



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, DC 20240

IN REPLY REFER TO:
7202.4-OS-2015-00174

April 13, 2015

Via email: FOIA@epic.org

Ginger P. McCall
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave NW, Ste. 200
Washington, DC 20009

Dear Ms. McCall :

On February 5, 2015, you filed a Freedom of Information Act (FOIA) request seeking the following:

- 1) All contracts, statements of work, and technical specifications related to the "Robust Automatic Transcription of Speech (RATS)" program, including but not limited to contracts, statements of work, and technical specifications related to DARPA-SN-14-55;
- 2) All contracts, statements of work, and technical specifications associated with DARPA-BAA010-34, including but not limited to the following contracts: BBN Technologies (D10OC20015), International Business Machines Corporation (D11PC20192), Science Applications International (10PC2008), and SRI International (D10PC20024);
- 3) All guidelines related to the collection and use of "field signals" as described in Solicitation Number DARPA-SN-14-55.

On February 12, 2015, we acknowledged your request and advised you of your fee status under the FOIA. We are writing to respond to your request on behalf of the Office of the Secretary. Please find enclosed 4 file(s) consisting of 363 pages. Of those 363 pages, 328 pages are being released in full and 35 pages contain redactions as described below.

Pursuant to Exemption 4 of the FOIA (5 U.S.C. § 552(b)(4)), some commercial and financial information of a proprietary nature has been redacted from the contract:

- **Pricing data**
- **Technical data**

Exemption 4 protects "trade secrets and commercial or financial information, obtained from a person, [that is] privileged or confidential" (5 U.S.C. § 552(b)(4)). This exemption is intended to protect both the interests of commercial entities that submit proprietary information to the

Government and the interests of the Government in receiving continued access to it. Information is considered "confidential" if disclosure of it "is likely to cause substantial harm to the competitive position of the person from whom the information was obtained," or harm the Government's ability to obtain it. National Parks & Conservation Ass'n v. Morton, 498 F.2d 765, 770 (D.C. Cir. 1974).

The companies that supplied this information, SRI International and SAIC, are considered a "person," under the law, because the term "person" includes a wide range of entities including corporations. These companies have a clear commercial interest in the information which has been denied. This information includes pricing and technical data. Such information was provided to the Government as proprietary and would not customarily be provided to the public. Public release of it in response to this FOIA request could cause harm to SRI International's and SAIC's competitive position in the marketplace. It would give an unfair advantage to other offerors competing against it in future competitive procurements for these and similar products and services. Additionally, it would be harmful to the Government's ability to obtain such information

We have concluded, therefore, that the withheld information is "confidential commercial or financial information obtained from a person" and may be properly withheld, pursuant to exemption 4 of the FOIA (5 U.S.C. § 552(b)(4)).

Maria Lurie, Attorney- Advisor with the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, FOIA Officer, is responsible for making this decision.

Appeals

You may appeal this decision to the Department's FOIA Appeals Officer. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 PM Eastern time, Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

Attn: FOIA Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS6556 MIB
Washington, D.C. 20240

Fax: 202-208-6677

E-mail: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the response letter. You must also include, in as much detail as possible, an explanation of why

you believe the Office of the Secretary's response was in error. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." The appeal should include your name, mailing address, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available) in case the Department needs additional information or clarification. For more information on FOIA Administrative Appeals, including how DOI will respond to your appeal, please refer to Subpart H of the Department's FOIA regulations, 43 C.F.R. § 2.57-§ 2.64.

Fees

There is no billable fee for the processing of this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

The National Archives and Records Administration
Office of Government Information Services
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Ms. Ginger P. McCall

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If you have any questions about our response to your request, you may contact Justin Davis by phone at 202-208-2074, by fax at 202-219-2374, by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240.

Sincerely,



Clarice Julka
Office of the Secretary
FOIA Officer

Electronic Enclosures