



governmentattic.org

"Rummaging in the government's attic"

Description of document: Copies of each Freedom of Information (FOIA) Appeal letter received by Financial Crimes Enforcement Network (FinCEN) in CY 2015 and C 2016 to date and each FinCEN FOIA appellate decision response issued in CY 2016 to date

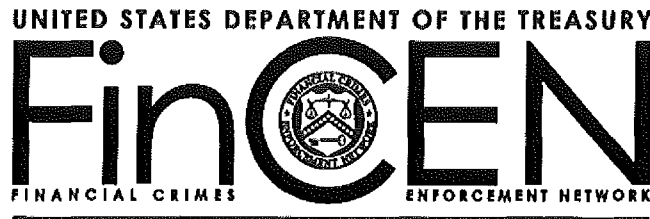
Requested date: 07-November-2016

Released date: 05-December-2016

Posted date: 09-January-2017

Source of document: Freedom of Information Act Request
Financial Crimes Enforcement Network (Disclosure Office)
P.O. Box 39
Vienna, VA 22183
[Treasury's FOIA online web portal](#)

The governmentattic.org web site ("the site") is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



December 5, 2016

Re: FinCEN 17-032-F

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request dated November 7, 2016, received by FinCEN on November 9, 2016 for “a copy of each Freedom of Information Appeal letter received in calendar year 2015 and calendar year 2016 to date. I also request a copy of each FinCEN FOIA appellate decision response issued in calendar year 2016 to date. You may omit the underlying documents and attachments and enclosures associated with these appeals and decisions.”

We have completed our search and review and found [89] pages responsive to your request. The [89] pages are released to you in part; some information has been redacted in accordance with FOIA exemption 6.

5 U.S.C. §552(b)(6), relating to personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Please note FOIA appeals #2016-468, 2016-469, and 2016-486 are still processing thus no decision letters are available. In addition the numbering sequence skips #A2016-2 and OPM-5-2015. This was a time of office personal change and moving from paper filing to electronic files. I believe both of those number sets were inadvertently skipped. I have searched both paper and electronic files without discovering any appeal information regarding those two numbers.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under the FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Both the letter and the envelope should be clearly marked "FOIA/PA Appeal" and must include a statement explaining why you believe this decision is in error. If you have any questions, please call me at 703-905-5034.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison, Mr. Deryl Richardson for assistance at: FOIA and Transparency, Department of the Treasury, Washington, DC 20220; Phone 202-622-8098; TreasFOIA@treasury.gov.

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and the Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration 8601 Adelphi Road-OGIS
College Park, MD 20740-6001 202-741-5770
ogis@nara.gov
ogis.archives.gov
877-684-6448
202-741-5770

Very truly yours,



Gilbert L. Paist
Disclosure Officer



May 7, 2015

(b) (6)

Re: FinCEN 2015-69 (DEA Case # 14-00491-P)

Dear Mr. (b) (6)

This letter responds to your appeal postmarked February 2, 2015 and received by our office on February 6, 2015, of the Drug Enforcement Administration's (DEA's) January 9, 2015 response to your request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Privacy Act, 5 U.S.C. § 552a.

As stated in DEA's December 15, 2014 letter and restated in DEA's January 9, 2015 letter, DEA located 25 pages of records that DEA deemed responsive to your request that originated at FinCEN, and consulted with FinCEN regarding these records. During the consultation process, FinCEN identified certain materials that were released to you as an enclosure to DEA's January 9, 2015 letter. Portions not released were withheld pursuant to the FOIA and the Privacy Act.

We first considered your appeal under the Privacy Act. The relevant redacted information is maintained in a FinCEN database that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. § 552a(j)(2) and/or (k)(2) as it is maintained primarily for law enforcement purposes. These records are described in detail in our most recent Privacy Act System of Records Notices, 79 Fed. Reg. 20969-20976 (April 14, 2014).

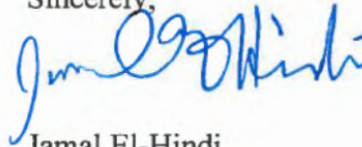
We next considered your appeal under the FOIA. The withheld materials reference information collected under the Bank Secrecy Act ("BSA"), codified at 31 U.S.C. §§ 5311-5314, 5316-5332. Reports, and records of reports, collected under the BSA are exempt from disclosure under FOIA in accordance with 5 U.S.C. § 552(b)(3), the FOIA exemption that relates to records specifically exempted from disclosure by statute. The BSA language exempting BSA reports, and records of reports, from FOIA access can be found at 31 U.S.C. § 5319. Note that this exemption extends to records

indicating that a search of BSA information occurred whether or not a positive hit results from such a search.

We have also considered the application of 5 U.S.C. § 552(b)(7)(E) relating to law enforcement records, the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions. In this instance, we have determined that the application of 5 U.S.C. § 552(b)(7)(E) to certain information was correct and the discretionary release of that information would not be appropriate.

Accordingly, we have decided to deny your appeal in full. You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Jamal El-Hindi
Acting Deputy Director
FinCEN

copy of Appeal Hr.

-1-

FREEDOM OF INFORMATION ACT/

1-2-15

PRIVACY ACT APPEAL

P.O. BOX 39

VIENNA, VA

22183

RE: "FOIA/PA APPEAL"

RE: CASE NO. 14-00491-P

DEAR SIRS,

I PREVIOUSLY WROTE A LETTER TO THE U.S. DEPT OF JUSTICE PURSUANT TO AN FOIA ON JULY 2, 2014 WHICH WAS ADDRESSED TO THE DEA SEEKING INFORMATION ON MY STATUS AS A "CONFIDENTIAL FEDERAL INFORMANT" REGARDING THE MEXICAN CARTEL OF WHICH I PLANNED TO EXCLUSIVELY USE ONLY TO CORROBORATE MY ALLEGATIONS AGAINST DEA PURSUANT TO A FEDERAL CIVIL ACTION I FILED AGAINST SEVERAL DEA AGENTS.

ON JULY 18, 2014 DEA SENT ME A RESPONSE NOTING I NEED TO FILL OUT AND RETURN A (DOJ) CERTIFICATION OF IDENTITY WHICH I FILLED OUT AND RETURNED TO THE SPRINGFIELD VIRGINIA OFFICE.

ON JULY 30, 2014 I RECEIVED A LETTER ONCE AGAIN FROM THE SPRINGFIELD DEA OFFICE WHICH INDICATED ADDITIONAL TIME WAS NEEDED BY DEA TO PROCESS MY FOIA/PA CLAIM. ON AUG 7, 2014 I WROTE ANOTHER LETTER TO THE SPRINGFIELD VA. OFFICE EXPLAINING WHERE THE RECORDS I AM SEEKING WAS LOCATED OUT OF CURTOSY TO NARROW THE SCOPE OF DEA'S SEARCH.

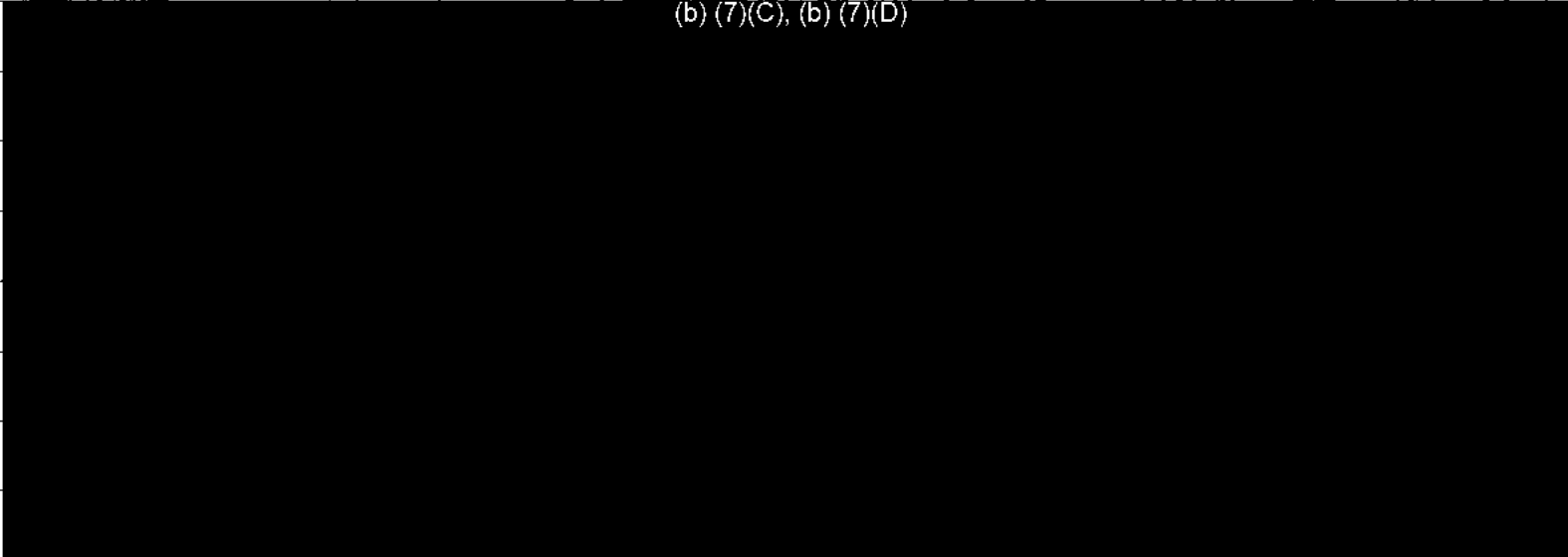
ON DEC 15, 2014 I AGAIN RECEIVED A LETTER FROM THE SPRINGFIELD OFFICE DENYING MY REQUEST ON A NUMBER OF INTERNAL DEPARTMENTAL GROUNDS INCLUDING THE FACT THE DEA DOCUMENTS CONTAINED INFORMATION FURNISHED BY ANOTHER GOVERNMENT AGENCY OF THE FINANCIAL CRIMES ENFORCEMENT NETWORK OR (FINCEN) HOWEVER I WAS ADDITIONALLY NOTIFIED THAT IF MORE MATERIAL IS AVAILABLE PENDING RESULTS OF THE CONSULTATION WITH THIS AGENCY, I WOULD RECEIVE IT.

I THEN AGAIN APPEALED THAT DECISION BY LETTER OF WHICH I SENT TO THE OFFICE OF INFORMATION POLICY ATTN: DIRECTOR (DOJ) SUITE 11050 1425 NEW YORK AVE. N.W. WASHINGTON, DC 20530-0001, MY INFORMAL APPEAL ON JAN 3, 2015.

ON JAN 9, 2015 I AGAIN RECEIVED ANOTHER LETTER FROM THE SPRINGFIELD OFFICE NOTIFYING ME THAT CERTAIN DOCUMENTS WHICH WERE IDENTIFIED WOULD BE WITHHELD FROM ME PURSUANT TO FOIA 5, U.S.C. 552 AND OR / THE PRIVACY ACT, 5 U.S.C. 552(A).

I FEEL LIKE I AM ENTITLED TO THESE RECORDS IN LIGHT OF THE ASSISTANCE THAT I WAS FORCED TO GIVE DEA AS A FEDERAL CONFIDENTIAL INFORMANT. I ASSISTED THE UNITED STATES GOVERNMENT IN THE INTERESTS OF JUSTICE BY PROVIDING INFORMATION ON THE MEXICAN DRUG CARTEL AFTER I WAS INSTRUCTED BY DEA AGENT [REDACTED]

(b) (7)(C), (b) (7)(D)



THE AGENT WHOM I WORKED WITH, "AKA" MY HANDLER [REDACTED] MADE ME AWARE OF CERTAIN VIDEO AND AUDIO RECORDINGS OF BOTH THE WAREHOUSE AND OF MY HOUSE. IN FACT, HE EVEN SEIZED MY SMARTPHONE BY BOOST MOBILE TEL # [REDACTED] DURING MY ARREST OR AN ALLEGED MURDER. AS A DIRECT RESULT OF MY UNWANTED ASSISTANCE, I INCURRED A LOT OF COLLATERAL DAMAGES IN THE FORM OF BOTH CRIMINAL AND CIVIL PROCEEDING. I NEED THESE DOCUMENTS IN ORDER TO ASSIST ME IN ONGOING LEGAL ISSUES FOR MY DEFENSE AND CORROBORATIVE PURPOSES.

DEA IN RALEIGH WHO'S ADDRESS IS [REDACTED] HAS PUT MY LIFE IN DANGER ON MANY OCCASIONS AND HAS COST ME THOUSANDS OF DOLLARS OUT OF MY OWN POCKET AS WELL AS THOUSANDS OF DOLLARS IN LOST ASSETS THROUGH MY BUSINESS. I FEEL LIKE I HAVE EARNED A RIGHT TO ALL OF THESE DOCUMENTS I AM REQUESTING WHICH CONSIST OF THOUSANDS OF PAGES OF DOCUMENTS, PICTURES, REPORTS, RECORDINGS, AUDIO/VIDEO. TO BE HONEST I FEEL DECEIVED AS WELL AS RACIALLY PROFILED IN ALL OF THIS. AND MORESO SINCE I HAVE BECOME AWARE THAT DEA NATIONWIDE

HAS BECOME NOCTORIOUS ON RECRUITING IMMIGRANTS OF SPANARD DECENT TO ASSIST THEM WITH A MYRIAD OF INVESTIGATIONS ON ALLEGED CARTELS AND THEN WHEN DEA HAS ALL IT CAN ACQUIRE THEY DEPORT OR JAIL THEIR RECRUITED INFORMANTS AND THATS JUST THE ONES WHO ARENT KILLED AT SOME POINT DURING THE INVESTIGATION BY CARTEL MEMBERS.

I HAVE EARNED A RIGHT TO THESE DOCUMENTS BECAUSE MY SWEAT AND LOSS HAS MADE THIS COUNTRY A SAFER PLACE FOR ALL AMERICAN FAMILIES AS WELL AS IN THE INTEREST OF NATIONAL SECURITY. I SPECIFICALLY WANT A COPY OF ALL AUDIO/VIDEO OF THE SURVEILLANCE OF INSIDE OF MY HOME, MY SMART PHONE AND ITS RECORDS AND "ALL" IMMUNITY CONTRACTS I SIGNED FROM 2007 - 2012.

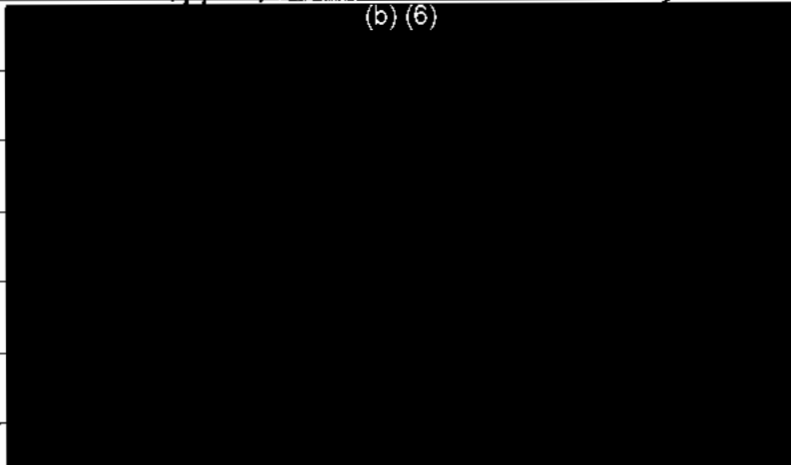
I AM A DECENT MAN WHO MADE A DECISION TO LIVE WHEN MY LIFE WAS IN DANGER. I HELPED THIS COUNTRY RID ITSELF OF ALL SORTS OF VILLAINS, NOW IM ASKING FOR THIS COUNTRY TO PROVIDE ME WITH DOCUMENTS. AFTER ALL, I HAVE LOST MY FREEDOM BUT NOT MY HOPE THAT THE TRUTH WILL SET ME FREE.

