



November 1, 2018

Edward Hasbrouck
1130 Treat Avenue
San Francisco, CA 94110

Dear Mr. Hasbrouck:

I am writing to inform you that your FOIA request, 2019-CP-01, will be granted in part. You requested six kinds of documents, and our response for each is outlined below. If you have any questions about this response, please feel free to contact me or our FOIA Public Liaison, Erin Schneider.

As noted in our acknowledgement letter, your request for a fee waiver has been denied. To determine the expected cost of this request, we must first have a sense of the search time required. We are still completing the search activities for one portion of your request, so the expected cost is not available at this time. I will be following up this message in two weeks with an update on the search, and a cost estimate should be available at that time.

As is noted below, some of the documents that were responsive to your request are exempt from FOIA disclosure under FOIA exemption 5—documents that contain inter-agency or intra-agency information that would be normally privileged in the civil discovery context. If you would like to appeal this partial denial of your request, you must send a written request appealing the decision within 90 days of the date of this notice. The appeal request should be clearly marked with the words “FOIA Appeal” and may be sent to the Commission’s email, FOIA@inspire2serve.gov; the Commission’s website, www.inspire2serve.gov; or to FOIA Appeals, National Commission on Military, National, and Public Service, 2530, Suite 1000, Box No. 63, Arlington, VA 22202. For more information about the appeals process, please see our FOIA regulations; these can be found on the Commission’s website.

You may also seek dispute resolution services, which are offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration. You can learn more about these services at <https://www.archives.gov/ogis/mediation-program> or by contacting OGIS at:

Address: 8601 Adelphi Road – OGIS, College Park, MD 20740

Email: ogis@nara.gov

Telephone: (202) 741–5770

Facsimile: (202) 741–5769

Toll free telephone: (877) 684–6448

Thank you for your interest in the Commission.

Sincerely,
Rachel Rikleen
Chief FOIA Officer
National Commission on Military, National, and Public Service
703-571-3760 FOIA@inspire2serve.gov

FOIA Request, 2019-CP-01 Responsive Documents

1) Not Previously Released Records of Meetings

The only meeting that occurred between this request and your prior FOIA request was the Commissioner trip to southern California on September 19-21, 2018. Several of the related records were already released to you, and the meeting minutes and public meeting audio for that trip are already available on the Commission website and YouTube channel. You can access them at: <https://inspire2serve.gov/ncos-documents> and <https://www.youtube.com/c/Inspire2ServeUS>.

The Commission did post to its Facebook, Instagram, and Twitter accounts about this trip, and those materials continue to be available on those sites. We are aware that you would like the original versions of those files, and will send you materials similar to what has previously been released. The projected completion date for those materials is November 30, 2018.

Several memorandums for the record (MFRs) are still being drafted and prepared in relation to the southern California trip. In their current state, they are protected from release under the deliberative process privilege, which is part of Exemption 5 of the FOIA.

In addition to the southern California trip, there are materials that were previously requested by you, but not released because they were still in draft form and protected under Exemption 5. Based on my search, none of those document had been finalized by October 1, your request date, and so they remain covered by the deliberative process privilege.

2) Not Previously Released Records of Decisions

There are no records of decisions that have not been released to you already.

3) Comments to Federal Register Notices

The Commission has received thousands of comments from members of the public. These have come to the Commission in response to the Federal Register notice, via the Commission website, and in other ways, including at public meetings. We understand you seek comments received through any of these methods. The Commission is accepting comments through December 2019, and as such, comments received today represent a fraction of the input the Commission expects to receive and consider as it evaluates the issues in its mandate and develops recommendations. Nevertheless, many of these comments contain personally identifiable information about the commenters that will require the Commission to either redact that information or seek a waiver from the commenting individual before it could be released. Our assessment is that it will take several months for the comments to be properly reviewed, and our estimated date of completion is December 2019.

4) Records of Cabinet recommendations

A single report was responsive to this request. It includes information that was provided from several other Federal agencies, and we have reached out to them through the coordination process to ensure the document is disclosable. We anticipate having an answer to this question by Monday, November 5.

5) Records of the Comptroller General review

A single report was responsive to this request. It is already posted on our website and is available at <https://inspire2serve.gov/ncos-documents>.

6) Records of Interactions with third-party websites

Your email of October 15, 2018, clarified that this portion of the request was intended to include the following activities:

- Uploading text, images, audio, or video files on 3rd party websites,
- Sending and receiving messages through 3rd party websites, and
- Liking and sharing posts by others.

You noted that you are not looking for records of websites merely browsed by Commission staff or online email systems. You are, however, looking for a broader scope of websites than may be considered social media. Based on this information, it is my understanding that the activities on the following websites should be searched: YouTube, Facebook, Twitter, Instagram, Medium, Eventbrite, and LinkedIn.

We are still completing our search for these records, and I will provide you an update within 2 weeks of our progress in identifying all of the relevant documents. At this time, I can note for you that we have not posted anything to Medium. Additionally, the rsvps we receive through Eventbrite only contain personal email addresses of individuals, which we are not permitted to release under the Privacy Act and would have to redact, a time intensive process that will likely delay how quickly you receive these records.