



1801 L Street NW, Washington, DC 20036

RE: FOIA Request #CFPB-2012-010

February 17, 2012

Lisette Garcia, J.D.
Senior Investigator
Judicial Watch
425 Third Street SW, Suite 800
Washington, DC 20024

Dear Ms. Garcia:

This letter is in final response to your Freedom of Information Act (FOIA) request dated October 19, 2011. Your request sought all communications and records of communications to and from Carter Dougherty, Shahien Nasiripour, Brady Dennis, Maya Jackson Randall, and Mark Calabria.

As stated in our interim response, a search of the Office of Media Relations and Office of Records, Privacy & FOIA was conducted using the parameters described in the request. On November 17, 2011, you were contacted by Mr. William Holzerland to update you on the status of your request and inform you of the voluminous page count associated with your request. During that discussion, it was settled upon to exclude Maya Jackson Randall and Mark Calabria from the request as well as extract all CFPB-issued press releases that did not contain subsequent comments from CFPB personnel after the initial release. As for press releases that contained subsequent comments, the press release and the comments were included but duplicate copies of the identical press releases were extracted.

Attached to this letter, please find our final response to your request, which consists of 265 pages granted in part. These responsive pages are the result of redefining the search parameters detailed on November 17, 2011 as well as the measures detailed in the above paragraph. Portions of these records are redacted pursuant to 5 U.S.C. § 552(b)(5) and (b)(6).

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, it was determined that portions of the responsive documents qualify for protection under the **Deliberative Process** and **Attorney-Client Privileges**. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-

agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The attorney-client privilege protects confidential communications between an attorney and their client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The types of information that we have withheld consist of telephone numbers, personal email addresses, and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You may appeal any of the responses or decisions in the interim response or set forth above. If you choose to file an appeal, you must do so within 45 calendar days from the date of this letter. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for the appeal. You may send your appeal via the mail (address below), email (CFPB_FOIA@cfpb.gov) or fax (1-855-FAX-FOIA (329-3642)).

Your appeal should be addressed to:

Chief FOIA Officer
Freedom of Information Appeal
Consumer Financial Protection Bureau
1500 Pennsylvania Avenue, N.W. (Attn: 1801 L Street)
Washington, D.C. 20220

For inquiries concerning your request, please contact Ms. Dominique Banks by phone at 202-435-7359 and reference the FOIA request number above. If you are unable to reach Ms. Magere, please feel free to contact CFPB's FOIA Service Center by email at CFPB_FOIA@cfpb.gov or by telephone at 1-855-444-FOIA (3642).

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Michalosky', with a long horizontal line extending to the right.

Martin Michalosky
FOIA Manager
Office of Records, Privacy & FOIA