



DEPARTMENT OF STATE

Washington, D.C. 20520

FOI Nos. 8101310  
8102934

NOV 30 1981

Mr. Harold Weisberg  
Route 12  
Frederick, MD 21701

Dear Mr. Weisberg:

I refer to your letter of May 21, 1977, to the Naval Investigative Service requesting the mandatory classification review and release to you of certain documents. Your letter was passed to us for review and direct reply because twenty-two of the documents in the file retrieved on your behalf were originated by the Department of State.

After careful review, we have determined that fourteen of these documents can be released. Seven more can be released subject to excisions. One must be withheld from release.

All the denied and excised material (unless otherwise specified below) has been determined to be properly exempt from release under Paragraph (b)(1) of Section 552 as being currently and properly classified under Executive Order 12065 and authorized by that Order to remain protected in the interest of national defense or foreign policy. All non-exempt material in the excised documents that is reasonably segregable from the exempt material is released.

It has been determined that one document must be excised under Paragraph (b)(7)(c) and (d) of Section 552 as investigatory records compiled for law enforcement purposes, the disclosure of which would constitute an unwarranted invasion of the personal privacy of another person or reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source.

With respect to material denied, you have the right to appeal this determination within sixty days. Appeals should be addressed to the Assistant Secretary for Public Affairs, Department of State, Washington, D.C. 20520. A letter of appeal should refer to the Freedom of Information case numbers shown above.

Sincerely,

John R. Burke  
Deputy Assistant Secretary  
Classification/Declassification  
Center  
Bureau of Administration

Enclosures:

Twenty-one documents.

## APPEALS OF DENIAL OF ACCESS

(a) Review of an initial denial of access to a record under the Freedom of Information Act (5 USC 552), the Privacy Act of 1974 (5 USC 552a), or Executive Order 12065 may be requested by the individual who submitted the initial request for access. The review (hereinafter referred to as the appeal) must be in writing and should be sent certified mail to the Assistant Secretary for Public Affairs, Chairman, Appeals Review Panels, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The appeal should be received within 60 days of the date of the Department's refusal to grant access to a record in whole or in part.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Appeals Review Panels. The appeal of a denial of access to records shall include any documentation, information and statements to support the individual's request for access and to refute the use of the exemption(s) cited in the Department's justification concerning the denial of access.

(c) The Chairman of the Appeals Review Panel or his designee and at least two other members of Panels designated by him shall constitute a panel to consider and decide the appeal; there shall be a written record of the reasons for the final determination. The final determination will be made within 30 days (excluding Saturdays, Sundays, and legal public holidays), unless for good cause shown, the Chairman of the Appeals Review Panels extends such determination beyond the 30 day period.

(d) When the final determination is to grant access to the record in accordance with the individual's request, the Chairman of the Appeals Review Panel shall inform the office responsible for the record of its decision. The Chairman shall then request the Information and Privacy Coordinator to notify the individual in writing of the Panel's decision to grant access and at the same time to inform the individual of the Department's regulations concerning access. The individual shall choose the means of access most convenient to her or him.

(e) When the final decision of the Panel is to refuse to grant an individual access to a record, the Chairman of the Panel shall advise the individual in writing:

(1) of the refusal to grant the appeal and the reasons therefor including the exemptions of the Freedom of Information Act, the Privacy Act of 1974, and Executive Order 12065 under which access is denied;

(2) of her of of his right to seek judicial review of the Department's decision.