



Case No. 2016-00390-FOIA-OS

March 28, 2016

Allan Blutstein
American Rising Advanced Research
1555 Wilson Blvd.
Suite 307
Arlington, VA 22209

Dear Mr. Blutstein:

This letter is the final response to your February 25, 2016, Freedom of Information Act (FOIA) request. Specifically, you requested the following records: “Any email sent or received by the General Counsel between February 13, 2016, and February 15, 2016, that mentions or refers to Justice Antonin Scalia or the U.S. Supreme Court.”

The Office of the General Counsel (OGC) conducted a search and located **(6) six pages** of records. After a careful review of these pages, and in conformance with longstanding Department of Justice, Office of Information Policy guidance, I have determined that the records are personal records and do not constitute agency records for FOIA purposes. *See* FOIA Update Vol. V, No. 4, OIP Guidance: “Agency Records” vs. “Personal Records” (1984) (available at <https://www.justice.gov/oip/blog/foia-update-oip-guidance-agency-records-vs-personal-records>).

There are no charges in this instance because the billable costs are less than our threshold of \$25.

If you believe that the records or information located should be disclosed, you may appeal. Your appeal must be mailed within 30 days from the date of receipt of this letter, to the official at the following address:

Ms. Catherine Teti
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
200 Independence Avenue S.W.
Room 729H
Washington, DC 20201

Please clearly mark both the envelope and your letter “Freedom of Information Act Appeal.”

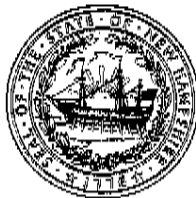
Sincerely yours,

Michael S. Marquis
Director
FOI/Privacy Acts Division

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 1, 2016

Allan Blutstein
America Rising
155 Wilson Boulevard
Suite 307
Arlington, VA 22209
VIA FAX - (703) 348-4642

Re: Right to Know Request

Dear Mr. Blutstein:

I am responding to your Right-to-Know request for any email sent or received by the Attorney General between February 13 and 15, 2016, that mentions or refers to Justice Antonin Scalia or the U.S. Supreme Court. We found one email that is responsive to your request. However, it is exempt from disclosure as attorney work product and thus will not be provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Rice".

Ann M. Rice
Deputy Attorney General
(603) 271-4900

From: Michael Field MField@riag.ri.gov
Subject: March 7, 2016 APRA request
Date: March 21, 2016 at 1:08 PM
To: Allan Blutstein ablutstein@americarisingllc.com



Dear Mr. Blutstein:

By e-mail dated March 7, 2016, you filed an Access to Public Records Act (“APRA”) request seeking “[a]ny email sent or received by the Attorney General from Feb. 13, 2016, to Feb. 15, 2016, that mentions Justice Antonin Scalia or the U.S. Supreme Court vacancy.”

In relevant part, R.I. Gen. Laws 38-2-2(4) defines the scope of documents that falls within the APRA as any “material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” While documents not exempt from public disclosure must be disclosed pursuant to the APRA, among the exemptions is R.I. Gen. Laws 38-2-2(4)(M), which exempts from public disclosure “[c]orrespondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.” Because any document that would fall within the scope of the APRA and be responsive to your APRA request, would also be exempt from public disclosure pursuant to R.I. Gen. Laws 38-2-2(4)(M), your APRA request is denied; and based upon the nature of the exemption no reasonable segregable portion of documents, if any, may be disclosed.

This decision can be appealed pursuant to R.I. Gen. Laws 38-2-8.

Michael W. Field
Assistant Attorney General
Department of Attorney General
150 South Main Street
Providence, Rhode Island 02903

(401) 274-4400 ext. 2380

CONFIDENTIALITY NOTE:

This email and any documents accompanying this transmission may contain legally privileged/confidential information. The information is intended only for the inspection and use of