



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

5275 Leesburg Pike, MS: IRTM  
Falls Church, VA 22041



IN REPLY REFER TO:  
FWS-2020-00257

March 9, 2020

Via email: [jacobholzman@cqrollcall.com](mailto:jacobholzman@cqrollcall.com)

Jacob Holzman  
CQ Roll Call

Dear Mr. Holzman:

The U.S. Fish and Wildlife Service (FWS) received your Freedom of Information Act (FOIA) request dated December 19, 2019 and assigned it control number FWS-2020-00257. Please cite this number in any future communications with our office regarding your request.

You requested the following:

*“...any and all federal wildlife permit request forms for the import of sport-hunted trophies of argali sheep submitted since January 1, 2019. Attached is a sample import form to use for reference.”*

### RESPONSE

We are writing to provide a final response to your request. We have enclosed one file consisting of one thousand seven hundred twenty-three (1,723) pages, which are being released but withheld in part under Exemption 6 of the FOIA as explained below.

*Exemption 6 (withheld five hundred thirty-five (535) page in part)*

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” [5 U.S.C. § 552\(b\)\(6\)](#). We are withholding 535 pages in part under Exemption 6.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to

establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information such as phone numbers, email addresses, street mailing addresses, zip-codes, passport numbers, date of birth, personal bank account numbers, occupation, middle initials, and social security numbers; we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

Included, but not yet processed, are an additional two (2) pages which contain confidential financial information. This page is identified as **not processed** in this release. In order for us to fully process the two (2) pages we will need to provide the **submitter of the financial information with notice** and an opportunity to object to disclosure of the commercial/financial information. *See 43 C.F.R. § 2.27.* The concerning financial information is EINs and bank account numbers belonging to a non-government organization. If you are not interested in this information, we ask that you amend your request to **not include** the EINs or bank account information. If you are asking to amend your request there is no action required by you. Your non-response will be interpreted as amending your request to exclude the EIN and bank account information. If we do hear from you within **10 work days**, we will close-out your FOIA casefile and this response will be deemed as our final response to this request.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Cathy Willis, FWS FOIA Officer, is responsible for this partial denial. Larry Mellinger, Attorney-Advisor, in the Office of the Solicitor was consulted.

## **MEDIATION SERVICES**

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>

Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

You may seek dispute resolution services from the Acting FOIA Public Liaison, Cindy Cafaro at (888) 603-7119.

## **APPEAL RIGHTS**

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and FWS concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

### *DOI FOIA/Privacy Act Appeals Office Contact Information*

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

## CONCLUSION

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#). Therefore, there is no billable fee for the processing of this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions about our response to your request, you may contact Shaunta Nichols by phone at 703-358-2374, by email at [shaunta\\_nichols@fws.gov](mailto:shaunta_nichols@fws.gov), or by mail at the following address: Shaunta Nichols; 5275 Leesburg Pike; MS: IRTM; Falls Church, VA 22041.

Sincerely,

For Cathy Willis  
FWS FOIA Officer

Enclosure