



United States Department of State

Washington, D.C. 20520

FEB 05 2009

Case No.: 200806258

Segment: DIA001

Mr. Paul Paz y Mino
3217 Knowland Avenue
Oakland, CA 94619

Dear Mr. Paz y Mino:

I refer to your letter dated June 1, 2004, to the Defense Intelligence Agency, requesting the release of certain material under the Freedom of Information Act (Title 5 USC Section 552). Seventy-four of the relevant documents retrieved in response to your request originated with the Department of State and were therefore referred to us for appropriate action. Fifty-nine of the documents referred to us by DIA are duplicates of documents that were released in full to you in case 200402144.

Of the other 25 documents we have determined that seven may be released in full, fifteen may be released with excisions, and two must be withheld in full. All released material is enclosed. A decision on the remaining document requires intra-agency coordination; we will advise you when a final determination has been made.

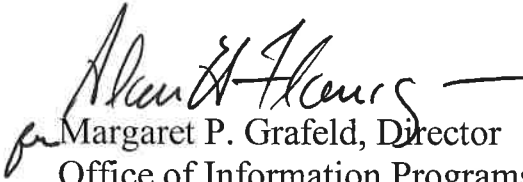
A number of the documents released in part or withheld in this segment were also released in part or withheld in the earlier case 200402144. Since more than two years has passed since this earlier case was reviewed, these documents were reviewed again and, in a number of the documents, additional material has now been released in this latest segment.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document. Of the documents withheld in full, both were withheld under exemption b1. One of the documents withheld in full was further withheld under exemption b7.

In some cases, two or more exemptions may apply to the same document. In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

With respect to material withheld by the Department of State, you have the right to appeal our determination within 60 days. A copy of the appeals procedures is enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret P. Grafeld", with a horizontal line extending to the right.

Margaret P. Grafeld, Director
Office of Information Programs and Services

Enclosures:
As stated.

Rules and Regulations

Subpart F – Appeal Procedures

§171.52 Appeal of denial of access to, declassification of, amendment of, accounting of disclosures of, or challenge to classification of records.

- (a) *Right of administrative appeal.* Except for records that have been reviewed and withheld within the past two years or are the subject of litigation, any requester whose request for access to records, declassification of records, amendment of records, accounting of disclosure of records, or any authorized holder of classified information whose classification challenge has been denied, has a right to appeal the denial to the Department's Appeals Review Panel. This appeal right includes the right to appeal the determination by the Department that no records responsive to an access request exist in Department files. Privacy Act appeals may be made only by the individual to whom the records pertain.
- (b) *Form of appeal.* There is no required form for an appeal. However, it is essential that the appeal contain a clear statement of the decision or determination by the Department being appealed. When possible, the appeal should include argumentation and documentation to support the appeal and to contest the bases for denial cited by the Department. The appeal should be sent to: Chairman, Appeals Review Panel, c/o Appeals Officer, ARPS/IPSTP/LC, U.S. Department of State, SA-2, Room 8100, Washington, DC 20522-8100.
- (c) *Time limits.* The appeal should be received within 60 days of the date of receipt by the requester of the Department's denial. The time limit for response to an appeal begins to run on the day that the appeal is received. The time limit (excluding Saturdays, Sundays, and legal public holidays) for agency decision on an administrative appeal is 20 days under the FOIA (which may be extended for up to an additional 10 days in unusual circumstances) and 30 days under the Privacy Act (which the Panel may extend an additional 30 days for good cause shown). The Panel shall decide mandatory declassification review appeals as promptly as possible.
- (d) *Notification to appellant.* The Chairman of the Appeals Review Panel shall notify the appellant in writing of the Panel's decision on the appeal. When the decision is to uphold the denial, the Chairman shall include in his notification the reasons therefore. The appellant shall be advised that the decision of the Panel represents the final decision of the Department and of the right to seek judicial review of the Panel's decision, when applicable. In mandatory declassification review appeals, the Panel shall advise the requester of the right to appeal the decision to the Interagency Security Classification Appeals Panel under §3.5(d) of E.O. 12958.