



United States Department of State

Washington, D.C. 20520

FEB 13 2003

20020575DOS133

Case Control No. 200203010  
HR, IPS, MED, PPT, OIG Segments

RECEIVED FEB 21 2003

Mr. William Ferroggiaro  
Director, Freedom of Information Project  
The National Security Archive  
Gelman Library, Suite 701  
2130 H Street, N.W.  
Washington, D.C. 20037

Dear Mr. Ferroggiaro:

I refer to your letter dated September 4, 2002, requesting the release of certain Department of State material under the Freedom of Information Act (Title 5 USC Section 552).

We initiated a search in the following record systems: the Bureau of Human Resources, the Bureau of Legislative Affairs, the Bureau of Diplomatic Security, the Office of the Legal Adviser, the Office of Passport Services, the Office of Visa Services, the Office of Medical Services, the Office of the Inspector General, and the Office of Information Programs and Services. The search in the Office of Information Programs and Services has been completed, resulting in the retrieval of three documents that appear responsive to your request. The searches in the Bureau of Human Resources, the Office of Medical Services, the Office of Passport Services, and the Office of the Inspector General found no documents responsive to your request. The search in the other files is continuing and we will let you know when it is concluded.

After reviewing the documents we retrieved, we determined that two may be released, and one may be released with excisions.

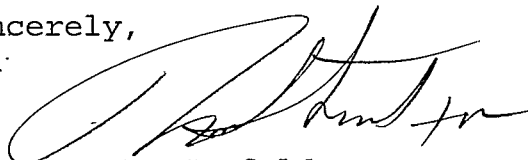
The material in the excised portions of the document released in part constitutes interagency or intra-agency communications forming part of the deliberative process. As such, it is exempt from release under subsection (b) (5) of the Freedom of Information Act.

In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

With respect to material we have withheld under the Freedom of Information Act, you have the right to appeal our determination within 60 days. Appeals should be addressed to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Room 6001, Department of State, Washington, D.C. 20522-6001. The letter of appeal should refer to the case control number shown above. A copy of the appeals procedures is enclosed.

If you have any questions with respect to the processing of your request, you may write to the Office of IRM Programs and Services, SA-2, Department of State, Washington, D.C. 20522-6001. Please be sure to refer to the case control number shown above in all correspondence about this case.

Sincerely,



Margaret P. Grafeld  
Director  
Office of IRM Programs and Services

Enclosures:  
As stated.

**58116 Federal Register/Vol. 45, No. 171**  
**Rules and Regulations**

**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 12958 may be requested by the individual who submitted the initial request for access. The request for review (hereafter referred to as the appeal) must be in writing and should be sent by certified mail to the: Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Department of State, Room 6001, Washington, D.C. 20522-6001. The appeal should be received within 60 days of the date of the 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 workings (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 therefore including the exemptions of the Freedom of Information Act, Privacy Act of 1974, and/or Executive Order 12958 under which access is denied;
  - (2) Of her/his right to seek judicial review of the Department's decision, where applicable.