THEREFORE, I RESPECTFULLY APPEAL YOUR DECISION IN THE ABOVE CAPTIONED MATTER.

WITH KIND REGARDS,

Feb-1-2015

(b) (6)



UNITED STATES DEPARTMENT OF THE TREASURY
FinCEN
FINANCIAL CRIMES ENFORCEMENT NETWORK
OFFICE OF THE DIRECTOR

April 9, 2015

(b) (6)

Re: FinCEN 2015-71

Dear Ms. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") dated February 2, 2015, appealing the decision of FinCEN's disclosure officer to deny your request for records under the Privacy Act and the Freedom of Information Act ("FOIA"). In your letter of request dated December 20, 2014, you sought records of Suspicious Activity Reports by the Securities and Futures Industries ("SAR-SF") relating to you or your business, Amnesty National. FinCEN's disclosure officer denied your request by letter dated December 29, 2014, citing exemptions under both the Privacy Act and the FOIA. We have reviewed your appeal and based on the authorities referenced below, your appeal is hereby denied.

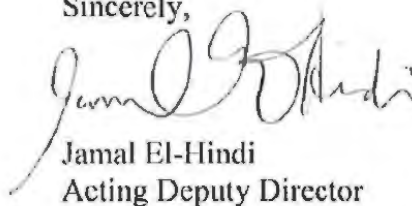
We first considered your appeal under the Privacy Act. FinCEN maintains SAR-SF reports in a database that is exempt from the access provisions of the Privacy Act in accordance with 5 U.S.C. 552a(j)(2) and (k)(2) as it is maintained primarily for law enforcement purposes. This database is described in our most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20969-20976 (April 14, 2014). Therefore, the decision of FinCEN's disclosure officer to deny your request under the Privacy Act was appropriate.

We next considered your appeal under the FOIA. The type of SAR-SF forms you seek are collected under the authority of the Bank Secrecy Act ("BSA"), codified at 31 U.S.C. 5311-5314, 5316-5332. Reports, and records of reports, collected under the BSA are exempt from disclosure under the FOIA in accordance with 5 U.S.C. 552(b)(3), the FOIA exemption that relates to records specifically exempted from disclosure by statute. The BSA language exempting BSA reports, and records of reports, from FOIA access can be found at 31 U.S.C. 5319. Therefore, the decision of FinCEN's disclosure officer to deny your request under the FOIA was appropriate.

April 9, 2015

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Jamal El-Hindi
Acting Deputy Director

(b) (6)

Appeal H.

FOIA/Appeal
PO Box 39
Vienna VA 22183

NOTICE OF APPEAL FREEDOM OF INFORMATION/PRIVACY ACT

This notice of appeal on FOIA disclosure case FinCEN 2015-71 mailed on December 30, 2014 from Vienna VA and received on or about January 6, 2015 in Newark NJ is mailed with in the time limitations specified in 31 CFR 1.5 (i)(2) *The appeal shall— (i) Be made in writing and signed by the requester or his or her representative; (ii) Be addressed to and mailed or hand delivered within 35 days (or within 10 days when expedited processing has been denied) of the date of the initial determination, or the date of the letter transmitting the last records released whichever is later, to the office or officer specified in the appropriate appendix to this subpart and also in the initial determination.* The Original request was mailed December 20, 2014.

I hope that the enclose are understood, that it has become necessary that I file a Notice of Appeal for FOIPA request. In addition to providing valuable information and personal records the constituent believes the FOIPA officers are mandated by laws and regulations.

The FOIPA program adapts the bylaws cross referenced by the Office of Administration, and the Unfair Trade Practice Act. I am not requesting that criminal records information be disclosed but rather information disclosure concerning [m]yself and [m]y trade business and any investigations by FinCEN and their filings. This request does not fall under exception, (b)(6)(7)(8) of the Freedom of Information Act and these documents are not sought for any commercial purposes. The request is reasonable to be released because it is focused to grant individuals increased rights

of access to agency records maintained on them balancing the test under exemption 6 and 8. The exemption requires agencies to strike a balance between an individual's privacy interest and the public's right to know "In the Act generally, and *particularly under Exemption (6)*, there is a strong presumption in favor of disclosure since only a clearly unwarranted invasion of privacy is a basis for withholding, there is a perceptible tilt in favor of disclosure in the exemption.

The FOIPA Officers decision alleges justification from exemption because the Freedom of Information Act makes no provision of disclosures or claims exemptions under 5 U.S.C. § 552(b)(3) as they come under another arrangement and there after cites various disclosures permitted within the statutory framework of the Bank Secrecy Act cross reference FOIA 552(b)(8) thus, here does not apply to all classified records on the specific subjects because the use of an agency responsible for regulation or supervision of a financial institution under the Bank Secrecy Act. See 31 USC 5318(g)(2)(ii). BSA reports are exempt from disclosure to the public under the Freedom of Information Act, but may be shared between agencies under conditions prescribed in 31 USC 5319, 31 CFR 1010.950(b), and FinCEN's Re-Dissemination Guidelines Documents which are related to specified reports prepared by on behalf of, or for the use of agencies which regulate financial institutions. 5 U.S.C. § 552(b)(8), 31 C.F.R. part 103.18 emphases added banks and other depository institutions.¹ The FOIA and the Privacy Act overlap in part, but there is no inconsistency. An individual seeking records about himself or herself should cite both laws when making a request, this ensures that the maximum amount of dissoluble information will be released. Records that can be denied to an individual under the FOIA are not necessarily exempt under the Privacy Act. I feel that this appeal should be granted and consider the guidance in the Privacy Act. Because information is not subject to any financial

institution. Here thus, Exemption (8) protects the privacy interests of individuals by allowing an agency to withhold personal data kept in government files. Keep in mind that by the plain terms of the statute only individuals can have privacy interests. By definition, corporations and other "legal persons" can have no privacy rights under the Exemption (6) because there can be no objective expectation attaching against an "unwarranted invasion of personal privacy in fact, the proper analysis should sound under Exemption (4). If material falls within Exemption 4 it is also generally protected by the Trade Secrets Act, a statute that prohibits release of commercial and financial information unless the release is otherwise authorized by law. Here again, a discretionary disclosure of such material cannot be made if doing so is in violation of the Trade Secrets Act. Before withholding, agencies should be certain that the many requirements for invoking Exemption 4 are met in the first instance. For information falling within Exemptions 6 and 7, if the information is also protected by the Privacy Act of 1974, it is not possible to make a discretionary release, as the Privacy Act contains a prohibition on disclosure of information not "required" to be released under the FOIA. Agencies should be mindful of the need to conduct a balancing under these exemptions. In the first instance it also should consider whether it is possible, given the context of if the denial is found under the FOIA Act. It is my belief that the denial date 12/30/2014 are under the context of FOIA. The records and FOIAPA Officers, reports as they are entered are not subject to justification from exemption. ¹ One of the purposes of the Bank Secrecy Act, as set out in 31 USC 5311, is to provide reports and records considered to be of high utility in tax matters. As "tax" is one of the uses envisioned in the BSA, IRS employees have access to most Title (31) reports for tax interest. But section USC 26 §6103 provide authorizations and the purpose for which the information is sought, and the official need for the information. §6103(d) Local 598 v. Department of Army Corps of Engineers, 841 F.2d 1459 (9th Cir. 1988) ***See 18 U.S.C. §§12, *** see 553(a) of the Privacy Act. Subsection (k)(2) of the

privacy act makes no provision of disclosures or claims exemptions under Work Product Doctrine, Governmental Privileges and the various disclosures permitted within the statutory framework of the section 5 U.S.C. § 552(b)(5) (c)(4)(6) of FOIA or U.S.C. § 552a (c)(d)(a) 552a(d) , of the Privacy Act ². The Privacy Act of 1974 also regulates the disclosure of personal information about an individual. Here thus; [A]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection. The amount of information deleted, and the exemption under which the deletion is made, shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, and the exemption under which the deletion is made, shall be indicated. Most recently, Congress passed the OPEN Government Act of 2007, which addressed several procedural issues that concern FOIA administration, and the OPEN FOIA Act of 2009, which revised the requirements of FOIA Exemption 3.² Provided however, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;(3) maintained in

¹ According to the Bank Secrecy Act, 31 U.S.C. section 5311, and 31 C.F.R. part 103.18, banks and other depository institutions are required to report suspicious transactions relevant to possible violations of federal law or regulations to the Department of the Treasury. FinCEN is the office within the Department of the Treasury's Office of Enforcement that is responsible for the collection and maintenance of information under the Bank Secrecy Act, including SARs. A transaction requires reporting on a SAR if it is conducted or attempted by, at or through a bank, involves or aggregates at least \$5,000 in assets, and the bank knows, suspects or has reason to suspect that it is..

connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18; FOIA, or 552(b)(3). See 18 § U.S.C. §§12 regarding violations or potential violations of System records may be disclosed to contractors grantees, experts consultants volunteers, detailees, and other non-FBI employees performing or working on a contract service grant, cooperative agreement, or job for the Federal Government when necessary to accomplish an agency function related to this system of records and under requirements (including Privacy Act requirements) specified by the FBI. (E.) System records may be disclosed to the news media or members of the [g]eneral public or to a [v]ictim or potential victim in furtherance of a legitimate law enforcement or public safety function, e.g., to assist in locating fugitives; to provide notification or arrests to to provide alerts, [a]ssessments, or similar information on potential threats *** see 553(b) of the Privacy Act . The Privacy Act of 1974 also regulates the disclosure of personal information request by [a]ny [i]ndividual to gain access to his record or to any information pertaining to him. The withholding of investigation records related solely to internal rules and practices or internal matters is a low standard for FOIPA Counsel Service to allege an exemption. U.S.C.¶5 §552a (e)(4) Because, subsequently any investigation from any complaint submitted that was or was not compiled into a law enforcement record, and subsequently any exploration from the information submitted to the Treasury FinCEN, from the IRS that was or was not compiled into a law enforcement record, and factual arguments that have evidentiary support and if specifically so identified are not reasonable to be released for issues cited as public knowledge or public information and the filings support defenses contained in *** see the eight principals of Open Government Data, Financial Information Acts, 12 USC §3403, CIPSEA public statistic data act 44 USC §3501, 26 U.S.C 6103(k) (2) It is a principal of right of law and [m]y individual rights that are sacrificed for

national purposes by the agencies mentioned herein. This appeal request should be granted because: Information requested is subject to me personally, and information subject to right to financial privacy, see NJSA 25:2-1 401 trust personal income producing information. I believed that any information compiled by FinCEN must be review to the extent to determine if the use of my information and, privacy and wellbeing is not being protected. I feel that under the circumstances any documents that you have with in your system records should be reviewed by Department of Justice Attorneys, *** see (b) (6) vs. City of Linden NJ Federal District Court docket No. (b) (6). And Finally This is my firm promise to pay fees and cost for locating and duplicating the records requested below, ultimately determined within the provisions stipulated in CFR part 2502 subpart 2502.12-13.

Submitted By

(b) (6)

DATED: 2/2/2015

2. SPECIFIC EXEMPTIONS.— § 552a. Records maintained on individuals (k) The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of this section if the system of records is—(1) subject to the provisions of section 552(b)(1) of this title; (2) investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section: Provided, however, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence; (3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18; FOIA, or 552(b)(3).

2. Like the Privacy Act the Opra Act formerly the Right to Know Law - focus on four basic policy objectives this argument, is focused to grant Individuals increased rights of access to agency records maintained on them. Unlike under the FOIA, search and review costs are never chargeable under the Privacy Act. See OMB Guidelines, 40 Fed. Reg. 28,948, 28,968 (July 9, 1975) Authority Cited: Reprinted from A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records, First Report by The House Committee on Government Operations, Subcommittee on Information, Justice, Transportation, and Agriculture, 1993 Edition, House Report 103-104, 103rd Congress, 1st Session, Union Calendar No. 53.

2. If two Investigations units of the Department are unable to resolve a disagreement concerning disclosure, the Assistant Attorneys General in charge of the two divisions in disagreement, or the Director of the EOUST and the appropriate Assistant Attorney General, may refer the matter to the Deputy or Associate Attorney General, as indicated in § 16.25(b) of this part. the responsible official shall notify the other division or the EOUST concerning the demand and the anticipated response. Unless the investigative agency and the source or informant have no objection, beyond the public's right to know about government activity generally. The formality of certification may be waived as a matter of administrative discretion.

UNITED STATES DEPARTMENT OF THE TREASURY
FinCEN
FINANCIAL CRIMES ENFORCEMENT NETWORK
OFFICE OF THE DIRECTOR

April 13, 2015

(b) (6)

Re: FinCEN Appeal 2015-98

Dear Mr. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") dated February 4, 2015 appealing the decision of the Office of Personnel Management ("OPM") made on behalf of FinCEN to redact a portion of your background investigation records. You requested these records from OPM on December 29, 2014. OPM's January 21, 2015 response to your request noted that it had redacted the information that is the subject of your appeal and cited as justification exemption under the Freedom of Information Act ("FOIA"). On January 27, 2015, FinCEN sent you a letter of denial based on exemptions under FOIA and the Privacy Act.

Upon receiving your letter of appeal on March 10, 2015, FinCEN reviewed your appeal. Based on the authorities referenced below, your appeal is hereby denied.

The redactions reference information collected under the Bank Secrecy Act ("BSA"), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. Reports, and records of reports, collected under the BSA are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3), the FOIA exemption that relates to records specifically exempted from disclosure by statute. The BSA language exempting BSA reports, and records of reports, from FOIA access can be found at 31 U.S.C. § 5319. Note that this exemption extends to records indicating that a search of BSA information occurred regardless of whether a positive hit resulted from such a search.

We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a FinCEN database that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. §§ 552a(j)(2) and (k)(2), as it is maintained primarily for law enforcement purposes. This database is described in FinCEN's most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20,969 (Apr. 14, 2014).

(b) (6)

Page 2

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Jamal El-Hindi
Acting Deputy Director

Appeal Hr.

04 Feb 2015

From: (b) (6)

To: Freedom Of Information Act/Privacy Act Appeal
P.O. Box 39
Vienna, VA 22183-0039

Ref:

Encl: 1) Copy of email from Mr. (b) (6) dtd. 04 Mar. 2015.
2) Letter from (b) (6) dtd. 27 Jan. 2015.

Subj: FOIA/PA APPEAL FINCEN 2015-98

1. To whom this may concern, this letter serves as my initial request for appeal for records under the Freedom of Information Act pertaining to my case. I have had my security clearance "Revoked" and have requested a hearing for the same. The judge has scheduled me for a 04 March 2015 hearing date per enclosure (1). I do not have immediate access all legal references per enclosure (2) therefore this appeal cannot argue the merit of the decision to deny.
2. At present I do not have an attorney to assist hence this reply is in-lieu of the 35 day deadline per enclosure (2).
3. If this request does not establish me intent to meet the 35 day deadline please acknowledge soonest. Further please provide some guidance for criteria which normally meets the requirements for this argument.

