FEDERAL FREEDOM OF INFORMATION ACT
FOIA FUNDAMENTALS

1. Presumption
2. Accessibility
3. Exemptions
4. Judicial Review
FOIA FUNDAMENTALS

LETTER

DESCRIBING

AGENCY RECORDS

+ (Sometimes) fees
FOIA FUNDAMENTALS:

• Any Person
• Agency Records
• Federal Agencies
HOW FOIA WORKS

You

Proper Request

Delay > 20 days

Appeal

Agency

Acknowledgement

Determination

Decision

Lawsuit?

Lawsuit?
DRAFTING A REQUEST:

1) What records do you want?
   - No questions
   - No requests to create records
   - Specific vs. Broad

Requests must be in writing.
### NIH FOIA Log - FY 2017

<table>
<thead>
<tr>
<th>Request Id</th>
<th>Organization Name</th>
<th>City</th>
<th>State</th>
<th>Records Requested</th>
<th>Date Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>45612</td>
<td>LSU Health - Shreveport</td>
<td>Shreveport</td>
<td>Louisiana</td>
<td>Copies of 3 NIDDK grants.</td>
<td>10/3/2016</td>
</tr>
<tr>
<td>45614</td>
<td>Individual</td>
<td>Lakeway</td>
<td>Texas</td>
<td>Records relating to the use of the investigational drug Fostrieclin in a human clinical trial sponsored by the NCT's Cancer Therapy Evaluation Program.</td>
<td>10/3/2016</td>
</tr>
<tr>
<td>45615</td>
<td>SAEN</td>
<td>Milford</td>
<td>Ohio</td>
<td>Site visit reports for UTMB (3/1/13-present); Battelle-Ohio (10/1/15-present); and Alpha Genesis-SC (4/1/14-present).</td>
<td>10/3/2016</td>
</tr>
<tr>
<td>45616</td>
<td>UCLA School of Engineering</td>
<td>Los Angeles</td>
<td>California</td>
<td>A copy of NCI grant 1R43CA135915-01.</td>
<td>10/4/2016</td>
</tr>
<tr>
<td>45617</td>
<td>Washington University School of Medicine</td>
<td>St. Louis</td>
<td>Missouri</td>
<td>A copy of NIAID grant K22AI052407.</td>
<td>10/4/2016</td>
</tr>
<tr>
<td>45618</td>
<td>Washington University School of Medicine</td>
<td>St. Louis</td>
<td>Missouri</td>
<td>A copy of NHLBI grant R01HL081398.</td>
<td>10/4/2016</td>
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<tr>
<td>45619</td>
<td>Washington University School of Medicine</td>
<td>St. Louis</td>
<td>Missouri</td>
<td>Copy of NIDDK grant K01DK077878 and summary statement.</td>
<td>10/4/2016</td>
</tr>
<tr>
<td>45620</td>
<td>IMGEN Technologies</td>
<td>Alexandria</td>
<td>Virginia</td>
<td>Data pertaining to all NIH purchases of the Victor model plate reader (model Victor 1, 2, 3 and Victor X) from Perkin Elmer from 1999-2012.</td>
<td>10/3/2016</td>
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<td>45621</td>
<td>Tufts Medical Center</td>
<td>Brookline</td>
<td>Massachusetts</td>
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<td>10/5/2016</td>
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<tr>
<td>45622</td>
<td>Individual</td>
<td>Greenbelt</td>
<td>Maryland</td>
<td>A copy of all emails to and from two NIH employees from May 25, 2016 to June 25, 2016 regarding the NTP radiofrequency study.</td>
<td>10/5/2016</td>
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<tr>
<td>45623</td>
<td>Catenion</td>
<td>Berlin</td>
<td>Other</td>
<td>Copies of the RCDC Thesaurus from 2010-2014.</td>
<td>10/4/2016</td>
</tr>
</tbody>
</table>
...MuckRock.com

https://www.muckrock.com/foi/list/
...news articles

Bloomberg

U.S. Sided With Tax-Avoiding Companies Over Contracting Ban

increased U.S. scrutiny of tax havens. The top executives never left the U.S., and Chief Executive Michael Lamach now runs the company from a suburb of Charlotte, North Carolina. The company makes Club Car golf carts, Trane air conditioners, and Thermo King refrigerated trucks.

