

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ENTESAR OSMAN KASHEF, et al.,

Plaintiffs,

-against-

BNP PARIBAS S.A., BNP PARIBAS S.A. NEW  
YORK BRANCH, BNP PARIBAS NORTH  
AMERICA, INC., and DOES 2-10,

Defendants.

Civil No. 1:16-Civ-03228-AJN

Hon. Alison J. Nathan

ECF Case

**REQUEST FOR JUDICIAL NOTICE OF DOCUMENTS AND FACTS IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, Plaintiffs request that the Court take judicial notice of (1) a letter from the office of the New York County District Attorney to counsel for Plaintiffs regarding certain Plaintiffs' requests pursuant to the New York Freedom of Information Law ("FOIL"), (2) a letter from the U.S. Department of Justice, Federal Bureau of Investigation, to counsel for Plaintiffs regarding certain Plaintiffs' requests pursuant to the Freedom of Information Act ("FOIA"), and (3) a letter from the U.S. Department of Justice, Criminal Division, to counsel for Plaintiffs regarding certain Plaintiffs' FOIA. True and correct copies of these letters are attached to the accompanying Declaration of Matthew P. Rand as Exhibits 1, 2, and 3, respectively.

A court may take judicial notice of decisions of administrative agencies and departments of the federal government.<sup>1</sup> Further, a court may also take judicial notice of records of state agencies.<sup>2</sup>

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<sup>1</sup> See *United States Sec. & Exch. Comm'n v. Ustian*, No. 16 C 3885, 2017 WL 365572, at \*12 (N.D. Ill. Jan. 24, 2017) (taking judicial notice of the EPA's FOIA denial letter); see also *Ibrahim v. Dep't of Homeland Sec.*, 669 F.3d 983, 988 (9th Cir. 2012) (taking judicial notice of a State Department letter denying plaintiff's visa application).

### CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that the Court grant this request and take judicial notice of the FOIL and FOIA response letters.

Respectfully submitted,

Dated: Los Angeles, California  
May 22, 2017



Matthew P. Rand

*MCKOOL SMITH, P.C.*  
*Kathryn Lee Crawford (NY SBN 2370443)*  
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*Attorneys for Plaintiffs*

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<sup>2</sup> See *Bryant v. New York State Educ. Dep't*, 692 F.3d 202, 217 (2d Cir. 2012) (taking judicial notice of the State Education Department's investigation).

*Of Counsel:*

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*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ENTESAR OSMAN KASHEF, et al.,

Plaintiffs,

-against-

BNP PARIBAS S.A., BNP PARIBAS S.A. NEW  
YORK BRANCH, BNP PARIBAS NORTH  
AMERICA, INC., and DOES 2-10,

Defendants.

Civil No.: 1:16-Civ-03228-AJN

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**DECLARATION OF MATTHEW P. RAND**

I, MATTHEW P. RAND, make this declaration pursuant to 28 U.S.C. § 1746. I hereby state as follows:

1. I am an associate of the firm of McKool Smith, P.C., and I am admitted to practice before this Court. I am counsel of record for Plaintiffs in the above-entitled action. I respectfully submit this declaration in support of Plaintiffs' Request for Judicial Notice of Documents and Facts in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss the Second Amended Complaint.

2. In connection with this case, certain Plaintiffs have made requests for information under the New York Freedom of Information Law ("FOIL") and the United States Freedom of Information Act ("FOIA").

3. Attached hereto as **Exhibit 1** is a true and correct copy of a letter from the office of the District Attorney of New York County, dated March 27, 2017, responding to certain Plaintiffs' FOIL requests.

4. Attached hereto as **Exhibit 2** is a true and correct copy of a letter from the U.S. Department of Justice, Federal Bureau of Investigation, dated April 4, 2017, responding to

certain Plaintiffs' FOIA requests.

