



VIA POST AND EMAIL [MRUFOIA.Requests@usdoj.gov]

January 30, 2023

FOIA/PA
Criminal Division
Department of Justice
Room 803, Keeney Building Washington, DC 20530-0001 (202) 616-0307

Re: DOJ's Failure to Process to CAIDP FOIA Request (Tracking # EMRUFOIA120422-B)

Dear Sir/Madam,

We write regarding our Freedom of Information Act ("FOIA") request of December 4, 2022 (enclosed) for records pertaining to the "the Council of Europe undertaking to establish a Convention on Artificial Intelligence, and specifically the communications, reports, and memoranda sent to, received by, or copied to Kenneth Harris, head of the US mission to the European Union" ("FOIA Request"). We had also requested expedited processing of our request and a fee waiver.

The Office of Information Policy ("OIP") acknowledged receipt of our FOIA request on December 6, 2022, and thereafter directed the FOIA Request to the Criminal Division of the Department of Justice (DOJ) which assigned the FOIA Request tracking number EMRUFOIA120422-B. The DOJ also acknowledged its statutory obligation to respond within 20 days in the aforesaid letter (enclosed herewith). **36 business days have elapsed, and no response has been received from the DOJ on our FOIA Request.**

We write to remind you that the DOJ is under a legal obligation to provide records responsive to our FOIA Request and to make timely determinations regarding expedited processing and fee waiver. As it stands, the DOJ is plainly in violation of its legal obligations under the FOIA for: (1) the failure to make a timely determination on the expedited processing request,¹ (2) the failure to make a timely determination on the fee waiver request,² and (3) the failure to process the request in accordance with the statutory time limits.³

We have separately contacted the Attorney General regarding this specific FOIA request. (CAIDP Statement to Attorney General Merrick Garland (Jan. 25, 2023), enclosed)

¹ 5 USC 552(a)(6)(E)(ii)(I); 28 CFR §16.5(e)(4) ("Timing of responses to requests - Expedited processing").

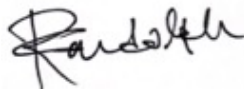
² 5 USC 552(a)(4)(A)(i),(ii), (iii); 28 CFR § 16.5(e)(4), §16.10(a), (b)(6), (k)

³ 5 USC 552(a)(6)(A)(i); 28 CFR §16.5(a), (c), (e)(4)

CAIDP expects that the DOJ will comply with its statutory obligations and immediately process and release those documents responsive to CAIDP's FOIA request.

We look forward to your prompt attention to this request.

Sincerely,



Christabel Randolph
CAIDP Research Assistant

CC: Office of Government Information Services, Government Accountability Office

Enclosures:

1. CAIDP FOIA Request, Dec. 4, 2022
2. DOJ Acknowledgement, Dec. 7, 2022
3. CAIDP Statement to the Attorney General regarding FOIA Request, EMRUFOIA120422-B, Jan. 25, 2023