July 25, 2022

Marc Rotenberg
Center for AI and Digital Policy
1100 13th St. NW
Suite 800
Washington, DC 20005

Re: OSTP-FOIA-22-080

Dear Mr. Rotenberg:

This interim letter production letter is in response to a Freedom of Information Act (henceforth “FOIA”) request submitted to the Office of Science and Technology Policy (hereinafter “OSTP”) on June 20, 2022. The request specifically sought:

“1) All records, possessed by the agency, concerning the AI Bill of Rights.

2) All records, possessed by the agency, concerning Eric Schmidt’s involvement in the development of the AI Bill of Rights and related AI policy initiatives, including but not limited to, communications involving representatives of Schmidt Futures / Schmidt Ventures, which includes those on the OSTP staff who received funding from Schmidt Futures / Schmidt Ventures.

3) All records, possessed by the agency, concerning the agency’s use of AI to process FOIA requests.”

Upon receipt of the requests, OSTP performed a search of its database and located potentially responsive records that will be produced on a rolling basis. For the first interim production, OSTP is releasing records totaling 197 pages. Additionally, information regarding the AI Bill of Rights can be found here:


And,

1 5 U.S.C. § 552.

The preceding links will also be provided in the email to which this letter will be attached.

After reviewing the records, OSTP determined that they should be released, in part, with certain information withheld pursuant to Exemption Six.² The explanations regarding the claimed exemptions are provided below.

**EXEMPTION SIX**

Exemption Six of the FOIA protects the privacy interests of individuals.³ It permits an agency to protect information within “personal and medical files and similar files” if disclosure “would constitute a clearly unwarranted invasion of personal privacy.”⁴ To determine whether information may be withheld under Exemption Six, an agency must undertake a three-step analysis.

First, the agency must determine whether a protectable privacy interest would be compromised by the disclosure of the record.⁵ If no privacy interest is identified, the information may not be withheld pursuant to the exemption.⁶

Second, the agency must determine whether the release of the document would further the public interest by shedding light on the operations and activities of the government.⁷ In cases where no public interest exists, “even a modest privacy interest,” will outweigh it every time.⁸

Finally, the agency must balance the identified privacy interests against the public interest in disclosure.⁹

Here, direct phone lines, cellular phone numbers and e-mail addresses are being withheld. Individuals, including OSTP employees and employees of other agencies, have

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³ Id.
⁴ Id.
⁵ See *Multi AG Media LLC v. Dep’t of Agric.*, 515 F.3d 1224, 1229 (D.C. Cir. 2008).
⁶ Id.
⁷ See id.
a protectable privacy interest in maintaining the confidentiality of their direct lines, cellular phone numbers and email addresses as their release could potentially subject them to undue harassment by members of the public.

Additionally, release of this information does not shed light on the operations of the Federal government. Accordingly, the privacy interests inherent in the withheld information outweighs the public interest in release, and the information may be withheld pursuant to Exemption Six.10

Accordingly, this completes the processing of the first interim production. The second interim production is tentatively scheduled for a few weeks from today.

Pursuant to the FOIA and OSTP regulations, a requestor may appeal an agency’s decision.11 Any appeal related to the processing of this request must be sent either (1) via email to OSTPFOIA@ostp.eop.gov; or (2) by mail to Chief FOIA Officer, Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Avenue, NW, Washington, D.C 20504.12 In the appeal letter, please specify OSTP-FOIA Control #: 22-080. Any appeal must be sent to one of the above listed addresses no later than ninety (90) calendar days after the date of this letter.13

Please note that requestors have the right to seek dispute resolution services regarding their requests from OSTP’s FOIA Public Liaison or the Office of Government Information Services (hereafter “OGIS”). To employ these services, please contact Rachel Wallace via telephone at (202) 456-4444 or by e-mail at OSTPFOIA@ostp.eop.gov. To contact OGIS, please use the following contact information:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphia Road-OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

If you have any questions, please do not hesitate to contact me via telephone or email.

10 Id.
12 32 C.F.R. § 2402.8(b)(2).
13 5 U.S.C. § 552(a)(6)(A)(i)(III)(aa); Id. at § 2402.8(b)(1).
Sincerely,

RACHEL WALLACE

Rachel Wallace
Deputy General Counsel