**DEPARTMENT OF DEFENSE**
**FREEDOM OF INFORMATION DIVISION**
**1155 DEFENSE PENTAGON**
**WASHINGTON, DC 20301-1155**

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Mr. Bryan C. Clark
Assistant Solicitor General
Office of Kansas Attorney General Derek Schmidt
Memorial Hall
120 SW10th Ave, 2nd Floor
Topeka, KS 66612-1597

Dear Mr. Clark:

The Department of Defense (DoD), Freedom of Information Division, Office of Litigation Support is responding to Mr. Derek Schmidt's December 16, 2015, Freedom of Information Act (FOIA) request to the OSD/JS FOIA Requester Service Center. That request was assigned FOIA case number 16-F-0329, now FOIA litigation case number 16-L-0329.

This interim response to Mr. Schmidt's FOIA request includes only those records retrieved from non-classified record systems. The appropriate DoD components reviewed the enclosed records, and when appropriate, certain records were also reviewed by the Office of Management and Budget (OMB); the National Security Council (NSC); the Department of Justice, Bureau of Prisons; the Department of the Army, and the Department of the Navy. Enclosed are 732 pages of records, thirty-one (31) pages of these records were determined to be unresponsive.

It was determined that certain information in the enclosed documents is exempt from release under the Freedom of Information Act and is withheld pursuant to 5 U.S.C. §552. Specifically, information is withheld under FOIA exemption (b)(5) which protects information which is pre-decisional in nature and was a part of the deliberative process; FOIA exemption (b)(6) which pertains to information which constitutes a clearly unwarranted invasion of individual's personal privacy, in this instance the names, phone numbers and emails addresses of personnel; and FOIA exemption (b)(7) (e) which protects law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines which could reasonably expected to risk circumvention of the law; and (b)(7)(f) which protects information which if released could reasonably be expected to endanger the physical safety of individuals. In addition the Bureau of Prisons, a component of the U.S. Department of Justice has additionally invoked FOIA exemption (b)(7)(c) which protects personal information in law enforcement records which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Appellate rights are moot as this request is currently in litigation.

Sincerely,

Paul J. Jacobsmeyer
Chief

Enclosure:
As stated