

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



September 30, 2021

**VIA ELECTRONIC MAIL ONLY**

Pam Martens  
[pamk741@aol.com](mailto:pamk741@aol.com)

Tracking No.: OGE FOIA FY 21/070

Dear Ms. Martens:

The U.S. Office of Government Ethics (OGE) is granting in part and denying in part your Freedom of Information Act (FOIA) request, which was received by the OGE FOIA Office on July 26, 2021. In your request, you asked for all electronic correspondence from November 6, 2020 through July 20, 2021 that relates to the nomination or confirmation or vetting of Kenneth A. Polite for the position of Assistant Attorney General at the Criminal Division of the Department of Justice. In response we are enclosing 96 pages of responsive records, subject to deletions made in accordance with FOIA Exemption 5, 5 U.S.C. § 552(b)(5), as inter- and intra-agency predecisional deliberative process material and Exemption 6, 5 U.S.C. § 552(b)(6), as information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The deletions are marked with a reference (b)(5) or (b)(6) in the enclosed copies.

As noted on the records, we are also withholding in full 30 pages in accordance with FOIA Exemption 3, 5 U.S.C. § 552(b)(3), as material specifically exempted from disclosure by another statute and 20 pages in accordance with Exemption 5, as inter- and intra-agency predecisional deliberative process material.

In searching for responsive records, OGE located 58 (some partial) pages of records that originated at the Department of Justice. We are therefore sending these responsive materials, along with a copy of your request, to the Department of Justice. Their FOIA Requester Service Center phone number is: 202-514-3101. We are asking the Department of Justice to review the material and respond directly to you.

If you have any questions or wish to discuss any aspect of your request, you may contact me by telephone at 202-482-9216. I am available for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes. 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 they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The OGE official responsible for this FOIA determination is the undersigned. OGE recently revised its FOIA regulations. If you consider this response to be a denial of your request, you may administratively appeal this determination in accordance with the FOIA, as codified at 5 U.S.C. § 552(a)(6)(A), and OGE's updated FOIA regulations, at 5 C.F.R. § 2604.304, to the Program Counsel, U.S. Office of Government Ethics, 1201 New York Avenue, N.W., Suite 500, Washington, DC 20005-3917. Any such appeal must be in writing and must be sent within 90 days of the date you receive this response letter. If you do appeal, you should include copies of your request and this response, together with a statement of why you believe this initial determination is in error. Also, if you appeal, you should clearly indicate on the envelope and in the letter that it is a "Freedom of Information Act Appeal."

Sincerely,

Jennifer Matis  
OGE FOIA Officer

Enclosure