



Via Portal

December 23, 2022

Bureau of Alcohol, Tobacco, Firearms and Explosives
ATTN: Disclosure Division
99 New York Avenue, NE
Washington, D.C. 20226
Via Portal

**Re: FREEDOM OF INFORMATION ACT REQUEST PERTAINING TO ATF'S
DEMAND LETTER 2 PROGRAM.**

Dear Sir or Madam:

Brady hereby requests the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) produce records pursuant to the provisions of the Freedom of Information Act (FOIA) 5 U.S.C. § 552 et seq. Specifically, Brady requests all Demand Letter 2s issued by ATF to federal firearms licensees in Fiscal Year 22 (October 1, 2021 – September 30, 2022).

FORMAT AND PRODUCTION REQUESTS

The term “document” shall mean all of the following, without limitation and by way of description: (a) all printed materials of every kind whatsoever; (b) all handwritten materials of every kind whatsoever; (c) all materials in electronic media regardless of the forms of such media, including emails; (d) all drafts of subject documents; (e) all documents referenced in subject documents, including those noted as exhibits and attachments, as well as those referenced in the bodies of subject documents or in footnotes to subject documents; (f) all documents, otherwise identified, but containing marginal or other annotations, handwritten or otherwise; (g) all documents in the form of transcripts of meetings and telephone conversations and memoranda of such meetings and telephone conversations, whether printed or handwritten; (h) to the extent not covered by the definitions in (a)-(g), all materials generated by or received by any government employee, consultant or other person having any relationship to the government; (i) to the extent not covered by the definitions in (a)-(h), all materials generated by any person not in the employ of the government, including but not limited to lawyers, foreign government officials of every level, other interested parties and non-parties to any communications on any relevant subject.

FOIA regulations provide that, if some parts of records containing the requested information are exempt from mandatory disclosure, then the non-exempt material shall be

disclosed after the exempt material has been deleted. *See* U.S.C. § 522(b); 28 C.P.R. § 16.6. Accordingly, if you determine that some portion of a record that is otherwise responsive to this request is exempt, please provide a copy of all reasonably segregable, non-exempt portions of the record. If the requested records are not in the possession of the ATF or its agents, we request that ATF identify all federal agencies and/or other individuals and entities believed to possess such documents.

We further request that, pursuant to 5 U.S.C. § 522(a)(3)(B), ATF produce responsive documents in the native electronic format in which the document was created. To the extent that ATF is unable to produce the responsive documents in the requested format, we request confirmation that the record does not exist in native format and production of the documents in the following format, listed in order of our preference: (1) PDF format; or (2) paper copy.

We request that ATF produce these documents within twenty (20) working days as required by FOIA. Additionally, in accordance with Section 7 of the OPEN Government Act of 2007, Pub. L. No. 110-175, and pursuant to Attorney General Holder's FOIA Memorandum of March 19, 2009, we request that ATF provide the individualized tracking number associated with this request should the request take longer than 10 days to process.

FEE WAIVER REQUEST

This request qualifies for a fee waiver because the requested information will be used for a public interest purpose and not for commercial purposes. The Brady Center is a 501(c)(3) nonprofit with the mission to reduce gun violence in America. To advance this mission, Brady uses open records requests to ensure the accountability of the government, to inform evidence-based solutions to reduce gun violence, and to educate the public. Brady makes critical information gathered available to the public website through reports and press releases and our public website, and we often work with the news media to generate articles based on received records. ATF has previously granted Brady (previously known as the Center to Prevent Handgun Violence) a fee waiver in similar circumstances. *See Center to Prevent Handgun Violence v. United States Department of Treasury*, 49 F.Supp.2d 3, 5 (D.D.C. 1999) (acknowledging the ATF's past grant of a fee waiver to Brady for a similar request of ATF records). Similarly, here, Brady asks that the ATF produce the information requested and grant a full public interest fee waiver.

We appreciate your prompt consideration of this request. If you have any questions, or if we can be of any assistance in expediting this request, please contact us at [REDACTED]

Sincerely,

[REDACTED]
[REDACTED]

Brady



Via Portal

August 1, 2023

Bureau of Alcohol, Tobacco, Firearms and Explosives
ATTN: Disclosure Division
99 New York Avenue, NE
Washington, D.C. 20226
Via Portal

Re: FREEDOM OF INFORMATION ACT REQUEST PERTAINING TO DEMAND LETTER 2S ISSUED TO FFLS IN FY22.

Dear Sir or Madam:

Brady hereby requests the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) produce records pursuant to the provisions of the Freedom of Information Act (FOIA) 5 U.S.C. § 552 *et seq.* Specifically, Brady requests all Demand Letter 2s issued by ATF to federal firearms licensees to date in Fiscal Year 2023.

FORMAT AND PRODUCTION REQUESTS

The term “document” shall mean all of the following, without limitation and by way of description: (a) all printed materials of every kind whatsoever; (b) all handwritten materials of every kind whatsoever; (c) all materials in electronic media regardless of the forms of such media, including emails; (d) all drafts of subject documents; (e) all documents referenced in subject documents, including those noted as exhibits and attachments, as well as those referenced in the bodies of subject documents or in footnotes to subject documents; (f) all documents, otherwise identified, but containing marginal or other annotations, handwritten or otherwise; (g) all documents in the form of transcripts of meetings and telephone conversations and memoranda of such meetings and telephone conversations, whether printed or handwritten; (h) to the extent not covered by the definitions in (a)-(g), all materials generated by or received by any government employee, consultant or other person having any relationship to the government; (i) to the extent not covered by the definitions in (a)-(h), all materials generated by any person not in the employ of the government, including but not limited to lawyers, foreign government officials of every level, other interested parties and non-parties to any communications on any relevant subject.

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Brady