Legal Arguments

Ingersoll-Rand provided the memo to Bloomberg News this week on the condition that it not publish the document and that the news organization drop an effort to obtain it through a public-records request filed with Homeland Security last September. Homeland Security had previously disclosed the letter from Principal Deputy General Counsel Joseph Maher endorsing the memo, but fought the release of the memo itself, saying that it contained confidential information that could damage Ingersoll-Rand.
DRAFTING THE REQUEST: SPECIFIC VS. BROAD

• Narrow by:
  • Time
  • Keywords
  • People

• a “page-by-page search” through the “84,000 cubic feet” of documents.

• All records about the requester from all of the IRS’s offices.
DRAFTING A REQUEST:

2) Fee waiver or fee category request?

<table>
<thead>
<tr>
<th>Fees &amp; Categories of Requesters</th>
<th>Search</th>
<th>Review</th>
<th>Duplication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>News media</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&gt;100 pages</td>
</tr>
<tr>
<td>All other</td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>&gt;2 hours</td>
<td></td>
<td>&gt;100 pages</td>
</tr>
</tbody>
</table>
DRAFTING A REQUEST:

Search Fee Schedule

The reproduction fees are $0.10 per page. The current search and review fees are determined by the General Schedule (GS) salary level which is representative of the HHS employee performing the initial search and review services.

Hourly Fees:
- GS 8<: $23
- GS 9-14: $46
- GS 15>: $83

(B) For searches and retrievals of requested records, either manually or electronically, conducted by clerical personnel, the fee will be $4.00 for each quarter hour of time. For searches and retrievals of requested records, either manually or electronically, requiring the use of professional personnel, the fee will be $7.00 for each quarter hour of time. For searches and retrievals of requested records, either manually or electronically, requiring the use of managerial personnel, the fee will be $10.25 for each quarter hour of time.

(C) When searches and retrievals are conducted by contractors, requesters will be charged for the actual charges up but not exceeding the rate which would have been charged had EPA employees conducted the search. The costs of actual computer resource usage in connection with such searches will also be charged, to the extent they can be determined.

(ii) Duplication. Duplication fees will be charged to all requesters, subject to the limitations of paragraph (d) of this section. For either a photocopy or a computer-generated printout of a record (no more than one copy of which need be supplied), the fee will be fifteen (15) cents per page. For electronic forms of duplication, other than a computer-generated printout, offices will charge the direct costs of that duplication. Such direct costs will include the costs of the requested electronic medium on which the copy is to be made and the actual operator time and computer resource usage required to produce the copy, to the extent they can be determined.
DRAFTING A REQUEST:

The Under Secretary of Defense for Acquisition, Technology & Logistics (AT&L), a component of the Office of the Secretary of Defense (OSD), conducted a search of their records systems based on the information provided in your request. Mr. Robert R. Jarrett, Director of Operations, Defense Procurement & Acquisition Policy, and a FOIA Initial Denial Authority, stated that it is possible that contracts that acquired the requested items are present in the Electronic Documents Access (EDA) system; however, there are more than 30 million contracts in EDA, consisting of more than 45 million documents. No method exists for a complete text search of EDA, as some documents are scans of paper copies. The estimated time required to perform the necessary redactions of proprietary data, assuming 20 minutes per document, is estimated to be 15 million labor hours at an estimated cost of $660 million.

DOD response to MuckRock News FOIA request
DRAFTING A REQUEST:

• **Public interest waiver request?**
  Public interest & not primarily in commercial interest of requester. 6 Factors → address & support them all.

