



United States Department of State

Washington, D.C. 20520

FOI Case No. 8303595

MAR 26 1984

Tanis H. Lesar, Esq.  
Suite 900  
1000 Wilson Blvd.  
Arlington, VA 22209

Dear Mr. Lesar:

I refer to the April 6, 1981 letter of Mr. Mark A. Allen to the FBI requesting the release of certain documents under the Freedom of Information Act (Title 5 USC Section 552). The letter was recently passed to us for review and direct reply because 11 of the documents in the file retrieved on your behalf were originated by the Department of State. Mr. Allen directed that replies be sent to you.

After careful review, we have determined that 8 of these documents can be released. Three more can be released subject to excisions.

It has been determined that the release of one document must be denied in part under Paragraph (b)(6) of Section 552 as its release would constitute clearly unwarranted invasion of personal privacy.

All the excised material 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 12356 and authorized by that Order to remain protected in the interest of national defense or foregoing policy. All non-exempt material in the excised documents that is reasonably segregable from the exempt material is released.

With respect to material denied or excised, 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, DC 20520. A letter of appeal should refer to the Freedom of Information case number shown above.

Sincerely,

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

**Subpart G—Appeals Procedures**

**§ 171.60 Appeal of denial of access to records.**

(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 request for review (hereinafter referred to as the appeal) must be in writing and should be sent by 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 receipt by the appellant 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 Panels or her/his designee and at least two other members chosen by her/him from a list of senior officers designated for this purpose by the various bureaus of the Department 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 working days for Executive Order and Privacy Act appeals, and within 20 working days (excluding Saturdays, Sundays, and holidays) for FOIA appeals. For good cause shown, the Chairman of the Appeals Review Panels may extend such determination beyond the 30-day period in Privacy Act cases.

(d) The Chairman shall then notify the requester in writing of the panel's decision to grant access and of the Department's regulations concerning access.

(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/or Executive Order 12065 under which access is denied;

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