Very respectfully,

(b) (6)

UNITED STATES DEPARTMENT OF THE TREASURY
FinCEN
FINANCIAL CRIMES ENFORCEMENT NETWORK
OFFICE OF THE DIRECTOR

June 17, 2015

(b) (6)

RE: FOIA Appeal 2015-106

Dear Mr. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") dated April 20, 2015, appealing the redaction of a portion of your background investigation records. OPM's February 13, 2015 response to your request noted that it had redacted the information that is the subject of your appeal and cited as justification exemptions under the Freedom of Information Act ("FOIA") and the Privacy Act.

Upon receiving your letter of appeal on May 5, 2015, FinCEN reviewed your appeal. Based on the authorities referenced below, your appeal is hereby denied.

The redactions reference information collected under the Bank Secrecy Act ("BSA"), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. Reports, and records of reports, collected under the BSA are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3), the FOIA exemption that relates to records specifically exempted from disclosure by statute. The BSA language exempting BSA reports, and records of reports, from FOIA access can be found at 31 U.S.C. § 5319. Note that this exemption extends to records indicating that a search of BSA information occurred, regardless of whether a positive hit resulted from such a search.

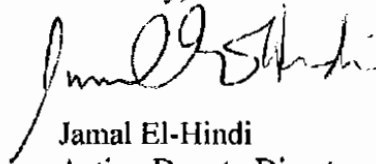
We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a FinCEN database that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. §§ 552a(j)(2) and (k)(2), as it is maintained primarily for law enforcement purposes. This database is described in FinCEN's most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20,969 (April 14, 2014).

(b) (6)

Page 2

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Jamal El-Hindi". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Jamal El-Hindi
Acting Deputy Director

Copy of Appeal No.

-1-

(b) (6)

04/20/2015

Financial Crimes Enforcement Network
Disclosure Office, P.O. Box 39
Vienna, VA 22183

Sir / Madam,

LETTER OF APPEAL

I appreciate the time spent in processing my Single Scope Background Investigation (SSBI) which is a prerequisite for serving in the military of the United State of America. It is a great and has always been my vision in life to dedicate myself faithfully and loyally to serve in the United State Army.

I was informed by the Chain of Command in my company, at basic training, Fort Benning Georgia, on the graduation week of Basic Combat Training that my SSBI was unfavorable after all the requirements for the training had been completed. I have been faithful in every area of my life both in my home country and the entire time that I have been in the United States.

I understand from the SSBI report sent to me which was received by my wife during the Basic Combat Training period that there is an issue with Department of Treasury on my account statement. I have been filling my tax with all detail information on W2 received from my employer which has returned from the IRS

with no single error. I have only not been able to claim full refund for past years due to the fact that my wife, (b)(6) and daughter, (b)(6) do not have a Social Security number, but only ITIN number (Tax Identification Number) because they are both on F2 Visas (Student Dependant). Only my son, (b)(6) and I have Social Security Numbers.

Furthermore, last year I received the sum of \$2,000 from my brother in Nigeria which was an assistance towards my college tuition. I am presently paying a car loan from TBA Bank monthly and I have been up to date on all my payments which include credit card from Chase Bank and Capital One Bank.

I do not sell car, but only helped family and friends who ask me questions about cars to make enquires on my own free time. I sent used cloth items received as a gift to my family in Nigeria for usage. These are the items we received for our kids as a gift from church members and friends. The excess and unused one are sent for free. Mr (b)(6) one of my referees who lives in Cincinnati, Ohio state, ships cars to Nigeria and he helped sometime in sending the clothing items without paying any amount of money. This was part of the discussion during the interview with my investigator during the interview which I think some of the information are wrongly interpreted on the SSBI report received as there were some language

barrier experienced during the interview.

Kelly Services Company hired me for some seasonal jobs in which some of the offers were turned down due to my classworks and homework schedule. I have always letting the company understand how great I am interested in the seasonal job hours given to me, but my college classes comes first most importantly. I am firmly saying that I have no problem with Northwestern Michigan College Public Safety or the college administration. I presently have no business connection or any related agreement with anyone in my home country, Nigeria.

Lastly, in 2013 my bank rejected a check I received from a customer who wanted to buy my car that was advertised on craigslist website. I gave the original copy of the check to my bank, and my banker told me to call the police if the customer were to call again to pick up the car; the customer never called back after I informed him about his check having been bad.

I have been in the Basic Combat Training since 5 January 2015 which had prevented me from responding earlier, as there is no access to mobile communication during Basic Combat Training. I remain available at your convenience to provide any additional information or clarification that may be necessary to review my Single Scope Background Investigation and favorably consider my request to serve this

nation.

I would love to continue to serve as a soldier and member of the largest branch in the United State military. I want to continue fighting for truth and integrity of a great nation. This is a career I truly love to fully serve whole heartedly with honor.

Thanks.

Yours faithfully,

(b) (6)

A large black rectangular redaction box covers the signature area of the letter.



August 4, 2015

(b) (6)

Re: FinCEN Appeal 2015-154

Dear Ms. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") dated April 17, 2015, appealing FinCEN's decision to deny your request for information relating to your background investigation by the Office of Personnel Management ("OPM"). On March 17, 2015, FinCEN sent you a letter of denial based on exemptions under the Privacy Act and the Freedom of Information Act ("FOIA").

Upon receiving your letter of appeal on March 13, 2015, FinCEN reviewed your appeal. Based on the authorities referenced below, your appeal is hereby denied.

We first considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. §§ 552a(j)(2) and (k)(2). This database is described in FinCEN's most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20,969 (April 14, 2014).

In addition, such records are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3), which covers records specifically exempted from disclosure by statute. The statutory provision that specifically exempts records of reports collected under the Bank Secrecy Act from disclosure under the FOIA can be found at 31 U.S.C. § 5319. Note that this exemption extends to records indicating that a search of BSA information occurred regardless of whether a positive hit resulted from such a search. Thus, where a search of BSA information does not reveal any reports pertaining to a subject, a record reflecting such a search will be subject to redaction.

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Jamal El-Hindi
Deputy Director

(b) (6)

*appeal of
2015-154*

Freedom of Information Act Appeal
P.O. Box 39
Vienna, VA 22183

Re: "Freedom of Information Act/Privacy Act /Privacy Act Appeal" (FOIA/PA) and FinCE 2015-154

Dear Sir:

This is an appeal under the Freedom of Information Act/Privacy Act Appeal in reply to the letter dated March 17, 2017.

This letter dated March 17 2015 that you sent me does not adequately describe or posses information and information that would affect my employment. I was not fired I left because of nonprofessional and safe environment and good reasons.

On September 10, 2014, I wrote certified letter to the State Department (also wrote October 1 2014 to Office of Information Programs and Services (b) (6) (My request was assigned the following identification number: 2014-17731) regarding the investigation pertaining to my employment (GS-12 with TS-SCI from 1999 to 2008 (federal service 1995 to 2008) and investigation afterwards. I always had excellent and good standing as a federal employee. In 2005 or about, I was poisoned at SA-34 and my skin was burnt from something that I touched on my desk when I was cleaning the top shelf of my desk and my arm started burning me. I was in so much pain that my clothes stuck to my skin, but I kept working with pain medicine. I was given a warning because of my pain medicine which was making me drowsy. (b) (6) CM Team Manager was worried about me. I went to the foreign service medical and showed my condition but they they could not help me. (b) (6) and (b) (6) assisted me to my best while my family and I were searching for doctors to assist us with this matter. Beside this medical condition, I always had good standing.

After (b) (6) retired and the two new bosses (b) (6) and (b) (6) whom threaten and forced me to abandon my job since I was scared and reported this to various investigator but things got worse at work and followed me to my home.

I tired to give two weeks notice and leave but (b) (6) would not accept this and threw it in the trash. I could not take no more and left and went to Civil Rights, and EEO 2008 – 2009 . (note 2011 I went to OSI). During this time, about October 2009, I was coming from metro in Silver Spring, Maryland and I was mugged and hurt which all my identifications (birth certificate, social security card and my drivers license government id)was stolen along with my other purse items. A lady happen to be standing on corner of Colesville Rd and some street and called the police since she saw it. I reported to Silver Spring Maryland Police Department. Nothing was done.

Previously my Archestone Apartment mail box in Herndon, Virginia was broken into about 2008 and I reported to the post office. In all with no identification, I was not able to follow up with EEO which then became too late. Again nothing was done.

I submitted information and documents to the Investigator in regards to me being scared and abandoned my job as a GS-12 (federal service 1995 to July 2008). (b) (6) would stop me going to security and if I did, it some how came back to him and it stopped with more problems for me and my employment and family. I expressed to Civil Rights and Human Resources that I was scared of the threats and things in my work environment and following me to home which was wrongfully foreclosed with Deutsche Bank (Saxon Service) criminal and fraud issues. Nothing seems to be done.

I was told by investigator in 2014 that the investigation is done. SA -34 was closed down and now recently re-opened and I should be able to straighten out my life and my family. I tried to apply many times for employment and still being under employed or unemployed. This has affected our lives without no compensation. I asked for a job back in the government. I took the TSA test but because of my financial situation I could not gain employment and other jobs. Over the past years, I struggled to gain employment but then it was my credit along with the things that happened at the State Department. Totally one big Nightmare.

I believe this decision to be an error and request more information about my employment and what can be done. I appreciate a letter of reinstatement or SF-50 or something to show that I was not removed since it was unprofessional work environment so I can get a job.

Sincerely,

(b) (6)

UNITED STATES DEPARTMENT OF THE TREASURY
FinCEN
FINANCIAL CRIMES ENFORCEMENT NETWORK
OFFICE OF THE DIRECTOR

May 19, 2015

(b) (6)

RE: FOIA Appeal 2015-162

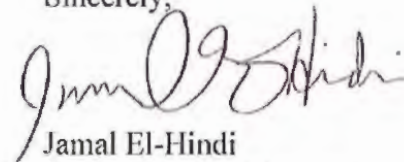
Dear Mr. (b) (6)

This letter responds to your Freedom of Information Act (FOIA) appeal dated April 17, 2015, and received by the Financial Crimes Enforcement Network (FinCEN) on April 28, 2015. Your appeal concerns FinCEN's April 3, 2015, response to your FOIA request submitted on March 30, 2015, requesting: "For each year 1996 through 2014 inclusive . . . [t]he count of suspicious activity reports (SARs) related to terrorist financing [and] [t]he count of SARs related to structuring."

FinCEN provided you with responsive information on April 3, 2015. Your appeal letter references the possibility of additional responsive documents regarding terrorist financing-related SARs filed by money services businesses, and requests that FinCEN perform a supplemental search for such documents. Upon review of your appeal, I have decided to remand this action to FinCEN's FOIA Officer for further processing in accordance with your request.

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Jamal El-Hindi
Acting Deputy Director

Appeal sent via email
advising

(b) (6)

THE WALL STREET JOURNAL.

1211 Avenue of the Americas
NY, NY 10036

(b) (6)

DOWJONES

April 17th, 2015

FinCEN FOIA Appeal
P.O. Box 39
Vienna, VA 22183

Dear FOIA Appeal Officer:

On March 25, 2015, I filed a public records request for the count of suspicious activity reports related to terrorist financing and structuring for the time period of 1996 through 2014, inclusive.

In a letter dated March 27, 2015, Ryan Law, Director, FOIA and Transparency, stated that he was in receipt of my request, and had determined that the records I have requested, "should such records exist, would be maintained by the Financial Crimes Enforcement Network (FinCEN)."

In a letter dated April 3, 2015, (b) (6) wrote that I could obtain this information by reviewing a variety of published sources. Specifically, she stated:

To obtain counts for each year for the years 1996 - 2003, please click on Issue 1 of *By the Numbers* and click on Exhibit 5 for each type of financial institution. To obtain counts for each year for the years 2003-2012, please click on Issue 18 of *By the Numbers* and click on Exhibit 5 for each type of financial institution. Please note that violations of Terrorist Financing were added in July 2003. To obtain counts for years 2012-2013, please click on our new publication, *SAR Status*, and click on Exhibit 5 for each type of financial institution. To obtain counts for 2014, please click on the *Quarterly Update (January 2015)* and click on exhibit 5 for each type of financial institution.

These instructions are partially correct, but fail to include all cases of terrorist financing that could have been reported to FinCEN via a suspicious activity report. I raised this issue in an email to (b) (6) dated April 3, 2015, in which I stated:

"Please be advised that the information contained in the reports to which you directed me appears to be incomplete. Specifically, the statistics contained the *Suspicious Activity Report by Money Services Business (FinCEN Form 109)*, from January 1, 2013 through December 31, 2012 does not contain any information about terrorist financing."

Also on April 3, 2015, (b) (6) responded to my email, stating that due to a lack of standardization, the statistics regarding terrorist financing "were not reported in the same manner for that industry due to the MSB SAR form in use in the legacy system." She also stated that it was incorrect to draw the conclusion that no SARs were filed by MSBs

(b) (6)

THE WALL STREET JOURNAL.

1211 Avenue of the Americas
NY, NY 10036

(b) (6)

DOWJONES.

regarding terrorist financing during the period prior to 2012 because "MSBs may have reported terrorist financing on SARs in the years before 2012."

In another email dated April 3, 2015, (b) (6) stated that she would be unable to provide me with the number of such SARs filed by MSBs before 2012 detailing terrorist financing because "we have already searched for such reports and found no records."

However, this statement is contradicted by FinCEN's published material, as well as public statements by government officials.

To wit:

Issue 8 of *The SAR Activity Review Trends, Tips & Issues*, published April 2005¹, states:

FinCEN continually monitors the Suspicious Activity Report database and examines the extent to which Suspicious Activity Reports have been filed by institutions that suspect terrorism or terrorist financing. Previous issues of *The SAR Activity Review* provided financial institutions with examples of terrorist financing to help them identify and report suspicious activity. A recent analysis of Suspicious Activity Reports filed between April 1, 2003 and June 30, 2004, identified 2,175 Suspicious Activity reports submitted to FinCEN by depository institutions, casinos, money service businesses, and the securities and futures industries related to possible terrorist financing.

This published report specifically stated the search criteria used to perform this analysis. In footnote 3, the document states:

Search criteria during this study included searches on the suspicious activity code specifically designated for suspected Terrorist Financing, and keyword searches where the suspicious activity code was designated as "Other" and Narrative fields for the following search terms: all forms of the word "terror," September 11(th), 9/11, 9/11/01, World Trade Center, WTC, Pentagon, Control List, Watch List, Hijacking(s) and Hijacker.

The document specifically details the number of MSBs that had filed suspicious activity reports:

A total of 334 money service businesses in 42 states, Puerto Rico and the Dominican Republic filed 1,116 Suspicious Activity Reports that identified terrorist financing as the category of suspicious activity.

Issue 16 of *The SAR Activity Review – By the Numbers*² states:

¹ http://www.fincen.gov/news_room/rp/files/sar_tti_08.pdf, p. 5.

² http://www.fincen.gov/news_room/rp/files/sar_by_num_16.pdf, p. 4

(b) (6)

THE WALL STREET JOURNAL.

1211 Avenue of the Americas
NY, NY 10036

(b) (6)

~~DOW JONES~~

Reports of Terrorist financing increased 30%, from 545 instances in the twelve months of 2009 to 711 during the same period in 2010.

