



VIA EMAIL

June 28, 2024

Michael Ding
America First Legal Foundation
foia@aflegal.org

Dear Michael Ding:

This letter is in response to your Freedom of Information Act (FOIA) request dated August 9, 2022 for access to Biden Vice Presidential records pertaining to Vice President Biden's Communications with Hunter Biden and James Biden. Your request was received by the Archival Operations Division on August 9, 2022. FOIA requests for Biden Vice Presidential records are processed and reviewed for access under provisions of the 1978 Presidential Records Act, as amended (PRA) (44 U.S.C. §§ 2201-2209), which incorporates the Freedom of Information Act (5 U.S.C. § 552) in substantial part.

We have completed processing approximately 119 Biden Vice Presidential email messages related to this request. Of this total, 111 email messages in whole and 7 email messages in part have been exempted from release in compliance with the restrictions of the PRA and applicable FOIA exemptions, which specify what material may be released to the public. All necessary steps were taken to segregate and release non-exempt information. The 111 email messages in whole and 7 email messages in part restricted from access are listed along with the exemption categories below. Some email messages may be restricted under more than one category.

P5 -1 email message
P6/(b)(6) -8 email messages
PRM - 110 email messages

A list of the PRA restrictions and FOIA exemptions, as well as a copy of the finding aid that describes the processed material are attached.

The remaining 1 email message in whole and 7 email messages in part are available. The released records are available for download at <https://www.archives.gov/research/vice-presidential-records/biden-records>. Click on "Download Zip File" for 2022-0119-F [1], your FOIA case number.

If you need any further assistance, please contact our staff at 202-357-5200 or presidential.materials@nara.gov. Your FOIA case number is 2022-0119-F. Please have this number accessible for reference during any future contact concerning this case.

You may also contact United States Department of Justice Attorney Jacob S. Siler, Jacob.S.Siler@usdoj.gov with any questions about this interim response.

Sincerely,

A handwritten signature in blue ink that reads "Kate Dillon McClure". The signature is written in a cursive style with a large initial 'K' and 'M'.

KATE DILLON MCCLURE
Director
Archival Operations Division

PRA Restrictions and FOIA Exemptions

Presidential Records Act – [44 U.S.C. §2204(a)]

- P1 National security classified information [(a)(1) of the PRA]
 - P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 - P3 Release would violate a Federal statute [(a)(3) of the PRA]
 - P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 - P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 - P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]
- PRM Personal record misfile defined in accordance with 44 U.S.C. 2201(3)

Freedom of Information Act – [5 U.S.C. §552(b)]

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 - (b)(7)(A) Release would disclose information concerning pending or prospective law enforcement proceedings [(b)(7)(A) of the FOIA]
 - (b)(7)(B) Release of information would deprive a person of a right to a fair trial or an impartial adjudication [(b)(7)(B) of the FOIA]
 - (b)(7)(C) Release of information could reasonably be expected to constitute an unwarranted invasion of personal privacy [(b)(7)(C) of the FOIA]
 - (b)(7)(D) Release of information could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, information furnished by a confidential source [(b)(7)(D) of the FOIA]
 - (b)(7)(E) Release of information would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law [(b)(7)(E) of the FOIA]
 - (b)(7)(F) Release of information could reasonably be expected to endanger the life or physical safety of an individual [(b)(7)(F) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



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Inventory for FOIA 2019-0119-F [1]

Records on Vice President Biden's Communications with Hunter and James Biden

Extent

119 email messages

Access

Collection is open to all researchers. Access to Biden Vice Presidential records is governed by the Presidential Records Act, as amended (PRA) (44 USC 2201-2209) and the Freedom of Information Act (FOIA) (5 USC 552, as amended) and therefore may be restricted in whole or in part in accordance with legal restrictions and exemptions.

Copyright

Records in this collection that were prepared by officials of the United States Government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (Title 17, USC) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of the Joseph Biden vice presidency are in the custody of the Archival Operations Division in Washington, DC and are administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act, as amended (PRA).

Processed By

Staff Archivists, March 2024. Previously restricted materials are added as they are released.

Related Collections

2022-0121-F, Archival Operations Division

Scope and Content

The materials in this series are a selective, not necessarily all-inclusive, body of records responsive to the topic of FOIA case 2022-0119-F. This researcher submitted a Freedom of Information Act (FOIA) request for material related to Vice President Biden's communications with Hunter Biden and James Biden and narrowed their request to specific terms and email senders and recipients.

This series consists of email messages involving Vice Presidential staff members from September 1, 2010 to May 25, 2012 sent and received by Hunter Biden at his Rosemont Seneca email addresses. Email communications with Hunter Biden involve Vice Presidential staff members Alan Hoffman, Michele Smith, Fran Person, Nancy Orloff, and Evan Ryan and Rosemont Seneca representatives Eric Schwerin and Ann Marie Person. Topics include the White House 2010 Open House, a schedule for the week of December 12, 2011, remarks by Dr. Biden and Vice President Biden at the 2012 TAPS National Military Survivor Seminar, and staff commentary on news coverage of Vice President Biden.

System of Arrangement

Records responsive to this FOIA request were found in the Biden Vice Presidential Electronic Records collection which includes email messages and electronic files. These records are maintained in the Executive Office of the President instance of the Electronic Records Archive (EOP ERA) which contains electronic records created or received by the administration of President Barack Obama. These electronic records are born-digital files and are primarily .eml, .pdf, .wpd, and .doc files.

The responsive electronic records retrieved from EOP ERA are saved in search results lists (SRLs) and are arranged chronologically by creation date. The following is a list of the SRLs saved and processed in response to FOIA 2022-0119-F [1]:

Biden Vice Presidential Records: Electronic Records**Exchange Email – Hunter Biden, 2009-01-20 to 2012-12-31**

This SRL contains 119 responsive email messages.

Last modified: June 26, 2024