5. Attached hereto as **Exhibit 3** is a true and correct copy of a letter from the U.S. Department of Justice, Criminal Division, dated April 21, 2017, responding to certain Plaintiffs' FOIA requests.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: Los Angeles, California  
May 22, 2017



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Matthew P. Rand

# EXHIBIT 1

District of Attorney of New York County  
FOIL Response dated March 27, 2017

**DISTRICT ATTORNEY**

**COUNTY OF NEW YORK**

**ONE HOGAN PLACE**

**New York, N. Y. 10013**

**(212) 335-9000**



**CYRUS R. VANCE, JR.**  
DISTRICT ATTORNEY

March 27, 2017

Matthew P. Rand, Esq.  
McKool Smith Hennigan  
300 South Grand Avenue, Suite 2900  
Los Angeles, CA 90071

Re: F.O.I.L. Request  
People v. BNP Paribas  
Indictment 2929/2014

Dear Mr. Rand:

I am an Assistant District Attorney in New York County and have been assigned to be the Records Access Officer in connection with your request under the Freedom of Information Law (F.O.I.L.). The request was received by this office on or about March 7, 2017. The letter request also included a copy of the Plea Agreement entered into by BNP Paribas on or about June 29, 2014, and a copy of Exhibit A, Factual Statement, submitted to the New York County Supreme Court (Court) on June 29, 2014, which I have reviewed. On March 7, 2017, I wrote to you indicating that I would be ordering the file associated with the New York County District Attorney's Office (DANY) prosecution of BNP Paribas for review in anticipation of rendering a determination upon your request. On March 16, 2017, I spoke with your colleague, K. Lee Crawford on the telephone. The substance of our conversation focused upon the records which were requested. Additionally, following my conversation with Ms. Crawford, I obtained a copy of the Second Amended Complaint associated with Kashef, et. al. v. BNP Paribas, 16-CV-03228(AJN), and a copy of the Consent Order entered into by BNP Paribas and the New York State Department of Financial Services on or about June 29, 2014, which I have reviewed. I have conferred with fellow ADA Christopher Conroy, Chief of the Major Economic Crimes Bureau with respect to the file DANY maintains on People v. BNP Paribas, Ind. 2929/2014, and am prepared to render a decision upon your request.

At the outset, you must understand that the file maintained by DANY measures in the Terabyte, not boxes. It is an enormous file with thousands and thousands of pages of materials. Said materials were provided to DANY by way of an agreement entered into by DANY and BNP Paribas during the investigation of the case. The agreement included provisions which

explicitly stated that the materials provided by BNP Paribas would not be accessible under F.O.I.L. during the investigation and beyond. Under this agreement, provided records which included records which supported the Factual Statement, the Plea Agreement, and the admissions made during the plea to the Superior Court Information on June 30, 2014.

While DANY recognizes that agreements during an investigation that records cannot be accessible under F.O.I.L. cannot survive challenge should the law not support such arrangements, here the law supports the agreement.

First, pursuant to the Plea Agreement entered into by BNP Paribas with DANY, the investigation of this matter by DANY is ongoing. According to the agreement, the participation and cooperation of BNP Paribas in the matters addressed in the Plea Agreement and the Factual Statement remain pending no matter that BNP Paribas entered a plea of guilty and was sentenced on the matter in 2014. Under the Plea Agreement, BNP Paribas is required to continue to cooperate with DANY, and other investigating agencies, in the continued investigation of the matter as specified in paragraphs 15 and 17. Additionally, I am informed by ADA Christopher Conroy, that the investigation will remain ongoing beyond the three-year Conditional Discharge timeline as proscribed in Paragraph 15 of the Plea Agreement. As this investigation remains pending, access to records by you under F.O.I.L. is denied. Public Officers Law § 87(2)(e)(i) specifically exempts from disclosure any records compiled for law enforcement purposes and which, if disclosed, would interfere with a future judicial proceeding. *See also Matter of Moreno v. New York County Dist. Attorney's Office*, 38 A.D.3d 358 (1st Dept. 2007); *Matter of Legal Aid Society v. New York City Police Dept.*, 274 A.D.2d 207 (1st Dept. 2000); *Matter of Sideri v. Office of District Attorney of New York*, 243 A.D.2d 423 (1st Dept. 1997); and *Matter of Pittari v. Pirro*, 258 A.D.2d 202 (2d Dept. 1999).

