



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Legal Counsel**

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March 11, 2025

VIA: sfeng@aclu.org

Sophie Feng
ACLU
125 Broad Street, 18th Floor
New York, NY 10004

Re: FOIA No.: **820-2025-006761**

Dear Ms. Feng:

Your Freedom of Information Act (FOIA) request, received on 02/07/2025, is processed. The paragraph(s) checked below apply.

☒ Your request is denied:

☒ as no records fitting the description of the records you seek disclosed exist.

☒ You may contact the EEOC FOIA Public Liaison Michael L. Heise for further assistance or to discuss any aspect of your request. In addition, you may contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer.

The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at (202) 741-5770; toll free 1-877-684-6448.

The contact information for the FOIA Public Liaison is as follows: Michael L. Heise, EEOC FOIA Public Liaison, Office of Legal Counsel, FOIA Division, Equal Employment Opportunity Commission, 131 M. Street, N.E., Fifth Floor, Washington, D.C. 20507, email to FOIA@eeoc.gov, telephone at (202) 921-2542; or fax at (202) 827-7545.

☒ If you are not satisfied with the response to this request, you may administratively appeal in writing. Your appeal must be postmarked or electronically transmitted in 90 days from receipt of this letter to the Office of Legal Counsel, FOIA Division, Equal Employment Opportunity Commission, 131 M Street, NE, 5NW02E, Washington, D.C. 20507, email to FOIA@eeoc.gov; online at <https://eeoc.arkcase.com/foia/portal/login>, or fax at (202) 827-7545. Your appeal will be governed by 29 C.F.R. § 1610.11.

☒ See the comments below for further information.

Sincerely,

Katie Baker

OBO Michael Heise
Assistant Legal Counsel | FOIA Division
foia@eeoc.gov

COMMENTS

Your request was:

The ACLU seeks the release of records for the period beginning at noon Eastern Standard Time on January 20, 2025—including but not limited to written communications (including emails, SMS messages, and messages sent on platforms including but not limited to iMessage, Slack, Microsoft Teams, WhatsApp, and Signal) and memoranda—concerning the following:

(1) Any request by persons affiliated with or representing DOGE or USDS for access to any data repository, database, system of records, computer matching program, code base, or other system containing personally identifiable information (PII), personnel records (including records of federal employees, contractors, and applicants), financial data, health data, or other sensitive data, and any response to such request;

(2) Any decision, analysis or discussion about whether access to any data repository, database, system of records, computer matching program, code base, or other system containing personally identifiable information (PII), personnel records, financial data, health data, or other sensitive data by persons affiliated with or representing DOGE or USDS is prohibited or constrained by statute, regulation, or rule. This includes but is not limited to any discussion of protections provided by the Privacy Act; the Health Information Portability and Accountability Act (HIPAA) and the HIPAA Privacy Rule; the E-Government Act of 2002, including the Federal Information Security Management Act and the Confidential Information Protection and Statistical Efficiency Act; taxpayer privacy laws including 26 U.S.C § 6103; the Family Educational Rights and Privacy Act (FERPA); and census record privacy laws including 13 U.S.C. §§ 9 & 214; and

(3) Any proposed or actual use of artificial intelligence, including but not limited to services, models, or other software applications provided by xAI or Grok, by or at the direction or request of persons affiliated with or representing DOGE or USDS to analyze agency records or data.

Our office received confirmation that, as of the date of this letter, the Commission has no records responsive to items one (1) through three (3) of the above-captured request. Your request is therefore denied as no records fitting the description of the records you seek disclosed exist.