



AMERICANS FOR LIMITED GOVERNMENT FOUNDATION

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August 17, 2015

Geng Huichang
Minister
Ministry of State Security
14 Dong Chang'an Jie
East District, Beijing 100036
China

Re: Records Request

Dear Mr. Huichang:

According to published reports, the government of China has been intercepting and reading the emails, especially on private non-governmental accounts, of various top level U.S. government personnel.¹ There is reason to believe that the emails of former Secretary of State Hillary Clinton are among those accessed by your government.²

As you may be aware, there is a significant, current controversy regarding the use of a private email server by former Sec. Clinton, and numerous efforts are underway to recover for the U.S. public all emails sent to or received by that server that constitute federal records under our laws.

In an effort to better provide full transparency of Sec. Clinton's federal records as described above, pursuant to the People's Republic of China State Council Order No. 492, I request on behalf of Americans for Limited Government Foundation (ALGF) copies of the records described below. Please provide the following:

All emails in the possession of the Ministry of State Security that were either sent to or received on the domain clintonemail.com or any other non-governmental domain that you have discovered to have been used by Sec. Clinton.

Please provide any such records that were created between January 21, 2009 and February 1, 2013.

¹ See for instance, Robert Windrem, *China Read Emails of Top U.S. Officials*, NBC NEWS, August 10, 2015. Available online at: <http://www.nbcnews.com/news/us-news/china-read-emails-top-us-officials-n406046> (accessed August 17, 2015).

² *Id.*

I request that responsive records be provided in electronic form and emailed to me at nathan@getliberty.org. If the files are too large to email I request that they be provided on either unencrypted CDs or DVDs.

Procedure Regarding Records Exempt from Disclosure

Given the nature of the records requested, I anticipate that the vast majority of any responsive records will be of the type required to be released under State Council Order No. 492. However, in the event that records exist that the Order does not require to be released I request that they be released regardless unless the failure to release such records can be justified based upon sound reasoning related to one of the exemptions or exceptions in Order No. 492 and there is a patently manifest danger of significant harm that would occur from release of such records, *e.g.*, danger to health or safety of an individual.

In the event that records are withheld I request to be provided with the following information:

1. Reason each record is not being produced;
2. Type of record withheld;
3. Subject matter of record withheld; and
4. Date, author, and addressee, if applicable of the record.

Further, I request that the above information be indexed by individual record and provide information sufficient for a reasonable person to be able to ascertain whether the record sought is actually exempt from disclosure.

Request for Waiver of Fees

The information sought by ALGF in this records request will be used to better the public's understanding of how former Sec. Clinton used a private email server to conduct official business while serving as U.S. Secretary of State. As such, the public good that will occur in disclosing the information sought in and of itself weighs strongly in favor of a fee waiver. Further, the information sought is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."³ We regularly publish information on the activities, structure, and operations of the federal government. This information is distributed to a large number of diverse individuals across the entire nation. The records sought are of the type which ALGF regularly provides to the public through its publications and websites, www.getliberty.org and www.netrightdaily.com. As such granting the request to waive fees is in the public interest. In the instant case the records sought will

³ See the U.S. Freedom of Information Act, at 5 U.S.C. § 552(a)(4)(A)(iii).

be used to further the public's understanding of the operations of the former Sec. Clinton's time in office. The records sought will be disseminated widely to parties interested in the workings of the government and as such will not inure primarily to the benefit of the requestor.

Therefore the request for waiver of fees should be granted. In the event that a fee waiver is not granted, please inform me before taking any action that would result in the incurrence of fees by ALGF.

Conclusion

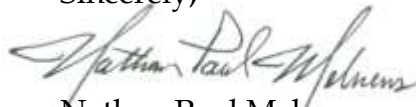
Pursuant to Order No. 492 please provide the requested documents within 15 days. If for some reason all of the requested documents cannot be provided within 15 days I request that documents that are available within the 15 day time period be provided first and that when the remaining documents subsequently become available that they be provided at that time.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of Order No. 492. I will also expect you to release all segregable portions of otherwise exempt material.

If you have any questions regarding this request please contact me at nathan@getliberty.org.

Thank you in advance for your assistance.

Sincerely,



Nathan Paul Mehrens
President and General Counsel

Ref# ALGFOIA2015-049