



United States Department of the Interior

NATIONAL PARK SERVICE

The Office of Public Trust

1849 C Street, NW
Washington, DC 20240

VIA EMAIL – NO HARD COPY TO FOLLOW

IN REPLY REFER TO:
DOI-NPS-2024-001377
1:24-cv-03117

April 2, 2025

Reed Rubinstein
foia@aflegal.org

In re: American First Legal Foundation v. United States Park Police (1:24-cv-03117)

Dear Reed Rubinstein:

This communication concerns a Freedom of Information Act (FOIA) lawsuit captioned as American First Legal Foundation v. United States Park Police, Civil Action No. 1:24-cv-03117. The National Park Service's Office of Public Trust (OPT) received the Freedom of Information Act (FOIA) request, dated August 1, 2024, assigned control number DOI-NPS-2024-001377. The request seeks:

1. All records and communications mentioning "Palestinian," "Palestine," "Jewish Voice for Peace," "JVP," "ANSWER Coalition," "Palestinian Youth Movement," "PYM," "People's Forum," "Party for Socialism and Liberation," "PSL," "International Jewish Anti-Zionist Network," "IJAN," "Neturei Karta," "Let Gaza Live," "Union Station," or "Columbus Circle."
2. All records or communications relating to preparation, staffing, and resourcing in anticipation of the protests mentioned in Chairman Kenneth Spencer's statement.
3. All records or communications with the Department of Interior or the National Park Service requesting additional preparation, staffing, and resourcing in anticipation of the protests mentioned in Chairman Kenneth Spencer's statement.

Interim Response—[43 C.F.R. §§ 2.22, .23, .24](#)

We are writing to respond to your request. We are providing you with **1 file** consisting of **206 pages**, which are being released to you in full or in part. Portions of these materials are being withheld in part under FOIA Exemptions 6 and 7.

Exemption 6—43 C.F.R. §§ 2.23, .24

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.”

5 U.S.C. § 552(b)(6). We are withholding approximately one hundred and ten (110) pages of the incident details report in part under Exemption 6. The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals, and we are withholding it under Exemption 6.

Exemption 7—43 C.F.R. §§ 2.23, .24

Exemption 7 protects from disclosure “records or information compiled for law enforcement purposes” if the records fall within one or more of six specific bases for withholding set forth in subparts (A) through (F). 5 U.S.C. § 552(b)(7)(A)-(F). We are withholding approximately one hundred and ten (110) pages of the incident details report in part under Exemption 7 because they are protected under the following subparts:

7(C)

Exemption 7(C) protects law enforcement records if their release could reasonably be expected to constitute an unwarranted invasion of personal privacy. It is regularly applied to withhold references to individuals in law enforcement files. For the materials that have been withheld under 7(C), we have determined that releasing them would constitute an unwarranted invasion of privacy because they identify individuals referenced in law enforcement records and the release of this information would not shed light on an agency’s performance of its statutory duties.

7(E)

Exemption 7(E) protects law enforcement records if their release would disclose techniques and procedures for law enforcement investigation or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law. For the materials that have been withheld under 7(E), we have determined that are techniques for law enforcement investigations,” “they are procedures for law enforcement investigations or prosecutions,” or “they are guidelines for law enforcement investigations or prosecutions whose release could reasonably be expected to risk circumvention of the law”.

Kimberly Small, Office of Public Trust Chief is responsible for this partial denial. Serafina Lobsenz, Attorney-Advisor in the Office of the Solicitor was consulted.

Foreseeable Harm

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA’s general rule of disclosure.

We are continuing to review additional records that are responsive to your request.

Should you have any concerns about our production, we will timely communicate through our attorney of record, Bradley Silverman of the U.S. Attorney’s Office.

Sincerely,

Kimberly Small
Chief, Office of Public Trust
National Park Service Visitor and Resource Protection