• **Representative of the news media:**
  Gathers info of potential interest to public, use editorial skills to turn raw materials into distinct work, distributes that work to an audience.

• **Or:**
  • If there are fees, please inform me before incurring;
  • I am willing to pay up to $----.
DRAFTING A REQUEST:

3) Where to submit the request?


Some agencies use FOIAonline

Follow agency’s FOIA regs.
DRAFTING A REQUEST:
OVERVIEW

- Research - publicly available?
- Reasonably describe:
  - Specific as possible
- Ask for fee waiver/category or warning or set limit
- Follow agency’s rules
- Submit
WHAT CAN YOU GET?
Research Protocols

Protocol for the NICHD Neonatal Research Network

The **SURfactant Positive Airway Pressure and Pulse Oximetry Trial in Extremely Low Birth Weight Infants**

The SUPPORT Trial

Final

August 28, 2004
Revised September 16, 2004
Updated March 28, 2005
Consent Forms

Title of Research: The Surfactant Positive Airway Pressure and Pulse Oximetry Trial in Extremely Low Birth Weight Infants

Investigators: Dr. Wally Carlo and Dr. Namasivayan Ambalavanan

Sponsor: National Institute of Child Health and Development (NICHD)

You are being asked to give your permission for your baby to participate in a study designed to determine if using positive airway pressure during resuscitation after birth helps decrease the severity of lung disease in premature babies. We will also be looking at the ranges of oxygen saturation that are currently being used with these same babies. You and your baby were selected as possible participants because you are less than 28 weeks pregnant and your baby may be born prematurely. The doctors at UAB, along with 15 other centers across the country, are participating in this project sponsored by the by the National Institute of Child Health and Human Development.

This consent form gives you information about the research study, which a member of the research team will discuss with you. This discussion should go over all aspects of this research: its purpose, the procedures that will be performed, any risk of the procedures, and possible benefits. Once you are informed about this study, you will be asked if you want your baby to participate; if so, you will be asked to sign this form.

Introduction
Your baby will be born prematurely and is at risk for a breathing problem called Respiratory Distress Syndrome (RDS). A baby’s lungs are made up of tiny lung sacs; each one is supposed to open and close as the baby breathes in and out. Oxygen is supposed to go in and carbon dioxide is supposed to come out. This works well in full term babies and adults; however, in premature babies, the lung sacs don’t always work this way. Some lung sacs open and close normally; others collapse and stick together when the baby breathes out making it harder for the baby to breathe. Doctors treat this problem with expanding breaths and pressure to keep the lungs slightly inflated between those breaths. Keeping a little air pressure after the baby breathes out (resting pressure) makes it easier for the baby to take the next breath. Sometimes a medication called surfactant is given to try to help keep the lung sacs expanded.

After your baby is born, if he/she needs help breathing, the doctor or nurse will place a resuscitation bag over the baby’s nose and mouth to provide oxygen and manual breaths. The bag is squeezed to force air into the baby’s lungs. The bag and mask may be used to give breaths or give just pressure to keep the lungs inflated between breaths. This resting pressure is called continuous positive airway pressure or CPAP or PEEP.
TO: Betty James Duke  
Administrator  
Health Resources and Services Administration  
Elias Zerhouni, M.D.  
Director  
National Institutes of Health  
Charles Grim, D.D.S., M.H.S.A.  
Director  
Indian Health Service  

FROM: Daniel R. Levinson  
Inspector General  

SUBJECT: HHS Agencies’ Compliance With the National Practitioner Data Bank  
Malpractice Reporting Policy, OEI-12-04-00310  

Attached for your review is our final report examining Department of Health and Human Services (HHS) agencies’ compliance with the medical malpractice reporting requirements of the National Practitioner Data Bank (NPDB). The NPDB, which is managed by the Health Resources and Services Administration (HRSA), receives and maintains records of medical malpractice payments and of adverse actions taken by hospitals, other health care entities, licensure boards, and professional societies against licensed health care practitioners. The NPDB makes these reports available to hospitals, other health care entities, and licensure boards to facilitate their background checks and credentialing.