In addition to these published reports, Ralph S. Boelter, former Acting Assistant Director, Counterterrorism Division of the Federal Bureau of Investigation stated in a public speech on Sept. 21, 2011³ that the Treasury Department provides "trend information regarding terrorist financing" on an annual basis.

It seems unlikely that the Treasury produces trend reports on a yearly basis detailing terrorist financing SARs without also computing the number of such SARs.

In summary, I ask that you please reconsider your response that there are no reports responsive to my request and perform a thorough and diligent search for records detailing the number of suspicious activity reports filed by Money Service Businesses detailing terrorist financing.

Regards,

(b) (6)

³ <http://www.fbi.gov/news/testimony/countering-terrorist-financing-progress-and-priorities>



August 4, 2015

(b) (6)

RE: FOIA Appeal 2015-178

Dear Mr. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network (“FinCEN”) dated June 4, 2015, appealing the decision of the Drug Enforcement Administration (“DEA”), made on behalf of FinCEN, to redact portions of documents sought in your request. DEA received your November 26, 2013 request and responded on May 1, 2015, noting that it had redacted the information that is the subject of your appeal based on an exemption under the Freedom of Information Act (“FOIA”) and the Privacy Act (“PA”). Upon receiving your letter of appeal on June 4, 2015, FinCEN reviewed your appeal. Based on the authorities referenced below, your appeal is hereby denied.

The redactions reference information collected under the Bank Secrecy Act (“BSA”), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3), the FOIA exemption that relates to records specifically exempted from disclosure by statute. The statutory language exempting BSA reports, and records of reports, from FOIA access can be found in the BSA at 31 U.S.C. § 5319. Note that this exemption extends to records indicating that a search of BSA information occurred, regardless of whether a positive hit resulted from such a search. Thus, where a search of BSA information does not reveal any reports pertaining to a subject, a record reflecting such a search will be subject to redaction.

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Jamal El-Hindi
Deputy Director

(b) (6)

From: TreasFOIA@treasury.gov
Sent: Thursday, June 04, 2015 3:55 PM
To: (b) (6)
Cc: (b) (6)@treasury.gov
Subject: FW: FOIA appeal

(b) (6)

Below is an appeal for (I think) FOIA 2015-05-038 which belongs to FinCEN. We have not responded to (b) (6)

Thanks,

(b) (6)

FOIA and Transparency
202, (b) (6)

To provide feedback, please take a minute to complete this [FOIA Customer Survey](#).

From: (b) (6)@gmail.com]
Sent: Thursday, June 04, 2015 3:34 PM
To: TreasFOIA
Subject: FOIA appeal

Dear Treasury FOIA team:

This letter constitutes an appeal under the Freedom of Information Act. On November 16, 2013, I submitted a FOI/PA request for Federal Bureau of Investigation records on Thomas Frank White of San Francisco, California (DOB: 02/14/35; DOD: 09/10/13). My request identification number is 1244714-000. The case number assigned by the DOJ is 15-00014-FR.

The Drug Enforcement Administration possesses documents pursuant to my request. Certain of these documents contain information furnished by FinCEN. On May 1, 2015, after consulting with FinCEN, the DEA sent me a response that consisted of two faxes totaling six pages. All information had been redacted from the faxes except for their headers. No PA exemptions were cited. The FOIA exemptions cited were (b)(3), (b)(6), (b)(7)(C), (b)(7)(E), (b)(7)(F). Some of these exemptions were used to redact the names of government employees and fax numbers. The contents of the faxes had been redacted entirely using three of the above exemptions: (b)(3), (b)(7)(C) and (b)(7)(F). The statute cited as the authority for the (b)(3) exemption is the Bank Secrecy Act [31 U.S.C. 5319].

To be clear, my FOIA/PA appeal is limited to information concerning Thomas Frank White, who died on September 10, 2013. Below is a news article that confirms White's death:

<http://www.sfgate.com/crime/article/SF-sex-crimes-fugitive-Thomas-White-dies-in-Mexico-4813874.php>

The FOIA provides categories of documents that may be exempted, but the burden of proof is on the government to show why documents should not be produced. [Rosenfeld v. United States DOJ, 2012 U.S. Dist. LEXIS 28768, 5 (N.D. Cal. Mar. 5, 2012)]. The government may withhold records "where (1) a law enforcement proceeding is pending or prospective and (2) release of information about the law enforcement proceeding could reasonably be expected to cause some articulable harm." [Accuracy in Media v. National Park Serv., 1998 U.S. Dist. LEXIS 18373, 23 (D.D.C. Nov. 12, 1998)(accord 5 USCS § 552(b)(7).)]

Records pertaining to a criminal investigation cannot reasonably be expected to interfere with enforcement proceedings or cause articulable harm when the subject of the enforcement proceedings is deceased. Privacy concerns are eliminated or greatly minimized with respect to deceased individuals [Silets v. FBI, 591 F. Supp. 490, 498 (N.D. Ill. 1984)].

This consideration extends to financial records about the deceased person that DEA or FinCEN might possess. I understand that law enforcement and regulatory agencies consider it important that banks report potentially suspicious activity freely and without fear. But the Banking Secrecy Act and its implementing regulations do not allow for a blanket privilege [BizCapital Bus. & Indus. Dev. Corp. v. OCC, 467 F.3d 871 (5th Cir. 2006)].

After the death of an individual, the First Amendment right of access to government records enshrined by the FOIA trumps the privacy and proprietary concerns of a financial institution that once supplied information to the government about an individual prior to his death. Moreover, concerns about institutions or people other than the subject of the request can be accommodated by targeted redactions. DEA and FinCEN have chosen to blanket withhold all information in the responsive documents. Again, the burden of proof is on both agencies to show why these records should not be produced with respect to a deceased person.

I would also like the Vaughn index connected to my FOIA response in order to better understand the DEA and FinCEN's rationale for redacting all responsive information about Thomas Frank White and to help me determine which agency is claiming each exemption. I am entitled to this index of documents and/or portions of documents that have been withheld [Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974)]. The description of the withheld material must be "sufficiently specific to permit a reasoned judgment as to whether the material is actually exempt under FOIA." [Founding Church of Scientology v. Bell, 603 F.2d 945, 949 (D.C. Cir. 1979)].

In order to help determine my status to assess fees, you should know that I am a journalist working on assignment for Deadspin.com and Deadspin's parent company, Gawker Media, an online news organization that serves roughly 40 million visitors each month. Based on my status as a "news media" requester, I am entitled to receive the requested records with only duplication fees assessed under 6 CFR § 5.11. My purpose is to gather and disseminate information of interest to the public that is not for commercial use.

Under federal law, FinCEN must respond within 20 working days of receipt of this appeal. Thank you for your consideration.

Sincerely,

(b) (6)



October 26, 2016

PRIVILEGED AND CONFIDENTIAL
Via USPS Priority Mail Express

FOIA Appeal
Financial Crimes Enforcement Network
Disclosure Office
P.O. Box 39
Vienna, VA 22183

(b) (6)

RE: **FOIA APPEAL: Case Number 2016-468**

(b) (6)

Dear Sir or Madam,

This is regarding our June 16, 2016 FOIA request to the Financial Crimes Enforcement Network ("FinCEN") for documents regarding (b) (6) and related companies. We hereby appeal FinCEN's response, which released five pages with redactions, purportedly pursuant to three sets of FOIA exemptions set forth in 5 U.S.C. § 552(b)(5), (b)(6) and (b)(7)(E).

Section 552(b)(5) redactions

Exemption 5 of the FOIA protects from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party" based on the "deliberative process privilege." We protest FinCEN's decision to redact an entire e-mail in blanket fashion based on Exemption 5. (See redaction of entire e-mail that was presumably sent at some time between (b) (6) May 5, 2016, 5:22 PM e-mail and (b) (6) May 6, 2016 9:20 AM e-mail.) Given the fact that the e-mail is redacted in its entirety, it is not even possible to determine the threshold issue under Exemption 5, which is whether the redacted information is of the type intended to be covered by the phrase "inter-agency or intra-agency memorandums." For instance, if the redacted information originated from outside the executive branch, then Exemption 5 may not be applicable.

Even assuming the redacted information meets the threshold requirement of being an "inter-agency or intra-agency memorandum[] or letter[]," it strains credibility to believe that the "deliberative process privilege"—the privilege being invoked by FinCEN—truly applies. There are two fundamental requirements, both of which must be met, for the deliberative process privilege to apply: (1) the communication must be predecisional, i.e., "it was generated before the adoption of an agency policy"; and (2) the communication must be deliberative, i.e., "it reflects the give-and-take of the consultative process."

Because the entire e-mail is redacted, it is impossible to gauge from the blacked-out space, whether those two requirements are met. However, it is extremely unlikely that the redacted material is "predecisional." The agency action at issue—the placement of (b) (6) on the OFAC list—took place on May 5, 2016. It is clear that the redacted e-mail was sent long after the government had already made its decision to place (b) (6) on the OFAC list. As such, the redacted information is not "predecisional" and Exemption 5 does not apply.

Section 552(b)(6) redactions

Exemption 6 of the FOIA exempts matters that are "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Besides a mere citation to Exemption

¹ *Coastal States Gas Corp. v. Dep't of Energy*, 817 F.2d 854, 668 (D.C. Cir. 1980).

6, there is no explanation whatsoever accompanying the redactions. (See redactions on all five of the released pages). FinCEN altogether failed to explain why disclosing the information would constitute an "unwarranted invasion of personal privacy." Nor did FinCEN specify whether the information consists of names, addresses, identification numbers, telephone numbers, fax numbers, or other various information that might be considered personal. Any privacy concerns, to the extent they exist, are undeniably outweighed by the public interest in understanding the operations and activities of the government, not to mention the egregious situation facing (b) (6) (b) (6) namely, his placement on the OFAC list and the attendant extreme damage to his livelihood and business reputation.

Section 562(b)(7)(E) redactions

Exemption 7(E) exempts matters that are "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... would disclose techniques and procedures for law enforcement investigations or prosecutions..." We appeal the two redactions that FinCEN made based on this exemption. (See redaction to (b) (6) May 5, 2016, 5:22 PM e-mail, and redaction to unknown sender's May 5, 2016, 4:01 PM e-mail.) Given the date of those e-mails, we find it dubious that the redacted information was compiled for law enforcement purposes. In fact, based on the unredacted information immediately surrounding the redactions, it is clear that the subject matter of these e-mails is about something that already happened—the OFAC designation—not about any future law enforcement efforts. Specifically, the e-mail sender(s) and recipient(s) are discussing the press releases about the OFAC designations that were already announced earlier that day.

Conclusion

In sum, we appeal FinCEN's redactions, as they defy the letter and the spirit of the FOIA. FinCEN's blanket redactions—which essentially equate to "take our word for it" that the exemptions apply—are unacceptable and do not provide Mr. Waked with a meaningful opportunity to appeal. The burden is upon FinCEN to show that the exemptions apply, and FinCEN has failed to carry such burden, offering no unclassified summary or other privilege log to explain its basis for invoking the exemptions.

This FOIA request was made because of the extreme importance to (b) (6) and in an effort to correct the misinformation and the negative impact that such false impressions have had on his family, reputation and business. The obligation to search for and procure information responsive to this request should be taken seriously and the result should not be a meaningless exercise in futility.

In short, (b) (6) has remained in utter darkness and is in desperate need for as much information as possible. He was placed on the OFAC list on May 5, 2016, effectively sentencing him and his business to commercial death. Indeed, more than five months have passed since the OFAC designation was made, and still no facts at all have been given as to why this devastating action was taken. His simple question is, "Why was I placed on the OFAC list?" (b) (6) is entitled to as much information as possible that would help answer that question.

We therefore request FinCEN to produce the five pages, unredacted, as expeditiously as possible so that they may shed light on why (b) (6) was placed on the OFAC list.

Thank you for your consideration, and please contact me with any questions.

Sincerely yours,

(b) (6)

October 26, 2016

PRIVILEGED AND CONFIDENTIAL
Via USPS Priority Mail Express

FOIA Appeal
Financial Crimes Enforcement Network
Disclosure Office
P.O. Box 39
Vienna, VA 22183

(b) (6)

RE: **FOIA APPEAL: Case Number 2016-469** (b) (6)

Dear Sir or Madam,

This is regarding our June 16, 2016 FOIA request to the Financial Crimes Enforcement Network ("FinCEN") for documents regarding (b) (6) and related companies. We hereby appeal FinCEN's response, which released five pages with redactions, purportedly pursuant to three sets of FOIA exemptions set forth in 5 U.S.C. § 552(b)(5), (b)(6) and (b)(7)(E).

Section 552(b)(5) redactions

Exemption 5 of the FOIA protects from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party" based on the "deliberative process privilege." We protest FinCEN's decision to redact an entire e-mail in blanket fashion based on Exemption 5. (See redaction of entire e-mail that was presumably sent at some time between (b) (6) May 5, 2016, 5:22 PM e-mail and (b) (6) May 6, 2016 9:20 AM e-mail.) Given the fact that the e-mail is redacted in its entirety, it is not even possible to determine the threshold issue under Exemption 5, which is whether the redacted information is of the type intended to be covered by the phrase "inter-agency or intra-agency memorandums." For instance, if the redacted information originated from outside the executive branch, then Exemption 5 may not be applicable.

Even assuming the redacted information meets the threshold requirement of being an "inter-agency or intra-agency memorandum[] or letter[]," it strains credibility to believe that the "deliberative process privilege"—the privilege being invoked by FinCEN—truly applies. There are two fundamental requirements, both of which must be met, for the deliberative process privilege to apply: (1) the communication must be predecisional, i.e., "it was generated before the adoption of an agency policy"; and (2) the communication must be deliberative, i.e., "it reflects the give-and-take of the consultative process."¹

Because the entire e-mail is redacted, it is impossible to gauge from the blacked-out space, whether those two requirements are met. However, it is extremely unlikely that the redacted material is "predecisional." The agency action at issue—the placement of (b) (6) on the OFAC list—took place on May 5, 2016. It is clear that the redacted e-mail was sent long after the government had already made its decision to place (b) (6) on the OFAC list. As such, the redacted information is not "predecisional" and Exemption 5 does not apply.

Section 552(b)(8) redactions

Exemption 6 of the FOIA exempts matters that are "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Besides a mere citation to Exemption

¹ *Coastal States Gas Corp. v. Dep't of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980).

6, there is no explanation whatsoever accompanying the redactions. (See redactions on all five of the released pages). FinCEN altogether failed to explain why disclosing the information would constitute an "unwarranted invasion of personal privacy." Nor did FinCEN specify whether the information consists of names, addresses, identification numbers, telephone numbers, fax numbers, or other various information that might be considered personal. Any privacy concerns, to the extent they exist, are undeniably outweighed by the public interest in understanding the operations and activities of the government, not to mention the egregious situation facing (b) (6) (b) (6) namely, her placement on the OFAC list and the attendant extreme damage to her livelihood and business reputation.

