Exhibit 7
OMB Response To Administrative Appeal
December 19, 2011

Christopher Soghoian
Center for Applied Cybersecurity Research
Indiana University
PO Box 2266
Washington, DC 20013

Dear Mr. Soghoian:

This responds to your Freedom of Information Act (FOIA) request appeal to the Office of Management and Budget (OMB) dated October 11, 2011, which was received in this office on that day. Your appeal was to OMB’s response dated September 30, 2011, in which OMB replied to your FOIA request dated June 23, 2011. In your FOIA request, you asked for a copy of all communications, documents, and notes from meetings related to discussions between:

- the Office of the U.S. Intellectual Property Enforcement Coordinator (IPEC), which is an office within OMB, and

- any federal agency, the National Cable and Telecommunications Association, AT&T, Verizon, Time Warner Cable, CableVision, Charter Communications, Comcast, and Qwest Communications, The Recording Industry Association of America and Motion Picture Association of America, and any individual record and movie studios regarding graduated responses to subscriber copyright infringement.

In response to your initial request, OMB conducted a search of its files and identified 205 potentially responsive pages.

In OMB’s response dated September 30, 2011, OMB released to you 145 pages in their entirety and withheld the remaining 60 pages, in full or in part, pursuant to FOIA Exemptions 4, 5, and 6, 5 U.S.C. § 552(b)(4), (b)(5), and (b)(6). In that initial response, portions were redacted:

- under Exemption 4, because they constitute voluntary submissions of confidential business information that (according to the organization that submitted the information to IPEC) the businesses would not customarily release to the public;

- under Exemption 5, because they constitute inter-agency or intra-agency pre-decisional deliberative communications (within the Executive Branch), the disclosure of which would inhibit the frank and candid exchange of views that is necessary for effective government decision making; and
under Exemption 6, because their disclosure would constitute a clearly unwarranted invasion of personal privacy (such as in the case of the cell phone numbers and e-mail addresses of individuals).

In your appeal to OMB's response, you state that your appeal is "on the grounds that OMB has applied these exemptions more broadly than FOIA permits, considering that the law favors disclosure and requires that exemptions be narrowly applied."

In response to your appeal, OMB has again reviewed the withheld material, which consisted of 16 pages withheld in full and 44 pages withheld in part. Based on this review, OMB has determined that additional information is appropriate for release:

- Of the 16 pages withheld in full, OMB is releasing portions of 15 pages.
- Of the 44 pages withheld in part, OMB is releasing additional portions of 3 pages.

These 18 pages are enclosed.

As a result of these additional disclosures, the materials that OMB is continuing to withhold consist of the following:

- OMB is withholding one page in full pursuant to Exemption 5. This page constitutes inter-agency or intra-agency pre-decisional deliberative communications, and does not contain any reasonably segregable factual material. The disclosure of this page would inhibit the frank and candid expression of views that is necessary for effective government decision making; and

- OMB is withholding portions of the other 59 pages under Exemptions 4, 5, and 6.

Please note that OMB is redacting the content of two draft memoranda pursuant to Exemption 5 (the unredacted portions, which are being released, identify the draft nature of these documents). In addition, with respect to the material withheld under Exemption 4, OMB has consulted again with the submitter of the information; the organization has confirmed to OMB that the information, which it voluntarily submitted, constitutes confidential business information that the respective parties would not customarily release to the public (in addition, the submitter stated that the release of this information would likely cause one or more of the parties significant harm if disclosed publicly). Finally, we note that, pursuant to Exemption 6, the non-governmental email address of an Executive Branch employee has been redacted. That address was inadvertently used when the email was created and was removed in the next message in the conversation.
Judicial review of my action on your appeal is available to you in accordance with the provisions of 5 U.S.C. § 552(a)(4).

In addition, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer 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. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
Room 251  
8610 Adelphi Road  
College Park, MD 20740-6001  
E-mail: ogis@nara.gov  
Telephone: 301-837-1996  
Facsimile: 301-837-0348  
Toll-free: 1-877-684-6488

Sincerely,

[Signature]

Steven D. Aiiken  
Deputy General Counsel

Enclosures