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*Office of the General Counsel
Freedom of Information and Privacy Act Office*

August 2, 2013

Mr. Adam Marshall
1718 Connecticut Avenue, NW
Suite 200
Washington, DC 20009

RE: Request Pursuant to the Freedom of Information Act – FOIA #13-0044

Dear Mr. Marshall:

This letter is in response to your July 26, 2013 appeal regarding your Freedom of Information Act (FOIA) request to the Broadcasting Board of Governors (BBG). In your appeal, you assert that the Agency failed to respond to your initial request within the statutory time period and ask the Agency to produce the records requested. For reference, your original request was for documents regarding the BBG's relationship with The Tor Project, Inc., the Tor Solution Corporation, and Tor Solutions Group.

On July 26, 2013, our office mailed you an acknowledgment of your May 31, 2013 request; a copy of that letter is attached for reference. In our letter, we noted that the Agency anticipated it would require an additional 10 business days to process your request because the records were maintained by offices outside our office. However, as you note in your appeal, that response was beyond the maximum limit of 30 business days ordinarily required by the FOIA. Since the OPEN Government Act restricts agencies from assessing fees when they fail to respond to a request within the required time period, the Agency will not assess fees in connection with your request. Accordingly, as you have been placed in Category II, educational and scientific institutions and news media, for fee purposes, this means you will not be charged for duplication of any records provided.

The Agency has completed the search for responsive documents and presented them to Tor for its input regarding trade secret or commercial or financial information protectable under Exemption 4 in accordance with the Agency's supplemental regulations. Since we have not yet received their response, the Agency is not able to produce the documents at this time. However, the Agency estimates that it will receive their response and be able to complete the processing of your FOIA request within the next 15 business days.

Our office believes this response fully satisfies your appeal to the extent permitted by the FOIA and Agency regulations. However, you have the right to appeal this determination to the Agency's Access Appeal Committee. If you wish to do so, you



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must send your appeal within thirty (30) calendar days from the date of this letter to the Chairperson, Access Appeal Committee, BBG, Suite 3349, 330 Independence Avenue, SW, Washington, DC 20237.

If there is anything else I can assist with in regards to your FOIA request, I can be reached at the telephone or fax numbers listed on the previous page.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. T. Krog". The signature is stylized and somewhat illegible due to the cursive nature of the writing.

Andrew T. Krog
FOIA and Privacy Act Officer