



Department of Labor

Office of the Secretary
Washington, D.C. 22010

November 17, 2022

Michael Ding
America First Legal Foundation
611 Pennsylvania Ave., SE #231
Washington, DC 20003

Via Email

RE: America First Legal FOIA Request for EO 14019 Strategic Plan (2022-F-10154)

Dear Mr. Ding,

This letter responds to your Freedom of Information Act (FOIA) request of June 10, 2022, in which you requested:

The Department's "strategic plan" that was required by Section 3(b) of Executive Order 14019 (March 7, 2021) on "Promoting Access to Voting," to be submitted to the Assistant to the President for Domestic Policy by September 23, 2021.

Your request was received in our office on June 10, 2022, and it was assigned FOIA tracking number 2022-F-10154.

We have located and reviewed the strategic plan you requested and have determined that it is protected by Exemption 5 of the FOIA, which protects "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency...." 5 U.S.C. § 552(b)(5). The strategic plan is protected in its entirety by the Presidential Communications Privilege, which protects the President's ability to obtain candid and informed opinions from his advisors. In addition, portions of the strategic plan are protected by the deliberative process privilege, which protects the decision-making processes of government agencies.

We reasonably foresee that disclosure would harm an interest protected by Exemption 5. The strategic plan reflects confidential decision-making and deliberations. It reflects frank and open discussions and its contents have been held confidential by all parties. Public dissemination of the plan would expose the presidential decision-making process as well as the Department's in such a way as to discourage candid discussions, and thereby undermine informed decision-making.

If you have any questions concerning this matter, since it is in litigation, please have your attorney contact Laurel H. Lum, U.S. Department of Justice, Civil Division, Federal Programs Branch, (202) 305-8177 (laurel.h.lum@usdoj.gov).

Sincerely,

A handwritten signature in cursive script that reads "Tracey Schaeffer".

Tracey Schaeffer
Director, Management Support Services

cc: Joseph Plick
Rita Sono-Palmer
Laurel Lum, DOJ