



**USAID**  
FROM THE AMERICAN PEOPLE

FEB 04 2019

TRANSMITTED VIA EMAIL

[bryan@amjolaw.com](mailto:bryan@amjolaw.com)

Mr. Bryan Johnson, Esq.  
1918 Union Boulevard  
Bay Shore, NY 11706

Re: FOIA Request No. F-00328-16  
Final Response

Dear Mr. Johnson:

The United States Agency for International Development (USAID) regrets the delay in responding to your Freedom of Information Act (FOIA) request. Unfortunately, USAID is experiencing a backlog of FOIA requests. Please know that USAID management is very committed to providing responses to FOIA requests and remedying the FOIA backlog.

This is the final response to your August 24, 2016 FOIA request to the USAID. You requested all records related to USAID'S project award for \$16,813,000.00 to the International Organization for Migration. The project award's identification number is AID596IO1600003 and its stated purpose is for "return and reintegration in the northern triangle."

For your information, Congress excluded three (3) discrete categories of law enforcement and national security records from the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). 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 of our requesters and should not be construed as an indication that excluded records do, or do not, exist.

USAID conducted a comprehensive search of the Bureau for Management, Office of Acquisition and Assistance (M/OAA), and the USAID mission in El Salvador for documents responsive to your request. The search produced a total of 131 pages. Of those pages, we have determined that 43 pages of the records are releasable in their entirety, and 88 pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(4) and (b)(6).

FOIA Exemption 4 protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." Further, FOIA Exemption 4 covers two distinct categories of information in federal agency records: (1) trade secrets; and (2) information that is (a) commercial or financial, and (b) obtained from a person, and (c) privileged or confidential. Under the first subset, a trade secret is defined as "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or

processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.” See Public Citizen Health Research Group v. FDA, 704 F.2d 1280, 1288 (D.C. Cir. 1983). In this instance, none of the information withheld was deemed a trade secret. Rather, all the information withheld under Exemption 4 is appropriate for withholding under the second subset of information.

More specifically, the courts have held that the second subset protects confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information. We reviewed the responsive document, the submitter’s objections to release, and relevant case law, and we determined that portions are exempt from disclosure under subsection (b)(4) of the FOIA and must be withheld in order to protect the submitter’s confidential commercial information. Within the records, we withheld confidential business information.

FOIA Exemption 6 exempts from disclosure information about individuals in 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 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. Within the records, we withheld signatures.

If you require any further assistance or would like to discuss any aspect of your request, you may contact Ms. Shushona Hyson, the assigned FOIA Specialist by phone on (202) 712-5953 or at [shyson@usaid.gov](mailto:shyson@usaid.gov). You may also contact USAID’s FOIA Public Liaison, Claire Ehmann, at [foia@usaid.gov](mailto:foia@usaid.gov).

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services offered:

Office of Government Information Services  
National Records and Archives Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: (202) 741-5770; toll free at 1-877-684-6448  
Fax: (202) 741-5769

You have the right to appeal this final response. Your appeal must be received by USAID no later than 90 days from the date of this letter. In order for it to be considered an official appeal, please address and send directly to the FOIA Appeal Officer:

Director, Office of Management Services  
U.S. Agency for International Development  
1300 Pennsylvania Avenue, NW  
Ronald Reagan Building, Room 2.12.010  
Washington, DC 20523

If you wish to fax your appeal, the fax number is (202) 216-3369. Both the appeal and envelope should be marked "**FOIA APPEAL**." Please include your tracking number F-00328-16 in your letter.

There is no charge for this FOIA request. As this concludes the processing of your request, it will be closed.

Thank you for your interest in USAID and continued patience.

Sincerely,



Claire Ehmann  
FOIA Public Liaison  
Bureau for Management  
Office of Management Services  
Information and Records Division

Enclosures: Responsive Records (131 pages)