



United States Department of State

Washington, D.C. 20520

DEC - 2 2003

Case No. 200301593

Segment No. ER001

Mr. Chris Hoofnagle, Deputy Counsel
epic.org
1718 Connecticut Ave., NW
Suite 200
Washington DC 20009

Dear Mr. Hoofnagle:

I refer to our most recent letter regarding the release of certain Department of State material under the Freedom of Information Act (Title 5 USC Section 552).

The search of the Central Policy Records has been completed, resulting in the retrieval of one document that appears responsive to your request. After reviewing this document we have determined that it may be released with excisions. All released material is enclosed.

The material in the excised portion of that document is currently and properly classified under Executive Order 12958 in the interest of national defense or foreign relations. That material is exempt from release under subsection (b)(1) of the Freedom of Information Act.

The other excision is to protect information compiled for law enforcement purposes which, if produced, would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. As such, it is exempt from release under subsection (b)(7)(E) of the Freedom of Information Act.

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 we have withheld under the Freedom of Information Act, you have the right to appeal our determination within 60 days. Appeals should be addressed to

the Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Room 6001, Department of State, Washington, D.C. 20522-6001. The letter of appeal should refer to the case control number shown above. A copy of the appeals procedures is enclosed.


Still in progress are the searches of the records of the American Embassy in Bogota, the American Embassy in Managua, the American Embassy in Brasilia, the American Embassy in Guatemala City, and the American Embassy in Mexico City.

Additional information will be provided as soon as it becomes available.

If you have any questions with respect to the processing of your request, you may write to the Office of IRM Programs and Services, SA-2, Department of State, Washington, D.C. 20522-6001. You may also reach us by telephone at (202) 261-8314. Please be sure to refer to the case and segment numbers shown above in all correspondence about this case.

Your continuing cooperation is appreciated.

Sincerely,


A handwritten signature in black ink, appearing to read 'Margaret P. Grafeld', is written over the typed name.

Margaret P. Grafeld
Director
Office of IRM Programs and Services

Enclosures:
One document
Appeals procedures

58116 Federal Register/Vol. 45, No. 171
Rules and Regulations

Subpart G - Appeals Procedures

171.60 Appeal of denial of access to records

- (A) Review of an initial denial of access to a record under the Freedom of Information Act (5 USC 552), the Privacy Act of 1974 (5 USC 552a), or Executive Order 12958 may be requested by the individual who submitted the initial request for access. The request for review (hereafter referred to as the appeal) must be in writing and should be sent by certified mail to the: Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Department of State, Room 6001, Washington, D.C. 20522-6001. The appeal should be received within 60 days of the date of the receipt by the appellant of the Department's refusal to grant access to a record in whole or in part.
- (B) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Appeals Review Panels. The appeal of a denial of access to records shall include any documentation, information and statements to support the individual's request for access and to refute the use of the exemption(s) cited in the Department's justification concerning the denial of access.
- (C) The Chairman of the Appeals Panels or her/his designee and at least two other members chosen by her/him from a list of senior officers designated for this purpose by the various bureaus of the Department shall constitute a panel to consider and decide the appeal. There shall be a written record of the reasons for the final determination. The final determination will be made within 30 working days for Executive Order and Privacy Act appeals, and within 20 workings (excluding Saturdays, Sundays and holidays) for FOIA appeals. For good cause shown, the Chairman of the Appeals Review Panels may extend such determination beyond the 30-day period in Privacy Act cases.
- (D) The Chairman shall then notify the requester in writing of the panel's decision to grant access and of the Department's regulations concerning access.
- (E) When the final decision of the Panel is to refuse to grant an individual access to a record, the Chairman of the Panel shall advise the individual in writing:
- (1) Of the refusal to grant the appeal and the reasons therefore including the exemptions of the Freedom of Information Act, Privacy Act of 1974, and/or Executive Order 12958 under which access is denied;
 - (2) Of her/his right to seek judicial review of the Department's decision, where applicable.