According to an October 15, 1990, HHS policy directive, all settled or adjudicated HHS
FDA Adverse Event Reports for Drugs

MedWatch: The FDA Safety Information and Adverse Event Reporting Program

Subscribe to MedWatch Safety Alerts
FDA inspection reports of American Red Cross blood banks
Contracts

Courtesy of Kevin Burke, The TSA Randomizer iPad App Cost $1.4 Million
Consumer Complaints

Explaination:
See letter attachment regarding problems obtaining a gate pass to escort 12 year old son to the gate, and to pick him up on his return. DD

Notes:

CASE #: DD2014040153

Case Information:
Status: CLOSED
Received: 04/25/2014

Method: Telephone
Closed: 04/25/2014

Complaint Information:
Complaint Code: GC1920
Airline Code: AS
Airline Name: ALASKA AIRLINES
Airport Name: Vancouver, British Columbia, Canada Vancouver International (YVR)
Flight Type: I
Flight Date: 04/11/2014

Flight Itinerary:
FLT 704 YVR-LAX

Complaint Summary:

Explanation:
Received on the DOT Consumer Compliant Line. Upgraded seats for a full flight to emergency exit seat. When I sat down the seat barely had a cushion. Stuck on plane for hours sitting in this uncomfortable hard seat. Very old plane, signs falling down, loose baggage panel, etc.

Notes:

CASE #: DD2014040154

Courtesy of MuckRock.com
**Consumer Complaints**

All FCC complaints from August 14, 2016, to present regarding Colin Kaepernick and/or the San Francisco 49ers.

<table>
<thead>
<tr>
<th>Submitted</th>
<th>Received via</th>
<th>Requester</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 31, 2016, 8:21 AM</td>
<td>Web Form</td>
<td>(b) (6)</td>
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<th>Priority</th>
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**Broadcast (AM/FM) | Indecency | Phone (where you can be contacted) | City Where Program was Viewed/Heard | Call Sign**

<table>
<thead>
<tr>
<th>State</th>
<th>Zip Code</th>
<th>Time of Issue</th>
<th>Date of Issue</th>
<th>Name of program or DJ</th>
<th>Canton</th>
<th>WNIR</th>
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</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>44703</td>
<td>3:25 PM</td>
<td>Aug 29</td>
<td>Bob Golic</td>
<td></td>
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**State Where Program was Viewed/Heard | Address 1 | City**

<table>
<thead>
<tr>
<th>Ohio</th>
<th>Canton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>Canton</td>
</tr>
</tbody>
</table>

**Filing on Behalf of Someone | No**

**Aug 31, 8:21 AM**

Talk show in Canton, OH is starting to get to comfortable with the statement they are making. They tend to stir the pot. Recently on Monday a radio host, Bob Golic was upset about the situation with quarterback from the 49ers, Kapernik. He made the statement that he would be willing to buy a case of beer to anyone willing to do some harm to him for what he did. CTR98-phone

Consumer would like to remain anonymous.

**Aug 31, 12:31 PM**

Hi
IRS Seizes First, Asks Questions Later
It’s time for Congress to respond.
By LARRY SALZMAN and ROBERT BEDELIAH

When Carole Hinders, 53, a restaurant owner, was accused of withholding Social Security taxes from her employees, she fled. She claims she had much more than she needed for her son’s college education.

IRS agents seized more than $32,000 from her checking account. She was ultimately convicted of wire fraud and sentenced to three years in prison. She has appealed her conviction.

Hinders, who runs a restaurant in Roseburg, Oregon, is one of the few people in the U.S. who have been convicted of wire fraud in recent years. The IRS has been targeting small businesses that have failed to pay their employees’ Social Security contributions.

Since June 1, 2014, the IRS has targeted 1,200 small businesses, seizing more than $1 billion in assets.

