



November 13, 2023

Michael Ding
America First Legal Foundation
Via Email: foia@aflegal.org

Re: Freedom of Information Act Request NGC23-269

Dear Mr. Ding:

This responds to Freedom of Information Act (FOIA) request assigned NGC23-269.

NARA has received approximately 25 FOIA requests seeking records related to the transfer of President Biden's Obama-era Presidential records to NARA from the Penn Biden Center and other locations, from November 1, 2022 to present.

NARA is processing all related requests in the same manner: identifying categories of commonly requested subject matter and organizing its searches and responses by those categories. We will issue response letters on a rolling basis and post any non-exempt, responsive materials to the landing page located at <https://www.archives.gov/foia/biden-vp-records-covered-by-pra>.

You are receiving this letter because you requested all communications identifying the locations of Biden Vice-Presidential records, and communications related to the October 11, 2022 statement by the Archives that it assumed physical custody of all Obama-Biden Admin records. Category 3 is responsive to your request.

NARA processed a further 13 pages of "Category 2" records, which were located after our previous release. One document, totaling 1 page, is being withheld in full pursuant to FOIA exemptions (b)(5) and (b)(7)(A). We are releasing the remaining records, totaling 12 pages, in part. We are releasing 6 pages in full, 5 pages in part with portions redacted under FOIA exemptions (b)(5), (b)(6), and/or (b)(7)(A), and 1 page is redacted in full under exemption (b)(5).

NARA processed 455 pages of "Category 3" records, which consist of internal NARA discussions and communications about the discovery of the Penn Biden Center documents. A total of 380 pages of records are being withheld in full under FOIA exemptions (b)(5) and (b)(7)(A). NARA is releasing the remaining records, totaling 58 pages, in part. We are releasing

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7 pages in full, 50 pages with portions redacted under FOIA exemptions (b)(5), (b)(6), (b)(7)(A) and/or (b)(7)(E), and 1 page is redacted in full under exemption (b)(7)(A).

After consultation with the Federal Bureau of Investigation (FBI) portions of some documents in both categories 2 and 3 are being withheld under FOIA exemptions (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(E).

NARA processed 423 pages of “Category 4” records, which consist of communications between NARA and the Department of Justice (DOJ) about the discovery of the Penn Biden Center documents. These documents are being withheld in full pursuant to FOIA exemptions (b)(5) and (b)(7)(A).

NARA processed 11 pages of “Category 5” records, which consist of communications between NARA and White House Counsel (WHCO) about the discovery of the Penn Biden Center documents. These documents are being withheld in full pursuant to FOIA exemptions (b)(5).

Please consult the landing page for today’s release.

Exemption (b)(5) was asserted in connection with the deliberative process privilege, to protect intra- and inter-agency communications, the disclosure of which would have a chilling effect on the frank exchange of ideas and opinions, causing the quality of agency discussions to suffer. This also protects privileged communications with DOJ and WHCO.

Exemption (b)(6) was asserted to protect the release of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Exemption (b)(7)(A) was asserted to protect the release of information compiled for law enforcement purposes, the disclosure of which could reasonably be expected to harm a law enforcement investigation.

Exemption (b)(7)(C) was asserted to withhold records compiled for law enforcement purposes, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Exemption (b)(7)(E) was asserted to protect information that, if disclosed, could reasonably be expected to risk circumvention of the law.

Thank you for your patience as we continue to process your FOIA request.

Sincerely,

Joseph A. Scanlon
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National Archives and Records Administration
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