



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530-0001

Telephone: (202) 514-3642

April 15, 2024

Sean Dunagan
Judicial Watch
339 Park Drive
Glenwood Springs, CO 81601
sdunagan@judicialwatch.org

Re: FOIA-2024-01086
24-cv-700 (D.D.C.)
VRB:JMS

Dear Sean Dunagan:

This is an interim response to your Freedom of Information Act (FOIA) request dated and received in this Office on February 8, 2024, seeking copies of all interviews of President Biden conducted during the course of the investigation led by Special Counsel Robert Hur.

At this time, we have completed processing of two records, totaling 258 pages, responsive to your request. These records consist of the interview transcripts of President Joseph R. Biden, Jr. I have determined that these records are appropriate for release with withholdings made, some on behalf of the National Security Council, Department of State, Department of Defense, and United States Secret Service, pursuant to Exemptions 1, 3, 5, 6, 7(C), 7(E), and 7(F) of the FOIA, 5 U.S.C. §§ 552(b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F). Exemption 1 pertains to information that is properly classified in the interest of national security pursuant to Executive Order 13526. Exemption 3 pertains to information exempted from release by statute, in this instance Rule 6(e) of the Federal Rules of Criminal Procedure. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques or procedures for law enforcement investigations or prosecutions. Exemption 7(F) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to endanger the life or personal safety of an individual.

Although additional information within these records could have been withheld pursuant to the FOIA, we have determined in this instance that such information is appropriate for discretionary disclosure. Please be advised that this discretionary disclosure should not be construed as waiver of applicable FOIA exemptions to similar materials or information in the future. Additionally, please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions. Finally, please note that the solid black boxes appearing in the upper and lower margins of the

records, with no corresponding citation to FOIA exemptions, are strikeouts of classification markings made during the classification review process. These black boxes are not indicative of FOIA withholdings.

Due to the widespread interest in this material, it has been posted to the Office of Information Policy's FOIA Library, and you may access it as follows:

<https://www.justice.gov/d9/2024-04/03.12.24.%20--%2010.08.23.%20Biden%20Hur%20Interview.pdf>

<https://www.justice.gov/d9/2024-03/03.12.24.%20--%2010.09.23%20Biden%20Hur%20Interview.pdf>

We are continuing to process your request and will respond again once further disclosure determinations have been made.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the 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 regarding this response, please contact Joshua Abbuhl at the Department's Civil Division, Federal Programs Branch at (202) 616-8366.

Sincerely,



Vanessa R. Brinkmann
Senior Counsel