



Washington, D.C. 20505

SEP 17 2007

Brian Gaffney, Esquire
605 Market Street, Suite 505
San Francisco, CA 94105

Reference: F-2007-01308

Dear Mr. Gaffney:

This is a final response to your 1 June 2007 appeal of the Agency's denial of your request for a waiver of fees for processing your Freedom of Information Act (FOIA) request on behalf of your client, the Institute for Policy Studies, for "All records related to the CIA's FOIA request #F-1999-00924, including the original FOIA request, all records released related thereto, and all other documents related to this FOIA request."

You are appealing the decision to deny your request for a fee waiver. The fee waiver provisions of the FOIA, as amended in 1986, mandate that requests for fee waivers must meet two criteria. These criteria are: (1) the disclosure of the information must be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the United States Government, and (2) the disclosure of the information is not primarily in the commercial interest of the requester [5 U.S.C. § 552(a)(4)(A)(iii)].

CIA has promulgated regulations to implement the amended fee waiver provisions, pursuant to 5 U.S.C. § 552(a)(4)(A)(i), and has incorporated into Agency regulations Department of Justice recommendations regarding the utilization of six analytical factors in making determination on fee waiver requests. These factors are published in CIA regulations at 32 C.F.R. § 1900.13, a copy of which I have enclosed.

You allege that a fee waiver is appropriate in this case because "Disclosure of this information is likely to contribute to the public's understanding of the activities of the United States with respect to the CIA's compliance with the FOIA, FOIA's regulations and the CIA Information Act when processing FOIA requests." You further allege that disclosure will contribute *significantly* to the public's understanding of the operations of the government because it will "elevate the public's awareness and understanding of the U.S. government's FOIA policy."

Information about the Government's and CIA's compliance with the Freedom of Information Act is widely available. Each year the Agency must publish an annual report with the Department of Justice documenting its performance for the past fiscal year.

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The Agency must also file and publish status reports on its compliance with Executive Order 13392, "Improving Agency Disclosure of Information." All these documents are available on our website at www.foia.cia.gov. Furthermore, we have published the regulations we use to administer our information disclosure programs in the Code of Federal Regulations, available to anyone. Many of the documents you seek may already be part of the public record as part of the litigation surrounding the subject of the initial request.

I therefore deny your request for a fee waiver because the disclosure of the specific information you seek will not contribute *significantly* to the public's already widespread understanding of the government's and CIA's compliance with the Freedom of Information Act.

Please be assured that my decision does not mean that you will receive no information. We will process your request as of the date we receive it, and release to you everything we can. You can then use it to whatever purpose the Institute for Public Studies desires.

In accordance with the provisions of the Freedom of Information Act, you have the right to seek judicial review of my decision in a United States District Court.



Edmund Cohen
Chair, Agency Release Panel

Enclosure

