



DEPARTMENT OF STATE

Washington, D.C. 20520

FOI Case No. 7903731

Mr. Harold Weisberg
Route 12
Frederick Maryland 21701

Dear Mr. Weisberg:

Pursuant to your request for documentation under the Freedom of Information Act, the Justice Department has referred two documents originated by the Department of State to this office for review.

It has been determined that one of the documents (No. 1) is properly exempt from release under Paragraph (b) (1) of Section 552 as 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.

I am pleased to inform you however, that document No. 2 can be declassified and released. A copy of this document is enclosed.

With respect to the document denied, you have the right to appeal this determination within sixty days. The Appeal 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 number shown above.

Sincerely,

For the Deputy Assistant Secretary
for Classification/Declassification

Thomas W. Ainsworth
Director, Mandatory Review
Bureau of Administration

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 or of his right to seek judicial review of the Department's decision.