Section 552(b)(7)(E) redactions

Exemption 7(E) exempts matters that are "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... would disclose techniques and procedures for law enforcement investigations or prosecutions..." We appeal the two redactions that FinCEN made based on this exemption. (See redaction to (b) (6) May 5, 2016, 5:22 PM e-mail, and redaction to unknown sender's May 5, 2016, 4:01 PM e-mail.) Given the date of those e-mails, we find it dubious that the redacted information was compiled for law enforcement purposes. In fact, based on the unredacted information immediately surrounding the redactions, it is clear that the subject matter of these e-mails is about something that already happened—the OFAC designation—not about any future law enforcement efforts. Specifically, the e-mail sender(s) and recipient(s) are discussing the press releases about the OFAC designations that were already announced earlier that day.

Conclusion

In sum, we appeal FinCEN's redactions, as they defy the letter and the spirit of the FOIA. FinCEN's blanket redactions—which essentially equate to "take our word for it" that the exemptions apply—are unacceptable and do not provide (b) (6) with a meaningful opportunity to appeal. The burden is upon FinCEN to show that the exemptions apply, and FinCEN has failed to carry such burden, offering no unclassified summary or other privilege log to explain its basis for invoking the exemptions.

This FOIA request was made because of the extreme importance to (b) (6) and in an effort to correct the misinformation and the negative impact that such false impressions have had on her family, reputation and business. The obligation to search for and procure information responsive to this request should be taken seriously and the result should not be a meaningless exercise in futility.

In short, (b) (6) has remained in utter darkness and is in desperate need for as much information as possible. She was placed on the OFAC list on May 5, 2016, effectively sentencing her to commercial death. Indeed, more than five months have passed since the OFAC designation was made, and still no facts at all have been given as to why this devastating action was taken. Her simple question is, "Why was I placed on the OFAC list?" (b) (6) is entitled to as much information as possible that would help answer that question.

We therefore request FinCEN to produce the five pages, unredacted, as expeditiously as possible so that they may shed light on why (b) (6) was placed on the OFAC list.

Thank you for your consideration, and please contact me with any questions.

Sincerely yours,

(b) (6)

October 26, 2016

PRIVILEGED AND CONFIDENTIAL
Via USPS Priority Mail Express

FOIA Appeal
Financial Crimes Enforcement Network
Disclosure Office
P.O. Box 39
Vienna, VA 22183

(b) (6)

RE: **FOIA APPEAL: Case Number 2016-486**

(b) (6)

Dear Sir or Madam,

This is regarding our June 28, 2016 FOIA request to the Financial Crimes Enforcement Network ("FinCEN") for documents regarding (b) (6) and related companies. We hereby appeal FinCEN's response, which withheld 52 responsive pages in their entirety, purportedly pursuant to three sets of FOIA exemptions set forth in 5 U.S.C. § 552(b)(7)(A), (7)(C) and (7)(D).

The short shrift that FinCEN has given to (b) (6) FOIA request is unacceptable. FinCEN's decision to withhold such a high number of pages in their entirety flies in the face of the letter and the spirit of the FOIA. FinCEN's blanket withholding—which essentially equates to "take our word for it" that the exemptions apply—provides (b) (6) with absolutely no meaningful opportunity to appeal. The burden is upon FinCEN to show that the exemptions apply, and FinCEN has failed to carry such burden, offering not even an unclassified summary or other privilege log to explain its basis for invoking the exemptions.

As such, (b) (6) continues to be left in utter darkness. He was placed on the OFAC list on May 5, 2016, effectively sentencing him to commercial death. Now, more than five months have passed since the OFAC designation was made, and still no facts at all have been given as to why this devastating action was taken. FinCEN's refusal to provide any information continues this disturbing trend. His simple question is, "Why was I placed on the OFAC list?" (b) (6) is entitled to as much information as possible that would help answer that question.

This FOIA request was made because of the extreme importance to (b) (6) and in an effort to correct the misinformation and the negative impact that such false impressions have had on his family, reputation and business. The obligation to provide information responsive to this request should be taken seriously and the result should not be a meaningless exercise in futility. FinCEN's non-response renders this process meaningless and a cruel and expensive farce.

We therefore request FinCEN to produce the responsive documents as expeditiously as possible so that they may shed light on why (b) (6) was placed on the OFAC list. At the very least, FinCEN should produce redacted versions of the 52 pages and/or describe the nature of the information not produced in a

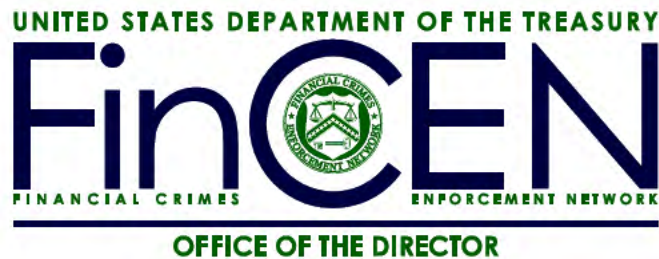
¹ Exemptions 7(A), (C) and (D) exempt matters that are "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... (A) could reasonably be expected to interfere with enforcement proceedings, ... (C) could reasonably be expected to constitute an unwarranted invasion of privacy, [and] (D) could reasonably be expected to disclose the identity of a confidential source...." Because absolutely nothing was provided by FinCEN, it is impossible to gauge whether these exemptions apply.

manner that, without revealing information itself privileged or protected, will enable (b) (6) to assess the applicability of the privilege or protection.

Thank you for your consideration, and please contact me with any questions.

Sincerely yours,

(b) (6)



November 20, 2015

(b) (6)

Re: FOIA Appeal FinCEN – OPM-1 (FY 2016)

Dear Mr (b) (6)

This responds to your letter dated September 28, 2015, and received by our office on October 6, 2015, appealing the decision of the Office of Personnel Management (“OPM”) made on behalf of FinCEN to redact a portion of your background investigation records. You requested these records from OPM on July 8, 2015. OPM’s September 10, 2015 response to your request noted that it had redacted the information that is the subject of your appeal based on an exemption under the Freedom of Information Act (“FOIA”) and the Privacy Act (“PA”). We have reviewed your appeal and, based on the authorities referenced below, your appeal is hereby denied.

We first considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. § 552a(j)(2) and (k)(2). This database is described in detail in our most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20969-20976 (April 14, 2014).

The withheld information was collected under the Bank Secrecy Act (“BSA”), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3) and 31 U.S.C. § 5319. The FOIA exemption concerning BSA records extends to records that indicate that a search of BSA information occurred, regardless of whether the search revealed any information. In other words, there may be redactions based on the mere fact that a BSA search occurred.

Mr (b) (6)

November 20, 2015

Page 2

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. §§ 552(a)(4)(B).

Sincerely,

A handwritten signature in blue ink that reads "Jamal El Hindi". The signature is written in a cursive style with a large initial "J".

Deputy Director



U. S. Department of Justice
Drug Enforcement Administration
Portsmouth TDS/POD
20 International Drive, Suite 200
Portsmouth, NH 03801

www.dea.gov

September 28, 2015

Financial Crimes Enforcement Network
Disclosure Office
P.O. Box 39
Vienna, VA 22183

RE: FOIA Appeal

Name: [REDACTED] (b) (6)

DOB: [REDACTED]

SSN: [REDACTED]

Dear Sir/Madam:

In response to the Office of Personnel Management's response to my FOIA/Privacy Act Request, please accept this letter, and the accompanying documents, as an official appeal of the Financial Crimes Enforcement Network's FOIA exemption (b)(3) redaction of my OPM Security Background Investigation.

FOIA exemption (b)(3) protects those records that are specifically exempt from release by statute 31 U.S.C. 5319, which I respectfully submit does not apply in this instance due to my current employment and background described below.

I have been employed with the U.S. Drug Enforcement Administration (DEA) since February 2004 and presently hold the position of Supervisory Special Agent (SSA). I hold Top Secret (TS) and TS/SCI (Top Secret/Sensitive Compartmented Information) security clearances and have done so since 2004 and 2011, respectively.

My position as a Federal Law Enforcement Officer (FLEO)/Criminal Investigator (1811) requires that I enforce criminal law on a daily basis. Through executing my FLEO/1811 duties, I am intimately familiar with the techniques and procedures utilized during law enforcement investigations and prosecutions, particularly with respect to FinCEN and how it relates to the complex money laundering aspects that are quite common within DEA narcotics' investigations.

Based on my current position as a DEA SSA, coupled with the fact that I enforce criminal law and participate in law enforcement investigations and prosecutions on a daily basis, the disclosure of the redacted information will not compromise the integrity and secrecy of the

depicted Law Enforcement Sensitive (LES) information. Accordingly, I respectfully request that OIP grant my appeal and provide me with the requested information pertaining to my background investigation.

Respectfully submitted,

(b) (6)

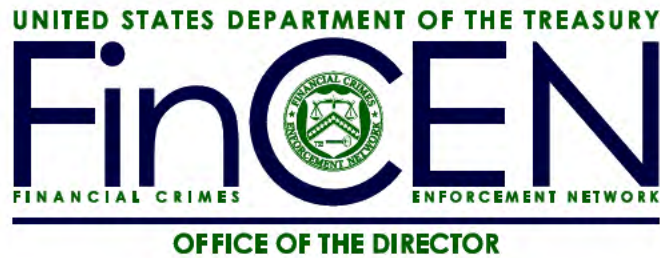
A large black rectangular redaction box covers the signature and name of the sender.

Enclosures

Home address:

(b) (6)

A black rectangular redaction box covers the home address of the sender.



February 1, 2016

(b) (6)

Re: FinCEN FOIA Appeal #A2016-3

Dear Mr (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") dated November 9, 2015 appealing the response of FinCEN to your request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. You made your request for records by letter dated August 28, 2015. FinCEN responded by letter dated October 6, 2015. FinCEN located 21 pages of records responsive to your request and withheld the records in full. We have reviewed your appeal and, based on the authorities referenced below, your appeal is hereby denied.

The withheld information was collected under the Bank Secrecy Act ("BSA"), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3) and 31 U.S.C. § 5319. The FOIA exemption concerning BSA records extends to records that indicate that a search of BSA information occurred, regardless of whether the search revealed any information. In other words, there may be redactions based on the mere fact that a BSA search occurred.

We have considered the application of 5 U.S.C. § 552(b)(7)(E). The exemption applies to records or information compiled for law enforcement purposes release of which would reveal techniques and procedures for law enforcement investigations or prosecutions. We have determined that the exemption was applied correctly and that discretionary release of materials covered by the exemption would not be appropriate.

We have also determined that materials would be exempt from release under 5 U.S.C. § 552(b)(6) or 5 U.S.C. § 552(b)(7)(C) and that discretionary release of materials covered by those exemptions would not be appropriate. The exemption at 5 U.S.C. § 552(b)(6) applies to personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The exemption at 5 U.S.C. § 552(b)(7)(C) applies to records or information compiled for law enforcement purposes, if disclosure of the records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Mr (b) (6)

February 1, 2016

Page 2

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink that reads "Jamal El-Hindi". The signature is written in a cursive style with a large, sweeping initial "J".

Jamal El-Hindi
Deputy Director

(b) (6)

November 9, 2015

FinCEN FOIA Appeal
P. O. Box 39
Vienna, VA 22183

Re: FinCEN FOIA APPEAL OF FINCEN'S RESPONSE
TO FOIA REQUEST R DOCUMENTS RELATED TO:
FINCEN CASE #2009 ALD 109185 AND
OTHER CONCERNING (b) (6)

To Whom It May Concern:

On August 28, 2015, the undersigned attorney submitted an FOIA Request For Documents related to the FinCen Case # 2009 ALD 109185 as referenced above. The FOIA Request of August 28, 2015, also requested any and all other documents concerning (b) (6)
(b) (6)

On October 6, 2015, the response to that FOIA request was mailed to the undersigned attorney. Pursuant to the response, please accept this letter as notice of appeal of the findings in FINCEN's response letter of October 6, 2015.

The basis for the appeal includes, but is not limited to the following:

"International Children's Fund-Rokha Parakey, Inc. (ICF) is entitled to the information contained in these withheld documents as ICF is the rightful owner of the funds connected with these documents."

As a courtesy we attach to this notice of appeal a copy of the addendum to the initial request outlining the documents and information previously requested. Please forward a response to this notice of appeal at your earliest opportunity.

Sincerely yours,

(b) (6)



February 11, 2016

(b) (6)

Re: FinCEN FOIA Appeal #A2016-4

Dear Mr (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network (“FinCEN”) dated November 2, 2015, appealing the decision of the Office of Personnel Management (“OPM”) made on behalf of FinCEN to redact a portion of your background investigation records. You requested these records from OPM on August 11, 2015. OPM’s October 7, 2015 response to your request noted that it had withheld the information that is the subject of your appeal based on an exemption under the Freedom of Information Act (“FOIA”) and the Privacy Act (“PA”). We have reviewed your appeal and, based on the authorities referenced below, your appeal is hereby denied.

The withheld information was collected under the Bank Secrecy Act (“BSA”), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3) and 31 U.S.C. § 5319. The FOIA exemption concerning BSA records extends to records that indicate that a search of BSA information occurred, regardless of whether the search revealed any information. In other words, there may be redactions based on the mere fact that a BSA search occurred.

We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions in the Privacy Act in accordance 5 U.S.C. §§ 552a(j)(2) and (k)(2). This database is described in our most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20969-20976 (April 14, 2014).

Mr (b) (6)

February 11, 2016

Page 2

You indicate in your request for an appeal that you submitted your FOIA request because you were informed by OPM that “your personal information was stolen.” FOIA pertains to requests for documents, and does not cover requests for status on any matter, such as a data breach. Consequently, you may choose to direct questions you have about a data breach at OPM to OPM.

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in blue ink that reads "Jamal El-Hindi". The signature is written in a cursive style.

Jamal El-Hindi
Deputy Director

Freedom of Information Act (FOIA) Appeal

(b) (6)

November 2, 2015

Financial Crimes Enforcement Network
Disclosure Office
P.O. Box 39
Vienna, VA 22183

I'd like to appeal the FinCEN's (b)(3), (j)(2) and (k)(2) redactions from my Freedom of Information Act (FOIA) request.

The reason I submitted my FOIA request was because I was informed by OPM that my personal information was stolen. The open press is reporting that the stolen information includes all information from the SF 86 and the investigation process following SF 86 completion, to include fingerprints in some cases. Therefore, I submitted my FOIA request so that I was able to at a minimum a complete record of what the thieves have.

So, if you can guarantee me that the redacted information was not stolen, I accept the redaction. Otherwise, although I'm not an expert on the FOIA and the Privacy Act, it seems reasonable to me that the law would not place me in a position where the thieves know more FOIA information about me than I know.

Therefore, respectfully request the redacted information or your guarantee that none of the redacted information was stolen from OPM.

Thanks. My contact information is above should you have any questions.

Sincerely,

(b) (6)

2 Atch

- OPM response memo dated October 7, 2015
- FOIA request dated August 5, 2015



January 21, 2016

(b) (6)

Re: FinCEN FOIA Appeal #A2016-5

Dear Mr (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network (“FinCEN”) dated November 11, 2015, appealing the response of FinCEN to your request for records under the Freedom of Information Act (“FOIA”) and the Privacy Act. You made your request for records by letter dated October 8, 2015, and FinCEN responded to that request by letter dated November 2, 2015. FinCEN stated that it did not locate any documents responsive to your request. The Office of Chief Counsel has conducted an impartial review of the decision of our FOIA Officer. Your appeal is hereby denied.

