



VIA EMAIL

November 12, 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 294 Biden Vice Presidential email messages related to this request. Of this total, 126 email messages in whole and 99 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 126 email messages in whole and 99 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.

P2/(b)(2) – 4 email messages
P4/(b)(4) – 1 email message
P5 – 14 email messages
P6/(b)(6) – 107 email messages
(b)(7)(E) – 1 email message
PRM – 111 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 69 email messages in whole and 99 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, your FOIA case number, which will take you to a new page with links to the finding aids and records for all released segments of your request. You can then click on the zip files under "Download Zip file" for 2022-0119-F [4]. This completes processing of 2022-0119-F.

If you are unsatisfied with this response, you have the right to file an administrative appeal of the withholding decisions under the exemption categories listed at 44 U.S.C. § 2204(a). The appeal must be submitted in writing to the Director, Archival Operations Division, National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room G-7, Washington, DC 20408-0001. You should also include a copy of your original request and our denial. Both your appeal letter and the envelope should be clearly marked "PRA/FOIA Appeal." To be considered timely, your appeal must be postmarked or electronically submitted within 90 calendar days from the date of this letter

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 "Katherine Dillon McClure". The signature is written in a cursive, flowing style.

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 2022-0119-F[4]

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

Extent

294 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, June 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 from February 26, 2009 to April 1, 2014 with James Biden which include some of the narrowed terms. Email communications with James Biden involve Vice Presidential staff members Nancy Orloff, Kellen Suber and Alexander Mackler. The topics of these email messages relate to event information for a Middle Class Task Force event in Philadelphia, Pennsylvania, an invite from Paul Laudicina to attend his book launch event, forwarding of photos taken by the White House photographer of Vice President Biden with James and Jaimie Biden in his West Wing office, and a forwarded media request from Turner Sports.

This series also contains additional email messages involving Rosemont Seneca Global Advisors from the year 2016 which include narrowed terms. The topics of these email messages relate to scheduling of Vice President Biden and Dr. Biden signing their final tax forms and preparation of Vice President Biden's official public financial disclosure forms for the fiscal year 2015. In addition, topics include scheduling of West Wing tours, a secure international video call between Vice President Biden and Dr. Biden in March 2016, and a photoshoot for Vice President Biden and Hunter Biden's 2016 interview with *Popular Mechanics*.

This series also contains email messages from September 12, 2014 and January 22, 2015 with Sara Biden which include some of the narrowed terms. Email communications with Sara Biden involve Vice Presidential staff members Chris Mackler and Anthony Bernal. The topic of these email messages relate to a photograph taken at the 20th Anniversary of the Violence Against Women Act reception held at the Naval Observatory and the White House issued press statement on the passing of Senator Wendell Ford.

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:

Biden Vice Presidential Records: Electronic Records

Exchange Email – James Biden – 2009-02-26 to 2016-06-17

This SRL contains 6 responsive email messages.

Biden Vice Presidential Records: Electronic Records

Exchange Email – Lion Hall Group LLC – 2009-10-02 to 2016-02-18

This SRL contains 12 responsive email messages.

Biden Vice Presidential Records: Electronic Records

Exchange Email – Rosemont Seneca, Seneca Global Advisors, RSPDC, 2016

This SRL contains 276 responsive email messages.

Last modified: November 8, 2024