



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

February 23, 2010

MR. CARL MALAMUD
PUBLIC.RESOURCE.ORG, INC.
1005 GRAVENSTEIN HIGHWAY NORTH
SEBASTOPOL, CA 95472

FOIPA Request No. 1133758- 000
Subject: PACER SYSTEM / WESTLAW /
LEXISNEXIS BUDGETS AND CONTRACTS

Dear Mr. Malamud:

This is in reference to your letter directed to the Federal Bureau of Investigation (FBI), in which you requested a fee waiver for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Request for fee waivers are determined on a case-by-case basis. See 5 U.S.C. 552 (a)(4)(A)(iii). See also Nat'l Sec. Archive v. DOD, 808 F.2d 1381, 1383 (D.C. Cir. 1989). The burden is on the requester to show that the statutory requirements for a fee waiver have been met. Pursuant to the Department of Justice (DOJ) standards, a fee waiver can only be granted when it is determined that a FOIPA request involves one or more of the below categories.

You have requested a fee waiver stating that:

- ☒ the subject of the requested records concerns "the operations or activities of the government"
- ☒ the disclosure is "likely to contribute" to an understanding of governmental operations or activities
- ☒ the disclosure of the requested information will contribute to the understanding of the general public, as opposed to the individual requester, and that the requester has the ability and intention to disseminate the information to the public
- ☒ the disclosure is likely to contribute "significantly" to public understanding of government operations or activities
- ☐ the requester has a commercial interest that would be furthered by the requested disclosure; and (6) whether any such commercial interest outweighs the public interest in disclosure. See 28 C.F.R. 16.11§ (k) (2004).

You have not provided enough information concerning the statutory requirements for a fee waiver; therefore, your request is denied. Specifically, you have not provided enough information regarding how the disclosure of the requested information will "contribute significantly" to the public's knowledge and understanding of how much the government spends to access public domain materials.

You may appeal this denial by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C., 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request to facilitate its identification.

Sincerely yours,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division