



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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



IN REPLY REFER TO:  
FWS-2020-00545

January 11, 2021

Via email: [tsanerib@biologicaldiversity.org](mailto:tsanerib@biologicaldiversity.org)

Dear Ms. Sanerib:

The U.S. Fish and Wildlife Service (FWS) received your Freedom of Information Act (FOIA) request dated March 13, 2020 and assigned it control number FWS-2020-00545. Please cite this number in any future communications with our office regarding your request.

You requested the following:

*“...records pertaining to leopards, African elephants, and African lions, or any combination of species from January 13, 2020 to whenever this request has been processed:*

*All non-detriment findings (positive or negative) or general advices made or received by USFWS for imports of sport hunted trophies or a trophy;*

*All enhancement findings (positive or negative) or advice for imports of sport hunted trophies or a trophy;*

*All permit applications submitted for ESA permits for sport hunted trophies or a trophy;*

*All permit applications submitted for CITES permits for sport hunted trophies or a trophy;*

*All FWS decisions (positive or negative) on ESA permit applications for sport hunted trophies or a trophy;*

*All FWS decisions (positive or negative) on CITES permit applications for sport hunted trophies or a trophy;*

*All FWS communications sent to applicants regarding ESA permit applications for sport hunted trophies or a trophy;*

*All FWS communications sent to applicants regarding CITES permit applications for sport hunted trophies or a trophy.”*

### RESPONSE

We are writing to provide a final response to your request. We have enclosed four files consisting of two thousand three hundred fifty-eight (2,358) pages, of which 29 pages are being withheld in full under FOIA Exemption 4, and 434 pages are being withheld in part under FOIA Exemption 6, as explained below.

*Exemption 4 (withheld twenty-nine (29) pages in full)*

Exemption 4 protects “trade secrets and commercial or financial information obtained from a person that is privileged or confidential.”

The withheld information is commercial information. The entity that supplied this information (the submitter) is considered a person, because the term “person,” under the FOIA, includes a wide range of entities including agencies of foreign governments. Also, the submitter does not customarily release this information to the public, so the information is confidential for the purposes of Exemption 4.

*Exemption 6 (withheld four hundred fifteen (434) pages 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).

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 addresses, phone numbers, email addresses, date of birth, social security numbers, personal account information, passport information and other personal identifiers; 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.

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://www.archives.gov/ogis>  
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.

Contact information for the Department's FOIA Acting Public Liaison Cindy Cafaro at (888) 603-7119, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

### 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 as soon as possible after this communication. 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 and your fee waiver is moot.

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, please contact Shaunta Nichols, Division of Information Resources and Technology Management, MS: IRTM, 5275 Leesburg Pike, Falls Church, Virginia 22041 (703-358-2374 or via e-mail at [shaunta\\_nichols@fws.gov](mailto:shaunta_nichols@fws.gov)).

Sincerely,

For Cathy Willis  
FWS FOIA Officer