

# EXHIBIT 5



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
441 G Street, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Glen A. Smith, Esq.  
First Amendment Coalition  
Suite B  
534 Fourth Street  
San Rafael, CA 94901  
gsmith@firstamendmentcoalition.org

Re: Appeal No. DOJ-AP-2020-001746  
Request No. 1449861-000  
CDT:PJA

**VIA: Email**

Dear Glen Smith:

You appealed on behalf of your client, Bryan Carmody, from the action of the Federal Bureau of Investigation on your client's Freedom of Information Act request for access to records concerning Jeff Adachi. I note that your appeal concerns the withholdings made by the FBI pursuant to Exemption 7A.

After carefully considering your appeal, I am affirming the FBI's action on your client's 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. The FBI properly withheld this information in full because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(A) and it is reasonably foreseeable that disclosure of this information would harm the interests protected by this provision. This provision concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.

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 client's underlying request, and the action of the FBI in response to your client's request.

If your client is dissatisfied with my action on your appeal, the FOIA permits your client 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 client's right to

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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,

2/13/2020

X



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Christina D. Troiani, Associate Chief, for  
Matthew Hurd, Acting Chief, Administrative Appe...  
Signed by: CHRISTINA TROIANI