The response to your request indicated that FinCEN had conducted a diligent search. FinCEN did not, however, search its database of reports filed under the Bank Secrecy Act. Reports filed under the Bank Secrecy Act and records of these reports are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3) and 31 U.S.C. § 5319. The Bank Secrecy Act is codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. Furthermore, the database has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. 552a §§ (j)(2) and (k)(2). The database is described in our most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20969-20976 (April 14, 2014). For the reasons set forth in this paragraph, we find that the decision not to search the database of reports filed under the Bank Secrecy Act was appropriate.

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Jamal El-Hindi
Deputy Director

FREEDOM OF INFORMATION Act

Privacy Act Request

50.S.C. 552 & 552a

Department of the TRESASURY
Financial Crimes Enforcement Network
Post Office Box 39
Vienna, VA 22183-0039

11/11/15

Mr. [REDACTED] (b) (6)

FincEN 2016-181

See: 5 U.S.C. § 552a(q)
50.S.C. § (b) and The individual's privacy interest verses the interest in public disclosure, 5 U.S.C. § (a)(6), Tobey, 40 F. 3d. at 472.

Individual and included his name or identifying particular,
See: 5 U.S.C. § 552(a)(4) ("Notice Requirerment provides for no comparable bifurcated analysis that would justify a similarly low threshold for defining 'records.'")

WHEREFORE, based on warranties or promises considered hereing and for the purpose of the APPELLANT'S Apoeal he seek the Director review and reconsideration for the requested records and information under the Freedom of Information Privacy Act.

SINOPSIS

June 07, 2008 [REDACTED] (b) (6) Texas Fort Bend County
[REDACTED] (b) (6)

November 11, 2015 [REDACTED] (b) (6) have 91
years live in [REDACTED] (b) (6) Texas 77494

[REDACTED] (b) (6) mother the [REDACTED] (b) (6)
[REDACTED] (b) (6) and [REDACTED] (b) (6) on the June 07, 2008 Agents Immigration without warrants Forfeiture removed \$2,000,000.00 Dollars Heredy prosedent [REDACTED] (b) (6) (sealed property in Mexico) this money is Lawful representative [REDACTED] (b) (6), the hereditly, The Money on Twenty (20) Laredo National Bank Fabric BK Bags have key.

Search Warrant [REDACTED] (b) (6), June 07,2008 the Warrant Not specific reason, And Affidavit Noting specific action and not existed at time probable cause,

Search Warrant [REDACTED] (b) (6), June 07, 2008 On the [REDACTED] (b) (6) [REDACTED] (b) (6), Texas, Fort Bend County the Search Warrant Not specific reason, and Affidavit Noting specific actions U.S.Customs and Border Protection Forfeiture vehicle BMW in said garage of the residence

THE GOVERNMENT
ADVISED TO THE COURT

1).- U.S. Attorney Daniel Claude Hippard Advised the Court On June 07, 2008 The Agents appeared to have missed a large amount of Money, approximately \$900,000.00 Dollars and it was unknown what happened to that Money (USCA5 724-43)

2).- On June 18, 2008

The Government: U.S. Attorney Daniel Claude Hippard Money Laundering did " NOT EXIST " 2A Par. Pg. 35 Sec.21 6/ 18 /2008 The Search Warrant Not specifying a particular ISSUE or Probable Cause

a)-NO evidence of a Drug Transaction

b)-NO Criminal record.

3).- December 23, 2008

NOTICE OF Intent to FORFEIT

U.S. Customs and Border Protection

Certified Mail 7008 1140 0002 7287 6780

ENF-4-H:FPF CAJ

CN: 2008 - 5301 - 000193

December 23, 2008

Fourteen (14) LAREDO NATIONAL BANK FABRIC BK BAGS with Key

One Million three hundred seventy-nine thousand five hundred ten (\$1,379,510.00 Dollars)

Two Cashier's Checks

1).- 900994810

2).- 900994811

This NOTICE will be posted in the Houston Chronicle NEWSPAPER on or about December 24, 31, 2008 and January 07, 2009.

4).- On December 04, 2009, The District Court addressed Mr. (b)(6) complaints in Chambers with (b)(6) and (b)(6) but WITHOUT THEIR ATTORNEYS DEFFENSE OR THE GOVERNMENT U.S. ATTORNEYS PRESENT On the session Court the Attorneys defense and Without U.S. Attorneys Two (2), Bout abandoned or DESERTING The Session Court

(b)(6) Brothers NOT HAVE DEFENSE

and NOT HAVE ACCUSER See: Docket Entry No. 156 (under seal)

The Brothers (b)(6) Not have criminal charges the conclusion of Indictment is INVALID, Sentence INVALID, Plea Guilty Forced, is INVALID

The Prosecutor: NOLLE PROSEQUI, or Abandoning prisoner while Court in session Absent Return to properly prep case in order to continue session in Open Court without permission of the Chief General U.S.Attorney," is synonymous of DESERTION (i.e.) SURRENDER Cause of Action. Without more, U.S. Attorney absent permission may not only be construed as desertion, or SURRENDER, but rather default (omission)"

See: Case United States v. Shoemaker, Circuit Court, D. Illinois 27 F. Cas. 1067; 1840 U.S. App. LEXIS 521; 2 Mc Lean 114 Case No.16,279 June, 1840, Term.

5).- a)- (b) (6) NO NEED for MIRANDA Warning because the Police did NOT INTERROGATE Mr. (b) (6) Id. at 10.

b) (b) (6) not have drugs, money, ledgers or telephones

c) (b) (6) have conflict interest between) and (Potential conflict of interest Judge & Attorneys Defense)

d) The AUSA informed the Court that a binding PLEA AGREEMENT HAD "NOT BEEN DISCUSSED (USCA 637)

e) The Government committed serious misconduct because it knew of the Perjured Grand Jury Testimony, it conducted illegal the MONEY SEIZED, (b) (6) and (b) (6) Home was was NOT DRUG PROCEED.

f) DEA SAID THAT THE (b) (6) brother's were NOT engaged in Drug Trafficking R.509,511. (b) (6)

11/11/15

Dear Mr. Gilbert L Paist

Nota: En Espanol traduscase al Ingles por favor.

La forma de expresion de Norberto Adolio Robles no son con fines acusatorios, son con fines de descubrir que susedio con la Herencia de la Familia Flores, que data de mas de Un Siglo.

Por Favor digame como y con quien acudir para denunciar este Fraude o Robo, o si su departamento es el adecuado para dar seguimiento a una Investigacion de esta magnitud.

Agradesere su cordial alluda y/o su informacion ya que es de suma importancia para continuar en mi Appelacion de la § 2255 en el mes de Diciembre de el 2015 en el Quinto Circuito y de esta forma poder agregar la correcta informacion de por que estoy pidiendo desaser la sentencia y rebocar la acusacion ilegal por la que ^{he} estado luchando por casi 8 anos en prision.

Gracias y le pido disculpas de la manera mas atenta, por my ortografia en Ingles ya que realizo my mallor esfuerzo con la alluda de un diccionario Ingles / Espanol.

Atentamente su servidor

Norberto Adolio Robles

No. 82724-179

11/11/15

UNITED STATES DEPARTMENT OF THE TREASURY
FinCEN
FINANCIAL CRIMES ENFORCEMENT NETWORK
OFFICE OF THE DIRECTOR

June 28, 2016

(b) (6)

Re: FinCEN Appeal #A2016-6

Dear Mr. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") dated February 25, 2016 and received by FinCEN on March 2, 2016, appealing FinCEN's February 29, 2016 decision to withhold in full 114 pages of records responsive to your Freedom of Information Act ("FOIA") request (Case No. 2016-345). Your FOIA request letter to the U.S. Department of Transportation ("DOT") was dated May 30, 2014. In processing that request, DOT located in its files one record of 114 pages that originated at FinCEN. DOT referred that record to us for processing on January 29, 2016. On February 29, 2016, FinCEN sent you a letter responding to your FOIA request (the "February 29th Letter"). That letter identified 114 pages of responsive records that were withheld in full based on applicable exemptions under the FOIA.

Upon receiving your letter of appeal dated February 25, 2016, on March 2, 2016, FinCEN reviewed your request and hereby denies your appeal.

As explained in the February 29th Letter, a number of FOIA exemptions apply to the responsive documents in this matter, including FOIA exemptions 3, 6, 7(C), 7(D), and 7(E). Your appeal only challenges FinCEN's withholding of the responsive material under exemptions 6 and 7(C); it does not challenge the applicability of exemptions 3, 6, 7(D), and 7(E) to the responsive material. Where records are properly withheld in full under applicable FOIA exemptions, no portions of these records, including the dates of such records, are subject to release. *See, e.g., Judicial Watch, Inc. v. U.S. Dept. of Justice*, 432 F.3d 366, 371-72 (D.C. Cir. 2005) (where records constituting attorney work product were properly withheld under FOIA Exemption 5, no portion of these records, including factual material, is "reasonably segregable" for release); *Electronic Privacy Info. Ctr. v. Office of the Dir. of Nat'l Intelligence*, 982 F. Supp. 2d 21 (D.D.C. 2013) (finding that documents withheld in full under FOIA exemptions 3, 5, and 7(E) contained no "reasonably segregable" information for release, including date information).

Regarding your claim that you should be afforded the opportunity to review the withheld material "to look for any *Brady* violations by the State," you have neither argued nor provided any information that indicates that the withheld information contains any exculpatory information. A "bald assertion of a *Brady* violation is insufficient" to overcome the personal privacy interests protected by FOIA exemptions 6 and 7(C). *Scales v. EOUSA*, 594 F. Supp. 2d

Mr. (b) (6)

June 28, 2016

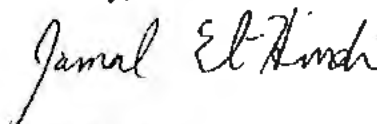
Page 2

87, 91 (D.D.C. 2009). Moreover, courts have held that “requests for *Brady* material are ‘outside the proper role of FOIA.’” *See, e.g., Billington v. Dept. of Justice*, 11 F. Supp. 2d 45, 63 (D.D.C. 1998) (quoting *Johnson v. Dept. of Justice*, 758 F. Supp. 2, 5 (D.D.C. 1991)), *aff’d in pertinent part*, 233 F.3d 581 (D.C. Cir. 2000); *accord Clifton v. U.S. Postal Inspection Serv.*, 591 F. Supp. 2d 10, 12 (D.D.C. 2008) (rejecting plaintiff’s *Brady* argument as both “misplaced and ineffective”).

We also considered your appeal under the Privacy Act to the extent that you may be seeking records about yourself. However, the responsive documents are maintained in FinCEN databases that have been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. §§ 552a(j)(2) and (k)(2), as they are maintained primarily for law enforcement purposes. *See* FinCEN’s most recent Privacy Act System of Records Notices, 79 Fed. Reg. 20,969-20,976 (Apr. 14, 2014). Accordingly, the Privacy Act does not offer a basis for you to obtain the information you seek.

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552 (a)(4)(B).

Sincerely,



Jamal El-Hindi
Deputy Director

Feb, 25th 2016

TO: Dept of the Treasury
Financial Crimes Enforcement Network
Freedom of Information Act/Privacy Act Appeal
P.O. Box 39
Vienna, V.A. 22183-0039

From : [REDACTED] (b) (6)
Stafford Creek Corrections Center
191 Constantine Way [REDACTED] (b) (6)
Aberdeen, Wash. 98520

Re: Privacy Act Appeal - Fin Cen 2016-345

Hello:

I'm writing this letter to you today regarding the denial of my request for documents. This request was made under the Freedom of Information Act, and it was pursuant to Cause [REDACTED] (b) (6) And this request was made on July 16th, 2015, ~~which~~ ^{when} the U.S. Department of Transportation (DOT) and referred the request documents for processing by you on January 29th, 2016. And I'm now appealing the denial of the decision within the 35 day time period.

On July 30th 2013, I was arrested for trafficking of stolen property; Burglary; and theft of stolen property. These charges was due to 4.3 miles of copper that was stolen from inside of the Light Rail system. However, the crimes are exactly the same as the Federally investigated

Crimes in Cause (b) (6) which on May 22nd 2014, I was found guilty of all the above crimes, and included, by amended information, Leading Organized Crime. And was sentenced to 12 years four months in state prison on June 13th 2014. Refer to Cause: State of Washington vs. (b) (6) King County Cause (b) (6)

At this time, I'm trying to invoke my Constitutional Right to appeal my state court decision. At trial, my Attorney (b) (6) and I requested all Federal documentation which the United States Department of Transportation investigated concerning the 4.3 miles of copper that was stolen from the inside of the light rail system. And was denied, part of the discovery request before trial.

I will, my upcoming (Personal Restraint Petition), appeal, should override FOIA exemptions (b)(6) and (b)(7)(C), in the interest of Justice.

To be clear, the case of the stolen copper was originally investigated by (DOP), and later denied to file charges. The state decided to bring charges, and I was found guilty at a three week trial. I should be afforded the opportunity to review the request documentation to look for any Brady violations by the state, and again, this should be in the interest of justice.

Thank you for your time and consideration on this matter. I hope you will reverse your decision and send me the requested documents for my appeal.

(b) (6)



May 11, 2016

(b) (6)

Re: FinCEN FOIA Appeal 2016-382

Dear Mr. (b) (6)

This responds to your letter dated March 21, 2016, appealing the decision of the Financial Crimes Enforcement Network (“FinCEN”) Disclosure Office to withhold in full nine pages of documents contained in your Office of Personnel Management (“OPM”) investigative file. On March 1, 2016, OPM responded to your request for documents contained in your background investigative file pursuant to the Freedom of Information Act/Privacy Act (“FOIA/PA”). In processing your request, OPM located nine pages of documents that originated with FinCEN and referred them to this agency for processing and response. On March 3, 2016 FinCEN’s Disclosure Office denied your request in full. We have reviewed your appeal of that decision and, based on the authorities referenced below, your appeal is hereby denied.

The withheld information was collected under the Bank Secrecy Act (“BSA”), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3) and 31 U.S.C. § 5319.

We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions in the Privacy Act in accordance 5 U.S.C. 552a(j)(2) and (k)(2). This database is described in our most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20969-20976 (April 14, 2014).

In your March 21 letter of appeal, you make several assertions that you believe support your appeal of FinCEN decision to deny your request. You state that (1) you believe your personal identifying information was criminally misused; (2) the information you seek was “shared” with you during your interview, and (3) FinCEN’s decision lacked specificity because it stated that records were withheld in accordance with 5 U.S.C. 552a(j)(2) “and/or” (k)(2) of the Privacy Act.

We have considered these assertions but find that none of them alter the legal basis for FinCEN’s original decision to deny your request. The potential misuse of your personal identifying information is a matter for OPM to consider as it is the agency responsible for

Mr [REDACTED] (b) (6)

May 11, 2016

Page 2

conducting the background investigation and evaluating the relevant information. Further, even if we assume that information derived from the withheld records was shared during your interview, that fact would not affect FinCEN's decision to deny your request because the records in question were withheld pursuant to a statutory exemption on disclosure. As to your last concern, we note that the Disclosure Office erred in stating that the records are exempt under a(j)(2) "and/or" a(k)(2). In fact, the records are exempt under the Privacy Act pursuant to both a(j)(2) and a(k)(2) because of the purposes for which they have been collected. However, the error contained in FinCEN's March 3, 2016 response does not change the original decision to deny your request.

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. 552(a)(4)(B).

