



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Mr. Ty Clevenger



Re: Appeal No. DOJ-AP-2017-006396
Request No. 1371509-000
SRO:RCS

VIA: FOIAonline

Dear Mr. Clevenger:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for certain records concerning the Hillary Clinton email server investigation. Specifically, via telephone call with this Office on September 7, 2017, you clarified that you seek records regarding the FBI's obstruction of justice investigation relating to the destruction of certain emails that were stored on Hillary Clinton's email server.

Please be advised that as a result of discussions between FBI personnel and this Office, and in light of your clarification of the scope of your request, this Office is modifying the FBI's response. As confirmed by former Director Comey in his September 27, 2016 testimony before the Senate Committee on Homeland Security and Government Affairs, the FBI looked into whether there was any basis for obstruction of justice, but determined that no case could be brought. This inquiry did not constitute a separate investigation, but was part of the larger inquiry into the Hillary Clinton email server investigation. Accordingly, any records concerning the FBI's investigation of obstruction of justice are currently being processed by the FBI along with the remainder of the Clinton email investigation file. The FBI is publicly posting all releasable records on a rolling basis on the FBI's website at <https://vault.fbi.gov/>. The FBI's Vault Index heading for these records is "Hillary R. Clinton." The FBI will continue to process and post subsequent releases of responsive records until processing of the entire investigative file is complete.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road,

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College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

9/14/2017

X

A handwritten signature in blue ink, appearing to read "Sean O'Neill", is placed over a light gray rectangular background.

Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: OIP