Second, even were the investigation not pending, your request fails to specifically describe records which may be accessed under F.O.I.L. Under F.O.I.L., the burden is on the requestor to reasonably describe the documents requested so that they may be located. *See Public Officers Law § 89(3)*; *Matter of Lebron v. Smith*, 40 A.D.3d 515 (1st Dept. 2007); *Mitchell v. Slade*, 173 A.D.2d 226 (1st Dept. 1991); *Konigsberg v. Coughlin*, 68 N.Y.2d 245 (1986). The letter request included Exhibit A which details the Requests under paragraphs 1 through 35. Each paragraph would require me, as the Records Access Officer, to decipher, interpret, decide and conclude whether a record is responsive to your requests for “documents that mention or relate to,” whether a person or entity is in a “conspiracy,” whether something would qualify as a “cover payment,” whether a bank is a “satellite,” and so on. As you can imagine, such requests fail to identify a particular record which you seek. The Records Access Officer cannot make decisions regarding any value, force, or effect any record may have, nor can such an Officer derive meaning from a document. For these reasons, your request is denied.

Third, your request, based upon the nature of DANY’s investigation and your knowledge of the records DANY may possess, would include a vast swath of records which are banking records. Such records, no doubt, include the personal banking records of individuals and business whom have no association with the prosecution of BNP Paribas by DANY. As such,



to provide such records to you would be an unwarranted invasion of privacy to the individual and business account holders which would be revealed. F.O.I.L. protects the release of records that “if disclosed would constitute an unwarranted invasion of personal privacy.” *Public Officers Law* § 87(2)(b); see *New York Committee for Occupational Safety and Health v. Michael Bloomberg, as Mayor of the City of New York, et al.*, 72 A.D.3d 153 (1st Dept. 2010); see also *Matter of Data Tree, LLC v. Romaine*, 9 N.Y.3d 454, 462 (2007), *Matter of Bellamy v. New York Police Dept.*, 59 A.D.3d 353, 354-355 (1st Dept. 2009). As such, your request is denied.

Fourth, as mentioned above, BNP Paribas produced records to DANY voluntary in response to DANY demands and under an agreement that the records not be made available under F.O.I.L. This agreement invoked *Public Officers Law* § 89(5) which recognizes BNP Paribas’ ability to request that records be excepted from disclosure under the trade secret exemption exception. See *Public Officers Law* § 87(2)(d). DANY recognizes that BNP Paribas is a large, multinational, bank which would suffer “substantial competitive injury” should records from the above investigation be revealed to the public domain. *Public Officers Law* § 87(2)(d). Release of such records would also result in a whole cloth revelation in the public domain the nature of the cooperation by BNP Paribas with DANY and how BNP Paribas undertook its responsibility to cooperate in a criminal investigation. And so, besides issues of privacy as detailed above, providing you the records you seek may damage the “confidential nature of the relationship between [BNP Paribas] and its clients.” *Matter of James v. State of New York*, 27 Misc.3d 1223(A) (New York County March 31, 2010). As this is apparent, access to records is denied.