Sincerely,



Jamal El-Hindi
Deputy Director

(b) (6)

March 21, 2016

P.O. Box 39
Vienna, VA 22183

Dear Mr. (b) (6)

This in reference to your letter dated March 3, 2016. The nine pages of FinCEN documents requested are the reason for my original Office of Personnel Management (OPM) Freedom of Information Act/Privacy Act (FOIA/PA) request. As part of my security clearance renewal, the FinCEN documents initiated a detailed investigation and documented interview. The information in the FinCEN documents were reviewed with me and as you must know, determined to be a criminal misuse of my Personally Identifiable Information (PII). In the last 26 years, my PII has been comprised three times either directly or indirectly as the result of mismanagement of records by government officials.

- The information I seek is directly related to the criminal misuse of my PII and as such can affect my standing with and or interactions with financial institutions. I have every right to know exactly who and how this information was misused and the extent of damage to my financial records.
- The misuse of my PII is directly related to government mismanagement and security of my personal information. To use FOIA/PA exclusions to shield or cover-up this government mismanagement is in itself criminal.
- The information was shared with me in my interview and therefore to declare any sort of need for secrecy is totally disingenuous. The information relates to me and any additional non-related information can be redacted.
- You reference three different exemptions (5 U.S.C 552a(j)(2) and/or (k)(3), and (b)(3). Any rejection of a FOIA/PA exemption must be clear and specific as to the exact section and in the case of criminal activity specific to ongoing investigations not closed cases. The and/or notation in your letter is a nonspecific blanket reference.

I expect to receive a reply within the 35 days you allotted me for my reply. If you feel your original actions are correct, I request the name, phone numbers, and address of the next two levels of management above your position.

Very truly yours,

(b) (6)



May 10, 2016

(b) (6)

Re: FinCEN Appeal #A2016-8

Dear Mr. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network (“FinCEN”) dated March 23, 2016 and received by FinCEN on March 30, 2016, appealing FinCEN’s March 9, 2016 decision to withhold in full 44 pages of records responsive to your Freedom of Information Act (“FOIA”) request (Case No. 2016-370). Your original FOIA request letter, submitted on behalf of your client, (b) (6), was dated February 19, 2016, though you followed up this request letter with an online copy of the request to FinCEN on February 22, 2016. Specifically, your FOIA request was for records maintained by FinCEN in any database that either mention your client by name, or that specifically refer to him, from 1995 to the present. In addition, you requested that FinCEN provide the reason for inclusion of your client’s name in a report, file, or database if responsive records were located, and the date(s) the name was entered. On March 9, 2016, FinCEN sent you a letter (the “March 9th Letter”) responding to your FOIA request. That letter identified 44 pages of responsive records that were withheld in full based on applicable exemptions under the FOIA and the Privacy Act.

Your letter of appeal dated March 23, 2016, does not challenge FinCEN’s decision to withhold in full 44 pages of responsive records. Rather, your letter requests only the dates the responsive records were generated. Upon receiving your letter of appeal on March 30, 2016, FinCEN reviewed your request and hereby denies your appeal.

As explained in the March 9 Letter, a number of FOIA and Privacy Act exemptions apply to the responsive documents in this matter, including FOIA exemptions 3, 5, 7(D), and 7(E). Your appeal neither questions FinCEN’s application of these exemptions, nor challenges the resulting decision to withhold the responsive material. Where records are properly withheld in full under applicable FOIA exemptions, no portions of these records, including the dates of such records, are subject to release. *See, e.g., Judicial Watch, Inc. v. U.S. Dept. of Justice*, 432 F.3d 366, 371-72 (D.C. Cir. 2005) (where records constituting attorney work product were properly withheld under FOIA Exemption 5, no portion of these records, including factual material, is “reasonably segregable” for release); *Electronic Privacy Information Center v. Office of the Director of National Intelligence*, 982 F. Supp. 2d 21 (D.D.C. 2013) (finding that documents withheld in full under FOIA exemptions 3, 5, and 7(E) contained no “reasonably segregable” information for release, including date information). Therefore, consistent with applicable case

Mr. (b) (6)

May 10, 2016

Page 2

law finding that date information (and other factual information) is not “reasonably segregable” under the FOIA for release when records are properly withheld in full, we have determined that release of the requested date information in this matter would be inappropriate.

We also considered your appeal under the Privacy Act because your client is seeking records about himself. However, the Privacy Act only grants access to applicable records upon request to an “individual,” defined as “a citizen of the United States or an alien lawfully admitted for permanent residence[.]” 5 U.S.C. §§ 552a (a)(2), (b). Your FOIA request indicates that your client is a Mexican citizen who holds a Spanish passport. Even if the Privacy Act definition of “individual” applied to your client, however, the responsive documents are maintained in FinCEN databases that have been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. §§ 552a(j)(2) and (k)(2), as they are maintained primarily for law enforcement purposes. See FinCEN’s most recent Privacy Act System of Records Notices, 79 Fed. Reg. 20,969-20,976 (April 14, 2014). Accordingly, the Privacy Act does not offer a basis for your client to obtain the information he seeks.

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552 (a)(4)(B).

Sincerely,

A handwritten signature in blue ink that reads "Jamal El-Hindi". The signature is written in a cursive style with a large initial "J".

Jamal El-Hindi
Deputy Director

Jefferson Waterman International
1401 K Street, N.W., Suite 400
Washington, DC 20005
Phone: (202) 216-2200

March 23, 2016

FINCEN FOIA Appeal
P.O. Box 39
Vienna, VA 22183

Reference: Appeal of FOIA 2016-370

Dear FOIA Appeal Office:

I am submitting this appeal of the FINCEN decision dated March 9, in the above captioned case involving my client, (b) (6). My FOIA request letter was dated February 19, 2016. I do not take issue with the determination not to release the four (4) located documents that mention my client. As my appeal I want to make an alternate request for the disclosure only of the dates of those documents. What I am requesting would seem to fall short of the statutory prohibition regarding release of Bank Secrecy Act documents under FOIA, as the date each document was generated divulges nothing about the content of those documents or the individuals mentioned therein. Please advise whether FINCEN can accept this alternate request as my appeal.

If you have any questions about this request you may email me at (b) (6) or telephone me at (b) (6). Thank you very much for your attention to this matter.

Sincerely,
(b) (6)

UNITED STATES DEPARTMENT OF THE TREASURY
FinCEN
FINANCIAL CRIMES ENFORCEMENT NETWORK
OFFICE OF THE DIRECTOR

August 23, 2016

(b) (6)

Re: FinCEN Appeal A2016-9

Dear Mr. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") dated June 7, 2016 and received by FinCEN on June 10, 2016, appealing the decision of the Office of Personnel Management ("OPM") made on behalf of FinCEN to redact a portion of your background investigation records. You requested these records from OPM on May 23, 2016. OPM's June 7, 2016 response to your request noted that it had redacted information that is the subject of your appeal, based on an exemption under the Freedom of Information Act ("FOIA") and the Privacy Act ("PA"). We have reviewed your appeal and, based on the authorities referenced below, your appeal is hereby denied.

The withheld information was collected under the Bank Secrecy Act ("BSA"), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3) and 31 U.S.C. § 5319. The FOIA exemption concerning BSA records extends to records that indicate that a search of BSA information occurred, regardless of whether the search revealed any information. In other words, there may be redactions based on the mere fact that a BSA search occurred.

We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions in the Privacy Act in accordance 5 U.S.C. 552a(j)(2) and (k)(2). This database is described in our most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20969-20976 (April 14, 2014).

Mr. [REDACTED] (b) (6)

August 23, 2016

Page 2

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. 552(a)(4)(B).

Sincerely,

A handwritten signature in cursive script that reads "Jamal El-Hindi".

Jamal El-Hindi
Deputy Director

FOIA Appeal

7 June 2016

"FOIA Appeal."

Financial Crimes Enforcement Network, Disclosure Office
P.O. Box 39,
Vienna, VA 22183

Reference: FOIA Appeal for [REDACTED] (b) (6)

I have received a United States Office of Personnel Management (OPM) FOIA request response. The cover letter of this response is attached.

As stated in the cover letter OPM withheld information from documents 1, 3, 5-6, 87, and 102 in accordance with FOIA exemption (b)(3) and Privacy Act exemptions (j)(2) and (k)(2).

In my appeal, I am requesting all information provided by Financial Crimes Enforcement Network during this investigation be released to me.

Reasons why the information should be released.

- I have received notification that information supplied to the OPM investigators has resulted in my investigation being handed to the Defense Office of Hearings and Appeals (DOHA).
- The information requested may have had an adverse effect on OPM's decision.
- In order to understand and prepare for the hearing, a copy of the information is required.

For identification purposes, a copy of my drivers license is attached.

Sincerely,

[REDACTED]
(b) (6)

Address:

[REDACTED] (b) (6)

Arlington, VA 22209

Attachments

- (1) Drivers License for [REDACTED] (b) (6) with address listed above
- (2) Copy of initial Freedom of Information Act request to OPM
- (3) Copy of letter from OPM stating information was withheld.

FOIA Appeal



October 24, 2015

(b) (6)

RE: FOIA Appeal FinCEN 2016-030 OPM 1

Dear Mr. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") postmarked August 11, 2015, appealing the decision of the Office of Personnel Management ("OPM"), made on behalf of FinCEN, to withhold a portion of your background investigation records. OPM's July 28, 2015 response to your request noted that it withheld the information that is the subject of your appeal based on exemptions under the Freedom of Information Act ("FOIA") and the Privacy Act ("PA"). On August 6, 2015, the FinCEN disclosure officer reviewed your request and also determined that the requested records were properly withheld. We have reviewed your appeal and, based on the authorities referenced below, your appeal is hereby denied.

The withheld information was collected under the Bank Secrecy Act ("BSA"), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3) and 31 U.S.C. § 5319. The FOIA exemption concerning BSA records extends to records that indicate that a search of BSA information occurred, regardless of whether the search revealed any information. In other words, there may be redactions based on the mere fact that a BSA search occurred.

We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. §§ 552a(j)(2) and (k)(2). This database is described in FinCEN's most recent PA System of Records Notice, 79 Fed. Reg. 20,969 (April 14, 2014).

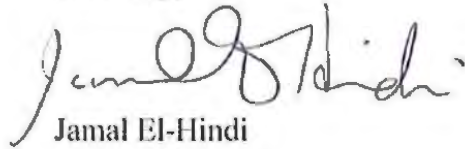
Mr.

(b) (6)

Page 2

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in cursive script, appearing to read "Jamal El-Hindi".

Jamal El-Hindi
Deputy Director

To Whom It May Concern:
Financial Crimes Enforcement Network
Disclosure Office
P. O. Box 39
Vienna, VA 22183

I am requesting the release of FinCEN information regarding my most previous OPM background investigation to assist in mitigating any threats from the most recent OPM computer compromise. I am a Special Agent with the Air Force Office Special Investigations and would appreciate any information that is not included in this packet – specifically including my name.

Included in this envelope is a copy of the OPM letter dated 28 July 2015, a copy of the original OPM FOIA request sent on 2 July 2015, and a letter copy sent by OPM to FinCEN on 28 July 2015.

Thank you for your attention to this matter,

(b) (6)



Chesapeake, VA 23320

UNITED STATES DEPARTMENT OF THE TREASURY
FinCEN
FINANCIAL CRIMES ENFORCEMENT NETWORK
OFFICE OF THE DIRECTOR

April 22, 2015

(b) (6)

Re: FinCEN Appeal OPM-2 (FY 2015)

Dear Mr. (b) (6)

This letter responds to your letter to the Financial Crimes Enforcement Network (“FinCEN”) dated February 18, 2015 appealing the decision of the Office of Personnel Management (“OPM”) made on behalf of FinCEN to redact a portion of your background investigation records. You requested these records from OPM on October 17, 2014. OPM’s November 5, 2014 response to your request noted that it had redacted the information that is the subject of your appeal and cited as justification the exemption under the Freedom of Information Act (“FOIA”). Upon receiving your letter of appeal on February 18, 2015, FinCEN requested that OPM submit the documents pertaining to this matter for our review. On February 20, 2015, we received those records. We have reviewed your appeal and based on the authorities referenced below, your appeal is hereby denied.

The redactions reference information collected under the Bank Secrecy Act (“BSA”), codified at 31 U.S.C. 5311-5314, 5316-5332. Reports, and records of reports, collected under the BSA are exempt from disclosure under the FOIA in accordance with 5 U.S.C. 552(b)(3), the FOIA exemption that relates to records specifically exempted from disclosure by statute. The BSA language exempting BSA reports, and records of reports, from FOIA access can be found at 31 U.S.C. 5319. Note that this exemption extends to records indicating that a search of BSA information occurred regardless of whether a positive hit resulted from such a search.

We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a FinCEN database that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. 552a(j)(2) and (k)(2), as it is maintained primarily for law enforcement purposes. This database is described in our most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20969-20976 (April 14, 2014).

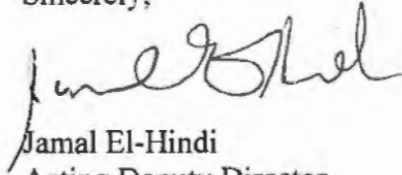
Mr. [REDACTED] (b) (6)

April 22, 2015

Page 2

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Jamal El-Hindi
Acting Deputy Director

2015-111
2/6/15

Office of the General Counsel
Office of Personnel Management
1900 E Street
Washington, DC 20415-0001

December 16, 2014

Appeal of 2014-22106 & 2015-01024 Investigator (b) (6)

After the review of my five year re-investigation report, I am forwarding to your office this Appeal as I believe the testimony of Team Leader (b) (6) has potential credibility and integrity issues with his statements that were disclosed in the report. The Unfavorable OPM rating I received is based on his questionable testimony and his inactions as Team Leader. This Appeal disputes his 'Working off the Clock' allegation as well as the 'Integrity of Casework' allegation.

'Working off the Clock' allegation:

This testimony should be struck from the report as it has no merit and should not contribute to the unfavorable OPM rating rendered. During my employment under (b) (6) this 'issue' was never brought to my attention, addressed nor was I reprimanded and furthermore I was given accolades for my performance stats during my 'ride-a-longs' and my annual performance reviews with (b) (6). Time and time again he professed that I was one of the top producers for his team and he that had never had any concerns about my productivity.

As I recall the only time the topic of my productivity came up was during my Performance Review when the FWS System was implemented in early 2014 when my quality stats had suffered (as well as many other investigators nationwide) during the new learning curve of FWS. (b) (6) stated that since I was working 32+ hours a week on average, that I may consider pulling back on my hours to concentrate on the quality. This was short lived as I was continually overloaded with more cases. I asked (b) (6) to extend my ACD's and he repeated could not justify extending them. Please keep in mind that my working 32+ hours weekly as a 'part time employee' when compared to an employee working 40 hours weekly, my productivity stats were in proportion with those employees. It was common for me to work 36 hour weeks. The state of Michigan recognizes employees working over 32 hours a week as a full time employee. Furthermore with 'my ride-a-longs' and coffee breaks with (b) (6) she concurred with my accountability of my billing practices of labor to my cases. Being in a Michigan rural area and the lone investigator within a fifty mile radius, it was not uncommon for my daily caseload to have five or more cases in the same geographical rural area. That being said I would proportionally divide my daily hours to the cases I was servicing that day as many of those included the same educational, court, employment and law enforcement records needed for the cases I worked that day. (b) (6) perception that '... part time employees are probably about 30 months of coverage per day' when compared to a full time employee of 45 to 50 hours is not relevant as I was working 36 hours weekly. When I was hired as an USIS Intermittent investigator there were no constraints on productivity or hours worked. Furthermore in late 2013 USIS abandon the MOC format as they came to the conclusion that this format did not have fully account for productivity and switched to the DOW schedule.

