8100.
- (c) *Time limits.* The appeal should be received within 60 days of the date of receipt by the requester of the Department's denial. The time limit for response to an appeal begins to run on the day that the appeal is received. The time limit (excluding Saturdays, Sundays, and legal public holidays) for agency decision on an administrative appeal is 20 days under the FOIA (which may be extended for up to an additional 10 days in unusual circumstances) and 30 days under the Privacy Act (which the Panel may extend an additional 30 days for good cause shown). The Panel shall decide mandatory declassification review appeals as promptly as possible.
- (d) *Notification to appellant.* The Chairman of the Appeals Review Panel shall notify the appellant in writing of the Panel's decision on the appeal. When the decision is to uphold the denial, the Chairman shall include in his notification the reasons therefore. The appellant shall be advised that the decision of the Panel represents the final decision of the Department and of the right to seek judicial review of the Panel's decision, when applicable. In mandatory declassification review appeals, the Panel shall advise the requester of the right to appeal the decision to the Interagency Security Classification Appeals Panel under §3.5(d) of E.O. 12958.