



**Federal Bureau of
Investigation**

Washington, ■ 20535

April 25, 2013

Mr. Martin G. Weinberg
Suite 1000
20 Park Plaza
Boston, MA 02116

Appeal No.: AP-2013-01397
Request No.: 1203982-001
Subject: Epstein, Jeffrey

Dear Mr. Weinberg:

The purpose of this letter is to advise you of the status of your Freedom of Information Act (FOIA) request at the Federal Bureau of Investigation (FBI). On December 6, 2012, you were mailed a letter informing you that the FBI records of your client, Jeffrey Epstein, were exempt in their entirety from disclosure under both the Freedom of Information Act and the Privacy Act. Per an appeal, FBI Records Management Division (RMD) has determined that these records are no longer entirely exempt. Your request has been re-opened under the FOIA number listed above and we are currently in the process of searching, gathering, and processing material concerning your client so that it may be reviewed for responsiveness.

You may inquire as to the status of your request by calling the FBI's FOIPA Public Information Center at 540-868-4593.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D Hardy", is positioned below the "Sincerely yours," text.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

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Appeal No.: AP-2013-01397
FOIPA Request No. 1203982-001
Subject: Epstein, Jeffrey

Dear Mr. Weinberg:

This is in response to your request for a fee waiver for the above referenced Freedom of Information/Privacy Acts (FOIPA) request. Fee waivers are determined on a case by case basis. See 5 U.S.C. § 552 (a)(4)(A)(iii).

To be granted a fee waiver or a reduction in fees, two requirements must be satisfied. First, you must demonstrate that "disclosure of the [requested] information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government." Second, you must establish that "disclosure of the information . . . is not primarily in the commercial interest of the requester." See 5 U.S.C. § 552(a)(4)(A)(iii). The burden is on the requester to show the statutory requirements for a fee waiver have been met. If these requirements are not satisfied, a fee waiver is unavailable under the statute.

To determine whether disclosure is in the public interest, we consider these factors: (1) whether the subject of the requested records concerns "the operations or activities of the government;" (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities; and (3) whether disclosure of the requested information will contribute "significantly" to "public understanding." See 28 C.F.R. §16.11(k)(2).

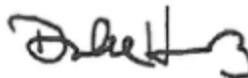
If the first requirement has been met, we must then determine whether disclosure of the requested information is primarily in the commercial interest of the requester. To make this determination, we consider these factors: (1) whether the requester has a commercial interest that would be furthered by the requested disclosure and (2) whether the magnitude of the identified commercial interest of the requester is sufficiently large, [compared to] the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." See 28 C.F.R. § 16.11(k)(3). If the requester's commercial interest in disclosure is greater than the public interest to be served, then a fee waiver is not warranted.

We have reviewed the information that you provided in support of your request for a fee waiver and have found that you do not satisfy the first requirement. Inasmuch as the information you seek primarily pertains to your client, it appears that the only person who would benefit from the disclosure of these records is your client, the individual requester, and therefore such a disclosure would not contribute to the "public understanding."

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You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, [REDACTED] 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division