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(E1)

ACTION WHA-00

INFO	LOG-00	NP-00	ACQ-00	INL-00	DODE-00	DS-00	FBIE-00
	VC-00	TEDE-00	INR-00	LAB-01	L-00	VCE-00	AC-01
	DCP-01	NSAE-00	DHS-00	ACE-00	DSCC-00	PRM-00	DRL-01
	G-00	NFAT-00	SAS-00	/004W			

RELEASED IN PART
B7(E), B1, 1.4(D)

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P 152157Z APR 03
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 6729
INFO DEPT OF HOMELAND SECURITY WASHDC PRIORITY
DEPT OF JUSTICE WASHDC PRIORITY
DEPT OF TREASURY WASHDC PRIORITY
CIA WASHDC PRIORITY
THE WHITE HOUSE WASHINGTON DC//NSC// PRIORITY
ALL US CONSULATES IN MEXICO COLLECTIVE

C O N F I D E N T I A L MEXICO 003206

DEPARTMENT FOR WHA/MEX, WHA/PPC AND L/LEI

E.O. 12958: DECL: 04/15/2013
TAGS: PREL, PINS, KJUS, MX
SUBJECT: MEDIA HAMMERS U.S. ON ALLEGED PURCHASE OF DATABASE
INFORMATION

CLASSIFIED BY: A/DCM ROBYN BISHOP. REASONS: 1.5(B)(D).

1. (U) THIS IS AN ACTION CABLE - SEE PARA 5.
2. (SBU) IN THE LAST THREE DAYS, LOCAL MEDIA HAVE RUN FRONT-PAGE STORIES ON THE ALLEGED PURCHASE BY ATLANTA-BASED CHOICEPOINT OF THE FEDERAL ELECTORAL INSTITUTE'S (IFE) ELECTORAL REGISTRY THAT INCLUDES 60 MILLION MEXICAN VOTERS' DATA, AND ANOTHER DATABASE WITH INFORMATION ON SIX MILLION DRIVERS LICENSES FROM MEXICO CITY. THE MIAMI HERALD RAN A STORY ON THE SAME ISSUE ON APRIL 14 INDICATING THAT THE DATA MINING FIRM HAS PURCHASED SIMILAR "OFFICIALS" RECORDS FROM A NUMBER OF FOREIGN COUNTRIES. MEXICAN EDITORIALS HAVE DECRIED THE ALLEGED SALE OF INFORMATION TO THE AMERICAN COMPANY, SPINNING CONSPIRACY THEORIES ABOUT THE INFORMATION'S LIKELY USE AND MISUSE BY THE CIA, FBI, AND DEA. ON APRIL 14, THE IFE FILED A FORMAL COMPLAINT AGAINST THE "TO BE DETERMINED" OFFICIAL(S) RESPONSIBLE FOR THE SALE OF THE INFORMATION. PROMINENT MEMBERS OF CONGRESS HAVE BEGUN TO SPEAK OUT NEGATIVELY ON THE ISSUE. SO FAR THE MEDIA IS THE MAIN ARENA FOR THE STORY, BUT A POTENTIAL FIRESTORM MAY BE BREWING.