New Report Says FDA Allowed ‘High Risk’ Antibiotics to Be Used on Farm Animals
Antibiotic resistance claims 23,000 lives a year in the U.S.—and the overuse of antibiotics in livestock plays a role. Is the FDA doing all it can to protect Americans?

A stark fact: around 80% of the antibiotics by weight used in the U.S. are given to sick human beings, but to farm animals. And for the most part, these drugs aren’t prescribed by veterinarians to save ill pigs or chickens, but instead are administered to animals in low doses in their food and water, for the purpose of growth promotion.

Experts worry that the overuse of antibiotics on livestock is leading to resistant strains of bacteria.

The Washington Post
National Security
Near-collisions between drones, airliners surge, new FAA reports show
By Craig Whitlock November 26, 2014
Pilots around the United States have reported near-collisions with drones in the past six months at a time when the skies to remotely controlled aircraft, according to new reports from the Federal Aviation Administration.

Since June 1, commercial airlines, private pilots which small drones came within a few seconds of an airliner.

Many of the close calls occurred during takeoff.

Primary Sources: How BP Lobbied the EPA to Let it Continue Being a ’Business Partner of the Government’
By Jason Leopold November 12, 2014 | 4:00 pm

The British oil behemoth BP was worried that safety shortcomings that contributed to the 2010 blowout on the Deepwater Horizon would lead federal regulators to strip the company of its business partners.

BP, the disaster that killed 11 workers and spilled hundreds of thousands of barrels of oil into the Gulf of Mexico, BP put together a confidential 72-page lobbying memo to the Environmental Protection Agency (EPA) highlighting all of the changes the company had made to improve safety.

The memo, obtained by The Daily Beast, is a chilling reminder of how BP, which released its final report on the disaster weeks later, was thinking of ways to avoid any federal penalties.

The memo, which was reviewed by the EPA, was drafted by BP’s compliance and risk management lawyer. It was released by the EPA in March 2011, after the company was fined $4 billion in civil penalties for failing to file accurate reports.

The memo discusses the company’s efforts to beef up its safety procedures and meet federal requirements.

The memo includes a section on the company’s efforts to maintain its business relationships.

The memo notes that BP was able to maintain its business relationships with the EPA and other government agencies despite the disaster.

The memo also includes a section on the company’s efforts to maintain its reputation.

The memo notes that BP was able to maintain its reputation despite the disaster.

The memo includes a section on the company’s efforts to maintain its profit margin.

The memo notes that BP was able to maintain its profit margin despite the disaster.

The memo includes a section on the company’s efforts to maintain its stock price.

The memo notes that BP was able to maintain its stock price despite the disaster.

The memo includes a section on the company’s efforts to maintain its executive compensation.

The memo notes that BP was able to maintain its executive compensation despite the disaster.

The memo includes a section on the company’s efforts to maintain its market capitalization.

The memo notes that BP was able to maintain its market capitalization despite the disaster.

The memo includes a section on the company’s efforts to maintain its market value.

The memo notes that BP was able to maintain its market value despite the disaster.

The memo includes a section on the company’s efforts to maintain its market cap.

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The memo includes a section on the company’s efforts to maintain its market liquidity.

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Federal Audits Of Medicare Advantage Reveal Widespread Overcharges

July 10, 2015, 5:03 AM ET

FROM FRED SCHULTE

Medical benefits of dental floss unproven

By JEFF DORN Aug. 2, 2016 2:12 PM EDT

Supplements Can Make You Sick
WHAT DO YOU REALLY WANT?

