



August 4, 2014

Matthew R Lee
Inner City Press
PO Box 580188
Mount Carmel Station
Bronx, NY 10458

Dear Mr. Lee:

This pertains to your August 2, 2014 correspondence to the Office of the Comptroller of the Currency (OCC), which was received today and your recent correspondence with my office pertaining to matters of concern to you regarding the Freedom of Information Act, 5 U.S.C. 552.

You stated the following:

“This is an appeal of the evasive denial in full of Inner City Press' request to the OCC for the many portions of Valley National Bank's July 16 submission to the OCC, which Valley National mailed to Inner City Press in redacted form. Inner City Press submitted its request to the OCC challenging whether the redactions comply with FOIA - and instead of reviewing the redactions, the OCC's Marilyn Burton rules that Inner City Press has not requested any records -- this is evasive and absurd, and is hereby appealed. This delay only benefits the applicant bank; there is no confusion which records Inner City Press is requesting. This has happened before the OCC, and stands at odds with how the Federal Reserve, for example, addresses FOIA requests for information redacted by applicant banks.”

Your original letter dated July 26 was received in my office on July 28. Ms. Burton, of my staff, determined that you did not specifically request any records from this office, because it appeared that you had received the redacted materials in question directly from the bank. You were advised of this in Ms. Burton's letter to you dated July 29. You, in fact confirmed this by your comment in today's *“appeal”* which states: *“...Valley National Bank's July 16 submission to the OCC which Valley National mailed to Inner City Press in redacted form.”*

Your request to the bank does not constitute a request filed pursuant to the Freedom of Information Act filed with the OCC and therefore you are not afforded a right of an appeal. Please note: you willfully chose to sidestep the OCC process for

submitting Freedom of Information Act requests. Yet, in today's correspondence you appeal the OCC's denial and accuse Ms. Burton of being both "evasive and absurd."

The bank made its determination to you – but the OCC has neither reviewed the redactions nor attempted to provide any information to you because your letter of July 28 failed to request it under FOIA. You merely challenged the bank's decision to redact portions of the material. This was indeed because of the confusion inserted by you when you made the request directly to the bank for the information you seek – not the OCC in the first place.

As a result of the foregoing, your letter today does not constitute an appeal to the OCC for information since the OCC has not withheld the requested information from you based on your July 28 letter. Further, keep in mind that only agencies of the federal government are subject to the Freedom of Information Act, 5 U.S.C. 552. There are no appeal provisions under 5 U.S.C. 552 for other entities withholding information from you.

If you still seek the requested documents, you may submit a formal request and specify the materials you seek. We will search our files and make a full determination as to their public release pursuant to the Freedom of Information Act and Department of Justice guidelines. Please be as specific as possible when filing your new request. You may submit your request by visiting our FOIA link at <https://foia-pal.occ.gov/palMain.aspx>.

Sincerely,

Frank D. Vance, Jr.

Frank D. Vance, Jr.
Manager, Disclosure Services
& Freedom of Information Act Officer
Disclosure Services

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