



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

May 4, 2022

Mr. Stuart Young


RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **22-00877-FOIA**

Dear Mr. Young:

This letter is a partial response to your request, dated January 2, 2022 and received in this office on January 3, 2022, for (1) access to Bill Hinman's public calendar and (2) a list of the 63 email recipients he discussed the "Hinman speech content" with, or (3) any official SEC meetings Jay Clayton had with Ethereum.

In regards to item 3 of your request, official SEC meetings with former Chairman Jay Clayton are publicly available on the SEC website: <https://www.sec.gov/foia/docs/sec-chair-calendar.htm>

In regards to item 2 of your request, the enclosed seventy-one (71) pages of emails are released with the exception of information withheld under 5 U.S.C. § 552(b)(5) and (b)(6) for the following reasons.

Under Exemption 5, certain responsive information was prepared in anticipation of litigation, forms an integral part of the pre-decisional process, and/or contains advice given to the Commission or senior staff by the Commission's attorneys, it is protected from release by the attorney work-product, deliberative process and/or attorney-client privileges embodied in Exemption 5.

Under Exemption 6, the release of the information would constitute a clearly unwarranted invasion of personal privacy.

In addition, we are withholding the speech drafts in full under Exemption 5, 5 U.S.C. § 552(b)(5). Since certain responsive information was prepared in anticipation of

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litigation, forms an integral part of the pre-decisional process, and/or contains advice given to the Commission or senior staff by the Commission's attorneys, it is protected from release by the attorney work-product, deliberative process and/or attorney-client privileges embodied in Exemption 5. Please be advised that we have considered the foreseeable harm standard in preparing this response.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request_appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

We are consulting with other SEC staff on item 1 of your request, regarding Mr. Hinman's calendar. As soon as we complete our consultation, we will notify you of our findings.

In the interim, if you have any questions, you may contact Jason Luetkenhaus of my staff at luetkenhausj@sec.gov or (202) 551-8352. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,



Adrienne M. Santos
FOIA Branch Chief

Enclosure

ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at ogis@nara.gov. Information concerning services offered by OGIS can be found at their website at [Archives.gov](https://www.archives.gov). Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.