Furthermore (b) (6) in his testimony did not even address when he forced me and another investigator to relinquish our intermittent status. Only after converting me to part time 'associate'

status, did I learned that (b) (6) ultimate goal was to reduce our wages by 32% so that it would be beneficial to his operational budget numbers. When I protested to (b) (6) he appreciated my productivity numbers and granted me a five percent pay increase to my original base amount, a company car and employee benefits!

Finally, the irony of (b) (6) account of my 'working off the clock' is actually discriminatory as when I and other investigators brought to his attention of certain other female investigators 'pegging their stats' as they carried multiple credentials and had more probability of working off the clock, we were told that 'they know how to multi task and the stats prove it'.

'Integrity Report Writing' Issue:

Specifically, (b) (6) testimony pertaining to the conversation I had with the Reviewer and her comments to him is open to conjecture without (b) (6) opportunity to confront me.

Many of the reviewers during the FWS transition were not the most cordial employees as they too were learning the FWS curve. Specific to (b) (6) testimony as he based his comments he with had the reviewer are not in order of the timeline and events. The conversation(s) I had with the reviewer centered on the lack of scope coverage as well as lack of sources. When I talked with the reviewer about these issues, I voiced to her that I had exhausted possible source coverage but I would again research my notes as well as seeking out potential sources from my notes. (As I recall, the testimony was needed for education coverage and the timing of case was during school Spring Break as I had exhausted potential source coverage.) Later that day I retransmitted the case as the reviewer called again and I restated to her that again I exhausted my possibilities for additional sources.

Pertaining to the questions asked by (b) (6) contrary to (b) (6) testimony the questions she asked me were generic in nature and not specific to any one case. As I recall, there were five questions asking (such as, not exact wordage) if 'I had ever intentionally altered any testimony?', 'would I consider to do so?' and 'would I consider doing it in the future?' I answered 'no' to all of these questions.

I call into question (b) (6) credibility and integrity as in his testimony he disclosed what he *didn't* do to address the issue at hand but later when I specifically asked him after the USIS Security report was finalized, he told me that there was no issues at hand after (USIS Security) completed a quality control review of my cases and found no discrepancies. Furthermore he told me not to worry but to be sure that my future cases submitted are 'in order' as they may be subject to review. At least on two other occasions, 1.) when I turned in my USIS equipment in August 2014 as well as later 2.) in my exit interview he professed the same and said not to worry. He had the opportunity to reprimand me then, but did not.

In closing, I have reviewed my employee file with USIS management and the only disparity noted in my file was my failing the OPM Test (84%) verses the passing grade of 85% in the Fall of 2009 as there is no mention of any other issues. Furthermore I had conversations with (b) (6) and (b) (6) in August 2014 as they did not mention any issues, reprimands or pending reprimands.

Therefore I ask under these unusual circumstances that OPM change my 'unfavorable' rating to 'favorable' in an expeditious manner so that I may continue my livelihood.

Respectfully,

(b) (6)

Brooklyn, Mi 49230

517 (b) (6)



August 4, 2015

(b) (6)

RE: FOIA Appeal 2015-OPM-3

Dear Mr. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") dated May 10, 2015, appealing the decision of the Office of Personnel Management ("OPM"), made on behalf of FinCEN, to redact a portion of your background investigation records. OPM received your request for these records on March 25, 2015. OPM's April 27, 2015 response to your request noted that it had redacted the information that is the subject of your appeal based on an exemption under the Freedom of Information Act ("FOIA") and the Privacy Act ("PA").

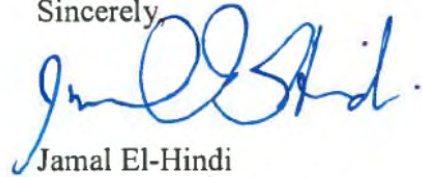
Upon receiving your letter of appeal on May 21, 2015, FinCEN requested that OPM submit the documents pertaining to this matter for our review. On May 28, 2015, we received those records. We have reviewed your appeal and, based on the authorities referenced below, your appeal is hereby denied.

The redactions reference information collected under the Bank Secrecy Act ("BSA"), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3), the FOIA exemption that relates to records specifically exempted from disclosure by statute. The statutory language exempting BSA reports, and records of reports, from FOIA access can be found in the BSA at 31 U.S.C. § 5319. Note that this exemption extends to records indicating that a search of BSA information occurred, regardless of whether a positive hit resulted from such a search. Thus, where a search of BSA information does not reveal any reports pertaining to a subject, a record reflecting such a search will be subject to redaction.

We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. §§ 552a(j)(2) and (k)(2). This database is described in FinCEN's most recent PA System of Records Notice, 79 Fed. Reg. 20,969 (April 14, 2014).

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Jamal El-Hindi
Acting Deputy Director

May 10, 2015

"Freedom of Information Appeal"

Financial Crimes Enforcement Network
Disclosure Office
P.O. Box 39
Vienna, VA 22183

Dear Disclosure Office,

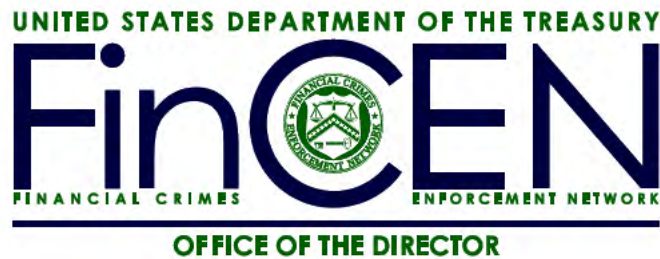
I received by background investigation completed by OPM on May 1, 2015.
Under the Freedom of Information Act (FOIA) and "Freedom of Information Appeal,"
I would like to request any and all records you have pertaining to me. My FinCEN report came
back that you withheld information on documents(s) 39, 41, 43, and 104 and the reasons giving
were (j)(2)(k)(2) for not providing the information.

Under the Freedom of Information Act (FOIA) and "Freedom of Information Appeal,"
Please provide all information you have on file pertaining to me.

Thank you

(b) (6)

Plano, TX 75024



September 4, 2015

(b) (6)

RE: FOIA Appeal FinCEN 2016-011

Dear Ms. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") postmarked July 27, 2015, appealing the decision of the Office of Personnel Management ("OPM"), made on behalf of FinCEN, to withhold a portion of your background investigation records. OPM's July 2, 2015 response to your request noted that it withheld the information that is the subject of your appeal based on an exemption under the Freedom of Information Act ("FOIA") and the Privacy Act ("PA"). On July 9, 2015, the FinCEN disclosure officer reviewed your request and also determined that the requested records were properly withheld. We have reviewed your appeal and, based on the authorities referenced below, your appeal is hereby denied.

The withheld information collected under the Bank Secrecy Act ("BSA"), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3), the FOIA exemption that relates to records specifically exempted from disclosure by statute. The statutory language exempting BSA reports, and records of reports, from FOIA access can be found in the BSA at 31 U.S.C. § 5319. Note that this exemption extends to records indicating that a search of BSA information occurred, regardless of whether a positive hit resulted from such a search. Thus, whether or not a search of BSA information reveals any reports pertaining to a subject, a record reflecting such a search will be subject to redaction.

We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. §§ 552a(j)(2) and (k)(2). This database is described in FinCEN's most recent PA System of Records Notice, 79 Fed. Reg. 20,969 (April 14, 2014).

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Jamal El-Hindi
Acting Deputy Director

FOIA / PA APPEAL

Appeal: FricEN 2016-011

24 July 2015

Dear Mr. [REDACTED]

I am writing in response to your letter FricEN 2016-011 dated July 9, 2015. In the letter you state my records are exempt under the Freedom of Information Act and that you will not permit me to have a copy of my financial records.

Mr. [REDACTED] I am a single mother who began working at the age of 14 years of age. I put myself through school. I never asked my parents for money. If I wanted something I worked for it. I purchased my first home @ age of 23 years in Palo Alto Ca. I am paying for my current home and am also paying for my sons education, even though my former husband works at a University. He refuses to assist me. I am doing it possible financially.

I have been employed at S&I for over 28 years and I have worked in the secured segment for a contractor to the US Government for over 23 years. In those 23 years I have performed duties asked of me with honor and cheerfulness.

I was distraught and still find it difficult

to believe that the personal records I
hold dear and that of many colleagues
were stolen from OPM.

I still have not heard from the government
nor has OPM apologized to me.

The Chinese or whomever has seen
my financial record knows nephews
and everything that is personal to me.

I absolutely want to see, I need to
see what these people know about me.
I have a right to know!

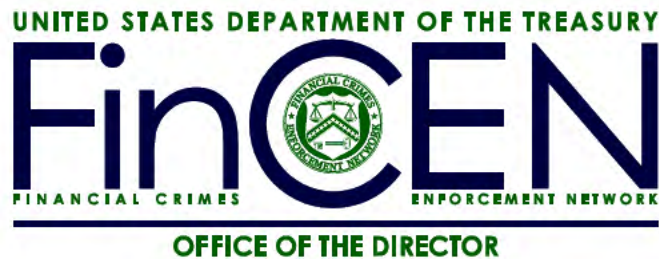
When I decided to serve my country,
I felt it was my honor to do so!

If you decide to reject my opportunity
to see my own file, I will be extremely
disappointed and dejected.

I believe this decision to be in error.
I suspect someone is using my financial
identity and think these records will
show evidence of whom that may be.

I would like to retire on a positive
note in the next few years. Please allow
me to review my own file.

In deep appreciation,



December 7, 2015

(b) (6)

San Antonio, Texas 78255

Re: FOIA Appeal FinCEN – (2016-089)

Dear Mr. (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network (“FinCEN”) dated September 21, 2015, and received by our office on September 25, 2015, appealing FinCEN’s decision to deny your request for information relating to your background investigation by the Office of Personnel Management (“OPM”). On September 4, 2015, FinCEN sent you a letter of denial based on exemptions under the Freedom of Information Act (“FOIA”) and the Privacy Act (“PA”). We have reviewed your appeal and, based on the authorities referenced below, your appeal is hereby denied.

We first considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions of the Privacy Act in accordance with 5 U.S.C. § 552a(j)(2) and (k)(2). This database is described in detail in our most recent Privacy Act System of Records Notice, 80 Fed. Reg. 20969-20976 (April 14, 2014).

The withheld information was collected under the Bank Secrecy Act (“BSA”), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3) and 31 U.S.C. § 5319. The FOIA exemption concerning BSA records extends to records that indicate that a search of BSA information occurred, regardless of whether the search revealed any information. In other words, there may be redactions based on the mere fact that a BSA search occurred.

Mr (b) (6)

December 7, 2015

Page 2

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. §§ 552(a)(4)(B).

Sincerely,

A handwritten signature in cursive script that reads "Jamal El-Kindi".

Deputy Director

(b) (6)

San Antonio TX 78255

September 21, 2015

(b) (6)

Disclosure office
Financial Crimes Enforcement Network
PO Box 39
Vienna, VA 22183

FOIA/PA Appeal Initial Request 06/06/2015
FinCEN 2016-089

RE: (b) (6)
DOB (b) (6)
SSN (b) (6)

Dear Mr. Paist:

Please consider this request for an explanation of the contents of my file as it relates to my possible suitability for obtaining a security clearance to continue my livelihood. I was employed by USIS from 2004 until 2014. I sought employment after returning from medical leave in late 2014 but was advised that my existing clearance would not be renewed. OPM referred me to your agency as they could not address with me what was in your records.

I am aware of no financial issues or financial crimes that may be present in your files and have not been advised of any. My credit score has been in the high 700's for several years. There must be a mistake or something that I have no knowledge of.

Thank you for your understanding and assistance on my behalf.

Sincerely,

(b) (6)

(b) (6)

San Antonio TX 78255

(b) (6)

FOIA Appeal

17 September, 2015

To: Financial Crimes Enforcement Network

Disclosure Office

P.O. Box 39

Vienna, VA 22183

Re: 2015 – 19627, FOIA Request from (b) (6)

Please consider this a written request for an appeal, of all of the redacted FinCEN data and or information that is included in my OPM file.

As required, I am requesting that all redacted information be released to me for my own personal protection; as my file has likely been one of compromise with the recent OPM Breach with DHS!

Note: The ongoing investigation with the Department of Homeland Security has me greatly concerned on what any unknown may have obtained with regards to my OPM record.

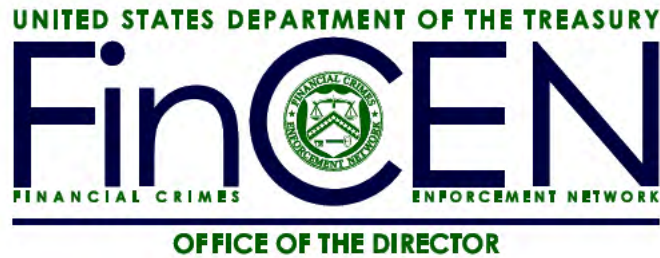
And I wish to remain informed and vigilant, should any future cyber-attack or intrusion of privacy ever come my way, by a criminal element or unknown adversary.

Note: I do not feel that any redaction of the FinCEN data was done so in error.

And I am requesting that you send me a "clean" copy of my OPM file that is free of redactions.

Very Respectfully,

(b) (6)



December 1, 2015

(b) (6)

Re: FinCEN Appeal OPM-7

Dear Mr (b) (6)

This responds to your letter to the Financial Crimes Enforcement Network ("FinCEN") dated September 17, 2015, appealing the decision of the Office of Personnel Management ("OPM") made on behalf of FinCEN to redact a portion of your background investigation records. You requested these records from OPM on July 27, 2015. OPM's September 15, 2015, response to your request noted that it had redacted the information that is the subject of your appeal based on an exemption under the Freedom of Information Act ("FOIA") and the Privacy Act ("PA"). We have reviewed your appeal and, based on the authorities referenced below, your appeal is hereby denied.

The withheld information was collected under the Bank Secrecy Act ("BSA"), codified in relevant part at 31 U.S.C. §§ 5311-5314, 5316-5332. BSA reports, and records of reports, are exempt from disclosure under the FOIA in accordance with 5 U.S.C. § 552(b)(3) and 31 U.S.C. § 5319. The FOIA exemption concerning BSA records extends to records that indicate that a search of BSA information occurred, regardless of whether the search revealed any information. In other words, there may be redactions based on the mere fact that a BSA search occurred.

We also considered your appeal under the Privacy Act because you are seeking records about yourself. We are unable to provide you with the information you seek under the Privacy Act. The information is maintained in a system of records containing information compiled for law enforcement investigative purposes that has been exempted from the access provisions in the Privacy Act in accordance 5 U.S.C. 552a(j)(2) and (k)(2). This database is described in our most recent Privacy Act System of Records Notice, 79 Fed. Reg. 20969-20976 (April 14, 2014).

Mr (b) (6)

December 1, 2015

Page 2

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. 552(a)(4)(B).

Sincerely,

A handwritten signature in blue ink that reads "Jamal El Hindi". The signature is written in a cursive style with a large initial 'J'.

Deputy Director