

ELECTRONIC PRIVACY INFORMATION CENTER



September 12, 2005

Fax 202-566-3127

Julie Thompson
FOIA Officer
United States Election Assistance Commission
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Washington, DC 20005

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Washington DC 20009
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RE: Freedom of Information Act Request

Dear Ms. Thompson,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

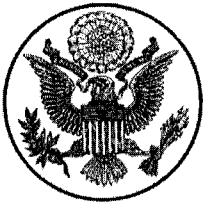
We are seeking all agency records concerning agency contracts awarded between July 9, 2004 and the date of the receipt of this letter. The documents sought include, but are not limited to documents regarding contracts, memorandum of understanding, and fee for service agreements in the employment of Stephen Berger and Kennesaw State University by the U.S. Election Assistance Commission (EAC). We also seek documents regarding contracts, memorandum of understanding, fee for service agreements, and employment of other current or former members of EAC's Technical Guidelines Development Committee (TGDC). Also provide all memorandum, letters and e-mails regarding meetings and communications to enter into contracts, memorandum of understanding, fee for service agreements, and employment of TGDC members or institutions they were affiliated with within one year of the date of the first meeting of the Committee.

For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at coney@epic.org.

Sincerely,

Lillie Coney
Associate Director



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

November 9, 2005

Ms. Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Washington, DC 20009

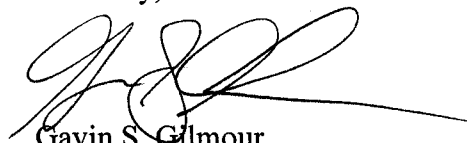
Dear Ms. Coney:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on September 14, 2005 (dated September 12, 2005). A copy of your request is attached.

Please find documents responsive to the above referenced request, enclosed. As you look through the materials you will find that a few pieces of information have been redacted in black. As required by FOIA exemption 6, the EAC has redacted certain pieces of personal information, including home addresses, telephone numbers, names, bank account information, employer identification numbers, and personal e-mail addresses. The EAC has also redacted confidential commercial information as mandated by FOIA exemption 4. Specifically, the EAC has redacted information that can be used to calculate actual costs regarding Kennesaw State labor rates. Further, the EAC has withheld one document (three pages) and five e-mails (less than a page each) pursuant to the deliberative process privilege and FOIA exemption 5. The EAC has withheld these documents as they are predecisional documents in which EAC decision makers discuss contracting policy options.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,


Gavin S. Gilmour
Associate General Counsel

Attachments:

1. Your Request Letter (dated September 12, 2005)
2. Responsive Documents