Fifth, with regard to your more specific request for charts, summaries, correspondence, notes, interview notes, and other items which were created by DANY during the investigation and prosecution of this matter, such a request includes access to items which can only be described as attorney work product. The file contains the email and 1st Class Mail correspondence was between persons and the investigating ADAs, as wells as notes, including but not limited to any notes, lists, interview notes, investigative conclusions made by them regarding any documents they received, summaries, and legal research. Such correspondence, notes, and attorney research and summaries can only be assessed as mental impressions, opinions, legal theories, interview notes and communications of an attorney. See CPLR § 3101; see also *John Blair Communications, Inc. v. Reliance Capital Grp.*, 182 A.D.2d 578 (1st Dept. 1992); *Corcoran v. Peat Marwick*, 151 A.D.2d 443 (1st Dept. 1989); *Morgan v. New York State Dept. of Environmental Conservation*, 9 A.D.3d 586 (3d Dept. 2004). As such these items are not discoverable under F.O.I.L. See *Public Officers Law* § 87(2)(a).

Sixth, and finally, your request involves a request for the entire file as it relates to the Bank of Sudan. DANY collected the records you seek during the investigation of BNP Paribas for the purpose of prosecution, and in a manner which should not be revealed in the public domain. Such investigations and the collection of records to prove crimes which were committed by BNP Paribas over a period of time, and in a covert way, involve sensitive investigative techniques which are not typical in the investigation of most crimes. The records were collected and compiled for law enforcement purposes only. *Public Officers Law* § 87(2)(e). Placing such records in the public domain “would identify ... confidential

information relating to criminal investigations, relating to criminal investigations, and nonroutine investigative techniques or procedures,” *Asian American Legal Defense and Educ. Fund v. New York City Police Dep’t*, 125 A.D.3d 531 (1<sup>st</sup> Dept. 2015), and would make it more likely that future violators of the law would tailor their criminal conduct knowing the way in which law enforcement engaged in investigations. *Bellamy v. New York City Police Dep’t*, 59 A.D.3d 535, 355 (1<sup>st</sup> Dept. 2009); *see also Whitely v. New York County Dist. Atty’s Office*, 101 A.D.3d 455 (1<sup>st</sup> Dept. 2012). For these reason, your request is denied.

The Freedom of Information Law Appeals Officer is Assistant District Attorney Patricia J. Bailey, Chief of the Special Litigation Bureau, at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Edelman-Reyes", written in a cursive style.

Karen Edelman-Reyes  
Assistant District Attorney  
Records Access Officer

# EXHIBIT 2

U.S. Department of Justice, FBI, FOIA  
Response dated April 4, 2017



U.S. Department of Justice

**Federal Bureau of Investigation**  
Washington, D.C. 20535

April 4, 2017

MR. MATTHEW P RAND  
MCKOOL SMITH  
SUITE 2900  
300 SOUTH GRAND AVENUE  
LOS ANGELES, CA 90071

FOIPA Request No.: 1362927-000  
Subject: BNP Paribas, S.A  
(Financial transactions for the Sudanese Government  
01/01/95 – Present)

Dear Mr. Rand:

This responds to your Freedom of Information Act (FOIA) request.

The material you requested is located in an investigative file which is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(7)(A). 5 U.S.C. § 552(b)(7)(A) exempts from disclosure:

records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings...

The records responsive to your request are law enforcement records; there is a pending or prospective law enforcement proceeding relevant to these responsive records, and release of the information in these responsive records could reasonably be expected to interfere with enforcement proceedings. For a further explanation of this exemption, see the enclosed Explanation of Exemptions.

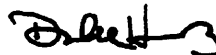
For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing [ogis@nara.gov](mailto:ogis@nara.gov). Alternatively, you may contact the FBI's FOIA Public Liaison by emailing [foipaquestions@ic.fbi.gov](mailto:foipaquestions@ic.fbi.gov). If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)





