

August 10<sup>th</sup>, 2020

Director, Office of Management Services  
U.S. Agency for International Development  
1300 Pennsylvania Avenue, NW  
USAID Annex, Room 10.08 OD  
Washington, DC 20523

RE: FOIA Request **F-00105-20**

### FOIA APPEAL

Dear Mr. Hand

This is an appeal under the Freedom of Information Act. My request was assigned the following identification number: **F-00105-20**.

On June 1<sup>st</sup> and June 16<sup>th</sup>, 2020, I received two responses to my request via two letters signed by Ms. Sylvia P. Lankford and Mr. Christopher Colbow respectively. I appeal the withholding of the information in response to my FOIA request under *b4* and *b6* exemptions based on the following reasons:

1. The letters state that USAID withheld portions of information based on it being exempt from disclosure under subsection (b)(4) of FOIA which refers to (... *trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential...*). For FOIA purposes, the term "trade secret" has been narrowly defined as "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort." This definition requires that there be a "direct relationship" between the trade secret and the productive process.
2. The information I have requested cannot be withheld pursuant to Exemption 4 as *Commercial or Financial information*, because the submitter and the requested information have no relevant, associated, or potential *commercial interest*.
3. Further, the submitted request could not possibly be expected to interfere with enforcement proceedings -- if any -- as described by FOIA exemption 7(A) of subsection (b); thus, the financial information by itself is not criminal evidence.
4. Also, the request does not ask for access to any investigation or proceeding that involves a possible violation of criminal law, as described in U.S.C. § 552(c) (a). The subject of our investigation is strictly related to both accountability and transparency that ensure an open government.
5. In addition, the withheld information is intended to be obtained not from a private person but from an agreement between public institutions, that is: The Government of the United States of America and the Government of the Bolivarian Republic of Venezuela.
6. Regarding the DOAG agreement, both signatories Ambassador Carlos Vecchio and former USAID Director Mark Green represent public institutions and their signatures certify the

validity of a document. The celebration of this agreement was public and the event covered by the media <https://bit.ly/3jJdDSp> so there is no point to withhold their signatures.

7. Public donations are not private investments. Therefore, the release of public funds for development programs must at least identify all non-governmental bodies receiving public funds or benefits and enforce the disclosure of their accountability.
8. In the same vein, we consider it unacceptable that USAID does not keep records of most of the detailed information on its humanitarian partners such as board of directors, registration numbers, unique identifiers, and compensation. This fact makes accountability difficult and raises many questions about public asset management. Additionally, we consider that identifying USAID operators is critical; thus, withholding this information may lead to erroneous interpretations.

I request that you release the withheld information. The public interest in their release outweighs both public and private interests in withholding them because transparency and accountability are two invaluable aspects of political stability in the United States and within the global community.

Thank you in advance for your consideration of this appeal.

Please confirm upon receipt.

Sincerely,

Filipp A. Rodriguez Loginova

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