



UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, DC 20230

SENT BY CERTIFIED MAIL—RETURN RECEIPT REQUESTED

April 13, 2017

Professor Chris Hoofnagle
University of California
Berkeley School of Information
102 South Hall
Berkeley, CA 94720

Re: Tracking Number DOC-ITA-2017-000239

Dear Professor Hoofnagle:

This letter is in response to your Freedom of Information Act (FOIA) request received by the International Trade Administration (ITA) at the U.S. Department of Commerce (Department) on December 1, 2016, via FOIAonline. In your request, on behalf of University of California, Berkeley School of Information, you requested “checklists, guidelines, worksheets, and/or internal records that the Department of Commerce uses in order to perform the following functions under the US-EU Privacy Shield: ‘...removing organizations when they voluntarily withdraw, fail to complete the annual re-certification in accordance with the Department's procedures, or are found to persistently fail to comply.’”

After a thorough search, ITA has determined that we do not maintain the records that you seek. ITA has no obligation to create, compile, or obtain from outside ITA a record to satisfy a request (15 C.F.R. § 4.3(b)).

In accordance with 15 C.F.R. §§ 4.10(a) and (b), you have the right to appeal this determination within 90 calendar days from the date of this letter. The Department deems appeals arriving after normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday) as received on the next normal business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely. The appeal should include a copy of the original request, this response, and a statement of the reasons why you consider the Department made this determination in error. Please mail written appeals to:



Assistant General Counsel for Litigation,
Employment, and Oversight
U.S. Department of Commerce
1401 Constitution Avenue, NW
Room 5875
Washington, DC 20230

You may send an appeal via facsimile to (202) 482-2552, by e-mail to FOIAAppeals@doc.gov, or through FOIAonline at <https://foiaonline.regulations.gov>, if you have a FOIAonline account. Clearly mark "Freedom of Information Act Appeal" on the facsimile cover sheet, in the e-mail subject line, or on both the appeal letter and envelope. The Department does not provide an opportunity for personal appearance, oral argument, or hearing of an appeal.

You may also seek FOIA mediation services offered by the National Archives and Records Administration, Office of Government Information Services. You may contact them by e-mail at ogis@nara.gov, telephone at (202) 741-5770, toll free at 1-877-684-6448, facsimile at (202) 741-5769, or in writing at the following address:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001

If you have any questions regarding this response, please contact me at (202) 482-5436 or at foia@trade.gov.

Victor E. ~~Powers~~
Director
Management Operations
Office of the Chief Financial and
Administrative Officer