



U.S. Department of Justice

Washington, D.C. 20530

JUN 5 1990

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

Re: Appeal No. 89-1123
RLH:MAP:TJM

Dear Mr. Weisberg:

You appealed from the action of the Federal Bureau of Investigation on your request for access to records pertaining to yourself. In response to your letter dated September 23, 1988, the FBI processed all cross references pertaining to you, which constitute the scope of this appeal.

As a result of discussions between Bureau personnel and members of my staff, a supplemental release of records either has been or will soon be made to you directly by the FBI. In light of this fact and after careful consideration of your appeal, I have otherwise decided to affirm the action in this case. The documents responsive to your request are exempt from the access provision of the Privacy Act of 1974 pursuant to 5 U.S.C. §552a(j)(2). See 28 C.F.R. §16.96(a) (1988). Accordingly, your access rights are limited to those provided by the Freedom of Information Act.

Certain of the material pertaining to you is classified and I am affirming the denial of access to it on the basis of 5 U.S.C. §552(b)(1). This material is being referred to the Department Review Committee for its review and a determination whether it warrants continued classification under Executive Order No. 12356. You will be notified if the Committee's final decision results in the declassification of any information.

Other materials were properly withheld from you pursuant to 5 U.S.C. §552(b)(2), (3), (5), (7)(C) and (7)(D). These provisions pertain to purely internal agency practices (source symbol numbers), to material exempted from release by statute (in this instance Rule 6(e) of the Federal Rules of Criminal Procedure which pertains to the secrecy of grand jury proceedings), to certain inter- and intra-agency communications protected by the attorney work-product privilege and to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties, in some instances by revealing an investigative interest in them on the part of the FBI, and to disclose the identities of confidential sources and/or information furnished by such sources. Names of Bureau

agents and employees were among the items excised on the basis of 5 U.S.C. §552(b)(7)(C). None of the information being withheld is appropriate for discretionary release.

Judicial review of my action on this appeal is available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is also where the records you seek are located.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Huff". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

Richard L. Huff, Co-Director
Office of Information and Privacy