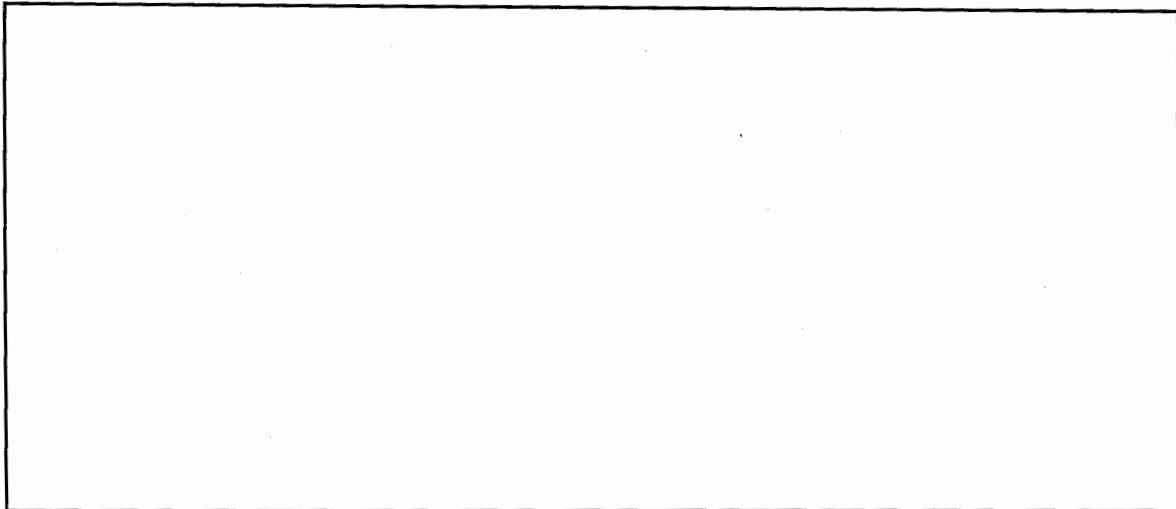
UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: OSCAR J OLSON
DATE/CASE ID: 20 NOV 2003 200301593

n/a
CONFIDENTIAL

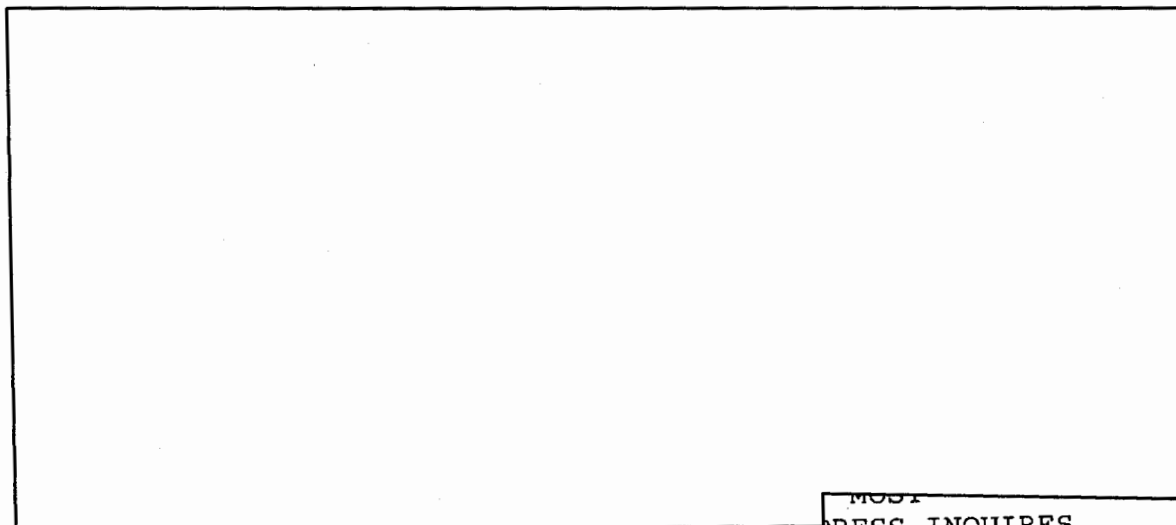
Pag>

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3. (U) ON APRIL 15, MILENIO NEWSPAPER RAN AN INTERVIEW WITH JAMES LEE, SPOKESMAN FOR CHOICEPOINT, IN WHICH LEE AFFIRMED THAT USG AGENCIES REGULARLY USE CHOICEPOINT INFORMATION FOR FIGHTING DRUG TRAFFICKING AND TERRORISM.



B1



B7(E)

IMPORTANTLY, EMBASSY REQUESTS GUIDANCE FOR PRESS INQUIRES.
GARZA

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