



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

December 7, 2011

SUSAN K. DUNN, ESQ.  
ACLU, SOUTH CAROLINA NATIONAL OFFICE  
POST OFFICE BOX 20998  
CHARLESTON, SC 29413

FOIPA Request No.: 1151923- 000  
Subject: ACLU/DIOG INFORMATION

Dear Ms. Dunn:

On December 22, 2010, we made a first interim release of 298 pages to you in connection with the above referenced request. We have reviewed 322 additional pages of responsive material. Of this material, 213 pages are exempt from disclosure in their entirety pursuant to Title 5, United States Code, Section 552, subsection (b)(7)(A), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. The remaining 109 pages are duplicates of the removed material.

By letter dated July 27, 2010, you requested a fee waiver. Requests for fee waivers are determined on a case by case basis. See 5 U.S.C. 522(a)(4)(A)(iii). See also Nat'l Sec. Archive v. DOD, 808 F.2d 1381, 1383 (D.C. Cir. 1989). The burden is on the requester to show that the statutory requirements for a fee waiver have been met.

You have requested that search, review and duplication fees be waived because disclosure of the information sought in the above FOIA request will "significantly contribute to public understanding of the FBI's collection and mapping of racial and ethnic data in local communities." You have represented that the ACLU, South Carolina National Office "plans to disseminate widely to the public records disclosed as a result of this FOIA request" and you have indicated the various ways in which the ACLU, South Carolina National Office analyzes, publishes, and disseminates material.

I have considered your request, the materials previously processed in response to it, and applicable law. Your request for a fee waiver is granted as to search and duplication fees. The ACLU, South Carolina National Office is not subject to review fees so no adjudication of that aspect of the fee request is necessary. No fee will be assessed against the materials previously released to you.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave. NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.

Very truly yours,

David M. Hardy  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

ACLURM017508