

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>JUDICIAL WATCH, INC.,</b>	)	
	)	<b>Civil Action No. 1:15-cv-00688 (RC)</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>U.S. DEPARTMENT OF STATE,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**STATUS REPORT**

1. On January 14, 2016, Defendant U.S. Department of State (“State”) reported to the Court that it had recently identified a source of potentially-responsive State Department documents – a collection of electronic files – that had not previously been identified or searched.<sup>1</sup> State explained that to search these newly identified documents, it must upload the files to a system in which they can be electronically searched. Def. Mot. to Stay Briefing Schedule at 1-2 [ECF No. 21].

2. On January 15, 2016, the Court entered a minute order directing State to complete this search and file a status report by February 1, 2016 that (1) discloses the volume of potentially responsive documents that must be reviewed, (2) contains a detailed description of how and when these files were located and why they had not been previously identified, and (3) proposes a revised schedule for the production of the non-exempt portions of responsive

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<sup>1</sup> Plaintiff’s FOIA request in this case seeks production of “1) Any and all records that identify the policies and/or procedures in place to ensure that former Secretary of State Hillary Rodham Clinton’s personal or charitable financial relationships with foreign leaders, foreign governments, and business entities posed no conflict of interest to her role as Secretary of State; and 2) Any and all records concerning, regarding, or related to State Department review of donations to the Clinton Foundation for potential conflicts of interest with former Secretary Clinton’s role as Secretary of State.” Compl. ¶ 5.

documents subject to FOIA. Minute Order dated Jan. 15, 2016. The Court also ordered Plaintiff to file a response to State's proposed production schedule by February 5, 2016. *Id.* Owing to the recent snow emergency, the Court, upon State's unopposed motion, extended these deadlines to February 5 and 10, 2016, respectively. Minute Order dated Jan. 28, 2016.

3. In accordance with the Court's orders, State respectfully submits this Status Report.

4. To date, State has identified approximately 2500 potentially responsive documents from the newly identified files that must be reviewed.<sup>2</sup>

5. The newly identified files that were recently searched in this case consist of shared electronic office folders that were available to employees within the Office of the Secretary during former Secretary Clinton's tenure (hereinafter "shared office folders"), as well as individual electronic folders of files belonging to Jake Sullivan and Cheryl Mills (hereinafter "individual folders").

6. **Shared Office Folders:** In April 2015 – prior to its search in this case – the Secretariat Staff within the Office of the Executive Secretariat ("S/ES-S") retired the shared office folders and transferred them to the custody of the Bureau of Administration, Office of Information Programs and Services ("IPS"). With regard to its search in this case, S/ES-S identified a number of sources where potentially responsive records might reasonably be expected to be found. These sources of records included several electronic databases and the email accounts of several former State employees, including former Secretary Clinton, Cheryl Mills and Jacob Sullivan. The IPS employees working on this FOIA request did not initially identify S/ES retired records as a location to search for potentially responsive records because

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<sup>2</sup> In an abundance of caution, State is also searching additional retired records, but does not anticipate that this search will affect the proposed schedule below.

they were operating with the understanding that, to the extent responsive records from the Office of the Secretary existed, they resided within S/ES. These IPS employees were unaware at the time that these shared office files had been retired. The potential need to search these retired materials first came to the attention of IPS employees working on another FOIA request in November, when they located a document that referenced these shared office folders.<sup>3</sup> IPS then contacted S/ES-S regarding the existence of these shared office folders and was informed that S/ES-S had retired these folders.

**7. Individual Folders:** At the time S/ES-S completed its searches for this case, the individual folders resided within the Office of the Executive Secretariat (“S/ES”) under the custody of S/ES’s Office of Information Resource Management (“S/ES-IRM”).<sup>4</sup> These individual folders contain electronic documents such as Word documents and PDF documents, as well as the archived emails of former officials Jacob Sullivan and Cheryl Mills in the form of PST files.<sup>5</sup> These PST files were not newly identified but rather had been provided by S/ES-IRM to S/ES-S to conduct searches of these email accounts for various FOIA requests. Prior to December 2015, those responsible for FOIA searches within S/ES-S were operating on the understanding that the individual folders contained solely these PSTs of archived emails. It was not until December 2015, in the course of inquiring as to a different FOIA case, that S/ES-S became aware that there were other file types in addition to the archived emails contained within these individual folders which had not been searched.

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<sup>3</sup> These IPS employees requested these records from State’s Records Service Center and received access to them in December.

<sup>4</sup> The individual files were retired and transferred to the custody of IPS in early January.

<sup>5</sup> PST is a file format used to store copies of messages and other items within Microsoft software such as Microsoft Outlook.

8. In the days before Christmas, State employees investigated and determined that the shared office folders and the individual folders should be searched for records responsive to this FOIA request. In January, State determined that it would not be able to complete these searches before the date set for State's motion for summary judgment.

9. State proposes to begin production of responsive documents to Plaintiff on March 15, 2016, with rolling production of responsive documents every month thereafter if necessary, until the completion of production, the date for which will be provided to Plaintiff with State's initial production. State also proposes that within two weeks of the completion of production, the parties will meet and confer and file a joint status report regarding whether the parties believe that further briefing is necessary in this case and, if so, proposing a briefing schedule.

Dated: February 5, 2016

Respectfully submitted,

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