## FBI FACT SHEET

- The primary functions of the FBI are national security and law enforcement.
- The FBI does not keep a file on every citizen of the United States.
- The FBI was not established until 1908 and we have very few records prior to the 1920s.
- FBI files generally contain reports of FBI investigations of a wide range of matters, including counterterrorism, counter-intelligence, cyber crime, public corruption, civil rights, organized crime, white collar crime, major thefts, violent crime, and applicants.
- The FBI does not issue clearances or non-clearances for anyone other than its own personnel or persons having access to FBI facilities. Background investigations for security clearances are conducted by many different Government agencies. Persons who received a clearance while in the military or employed with some other government agency should contact that entity. Most government agencies have websites which are accessible on the internet which have their contact information.
- An identity history summary check or "rap sheet" is NOT the same as an "FBI file." It is a listing of information taken from fingerprint cards and related documents submitted to the FBI in connection with arrests, federal employment, naturalization or military service. The subject of a "rap sheet" may obtain a copy by submitting a written request to FBI CJIS Division – Summary Request, 1000 Custer Hollow Road, Clarksburg, WV 26306. Along with a specific written request, the individual must submit a new full set of his/her fingerprints in order to locate the record, establish positive identification, and ensure that an individual's records are not disseminated to an unauthorized person. The fingerprint submission must include the subject's name, date and place of birth. There is a required fee of \$18 for this service, which must be submitted by money order or certified check made payable to the Treasury of the United States. A credit card payment option is also available. Forms for this option and additional directions may be obtained by accessing the FBI Web site at [www.fbi.gov/about-us/cjis/identity-history-summary-checks](http://www.fbi.gov/about-us/cjis/identity-history-summary-checks).
- The National Name Check Program (NNCP) conducts a search of the FBI's Universal Index (UNI) to identify any information contained in FBI records that may be associated with an individual and provides the results of that search to a requesting federal, state or local agency. Names are searched in a multitude of combinations and phonetic spellings to ensure all records are located. The NNCP also searches for both "main" and "cross reference" files. A main file is an entry that carries the name corresponding to the subject of a file, while a cross reference is merely a mention of an individual contained in a file. The results from a search of this magnitude can result in several "hits" and "idents" on an individual. In each instance where UNI has identified a name variation or reference, information must be reviewed to determine if it is applicable to the individual in question.
- The Record/Information Dissemination Section (RIDS) searches for records and provides copies of FBI files responsive to Freedom of Information or Privacy Act (FOIPA) requests for information. RIDS provides responsive documents to requesters seeking "reasonably described information." For a FOIPA search, the subject's name, event, activity, or business is searched to determine whether there is an associated investigative file. This is called a "main file search" and differs from the NNCP search.

FOR GENERAL INFORMATION ABOUT THE FBI, VISIT OUR WEBSITE AT  
[www.fbi.gov](http://www.fbi.gov)

**EXPLANATION OF EXEMPTIONS****SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of 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 record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) 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, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

# EXHIBIT 3

U.S. Department of Justice, Criminal  
Division, FOIA Response dated April 21,  
2017





**U.S. Department of Justice**

Criminal Division

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*Office of Enforcement Operations*

*Washington, D.C. 20530*

**VIA Electronic Mail**

April 21, 2017

Matthew Rand, Esq.  
McKool Smith Hennigan, P.C.  
Suite 2900  
300 S. Grand Ave.  
Los Angeles, CA 90071  
[mranda@mckoolsmithhennigan.com](mailto:mranda@mckoolsmithhennigan.com)

Request No. CRM-300572076

Dear Mr. Rand:

This responds to your Freedom of Information Act request dated November 17, 2016 and received in this Office on December 2, 2016 for records concerning the Department of Justice investigation into BNP Paribas, S.A. and its affiliates.

After carefully considering your request, this Office has determined that all responsive records are exempt from disclosure pursuant to Exemption 7(A), which permits withholding records or information compiled for law enforcement purposes when disclosure could reasonably be expected to interfere with enforcement proceedings. 5 U.S.C. § 552(b)(7)(A).

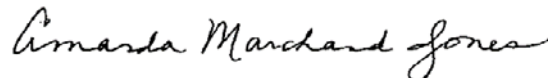
For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison at the (202) 616-0307 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked

or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Amanda Marchand Jones".

Amanda Marchand Jones  
Chief  
FOIA/PA Unit