• Emails between agency officials.
• Drafts of proposed guidance, rules, reports, environmental assessments, studies.
• Communications and memos within the agency on all of those.
To: Frithsen, Jeff[Frithsen.Jeff@epa.gov]
Cc: Smitti, Kelley[Smitti.Kelley@epa.gov]; Briskin, Jeannine[Briskin.Jeannine@epa.gov]; Zambrana, Jose[Zambrana.Jose@epa.gov]; Teichman, Kevin[Teichman.Kevin@epa.gov]; Hubbard, Carolyn[Hubbard.Carolyn@epa.gov]
From: Gibbons, Dayna
Sent: Thur 5/7/2015 4:31:23 PM
Subject: Messaging for the assessment-- Please read-- need your feedback by COB today

Ex. 5

Thanks

202-564-7983
gibbons.dayna@epa.gov
Communications
Office of Research and Development
Exemption 5:

Privileged communications within Executive Branch

• Deliberative Process: Deliberative & Pre-decisional

• Attorney-client & attorney work-product

• Inter-/intra-agency, but some consultants too
Exemption 5:

Deliberative Process Privilege

“the quality of administrative decision-making would be seriously undermined if agencies were forced to operate in a fishbowl.”

Wolfe v. Dep’t of Health & Human Servs., 839 F.2d 768, 773 (D.C. Cir. 1988)
Exemption 5:

• Advisory opinions, recommendations, deliberations, papers that reflect agency’s group thinking in working out policy

• Emails between agency employees

• Briefing materials summarizing issues and advising superiors
Instead of internal memos/emails, ask for:

Communications between outside entities & government agencies
AGENCY DEADLINES

20 working days + unusual circumstances extension

Tolling
AGENCY DEADLINES

The State Department Has Taken Over Three Years On A FOIA Request About How Long It Takes To Process FOIA Requests

CIA Took Three Years To Reject FOIA Request For Criteria For Rejecting FOIA Requests

Both from TechDirt
WHAT CAN YOU DO?

• Consider narrow requests
• Estimated date of completion
• Politely bother them
• Modify scope, rolling production
• Negotiate priority search
• Initial search with sample of docs
July 15, 2015

SENT VIA E-MAIL TO: RCLATTENBURG@CITIZEN.ORG

Rachel Clattenburg
Public Citizen, Inc.
1600 20th Street NW
Washington, DC

Re: 2015-HQFO-00575

Dear Ms. Clattenburg:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated and received in this office on July 8, 2015, and to your request for a waiver of all assessable FOIA fees. Specifically, you requested copies of documents pertaining to:


2) The April 2014 letter from DHS Principal Deputy General Counsel Joseph Maher responding to the March 2013 Ingersoll Rand Memo referenced in the July 6, 2015, Bloomberg Business article; and

3) All records created, received, or maintained by DHS, including cross-references, that pertain to the March 2013 Ingersoll Rand Memo.
AGENCY DETERMINATION

- Scope of what it will produce, exemptions, notice of appeal rights

You have the right to appeal this determination to deny access to information in the Agency’s possession and that no records were found that would be responsive to part of your request. Should you wish to do so, your appeal must be sent within thirty (30) days of receipt of this letter to the Director, News Division, Office of the Assistant Secretary for Public Affairs, United States Department of Health and Human Services, Parklawn Building, Room 19-01, 5600 Fishers Lane, Rockville, MD 20857, following the procedures outlined in Subpart C of the HHS FOIA Regulations. Clearly mark both the envelope and your letter “Freedom of Information Act Appeal.”

In certain circumstances provisions of the FOIA and HHS FOIA Regulations allow us to recover part of the cost of responding to your request. Because no unusual circumstances apply to the processing of your request, there is no charge associated with our response.
APPEALS

• Appeal final “determination”
• Appeal in full
• Deadlines
RESOURCES FOR DRAFTING

• DOJ Guide
• Muckrock.com
• FOIAProject.org
• FOIAmapper.com
• FOIA.gov
• Reporters Committee Guide
• FOIA logs
ADDITIONAL NOTES ON RAFTING THE REQUEST:
NO QUESTIONS & ONLY EXISTING RECORDS

• “Any and all records that identify the number and names of all current and former officials . . . of the U.S. Department of State . . . who used email addresses other than their assigned ‘state.gov’ email addresses to conduct official State Department business.”

Judicial Watch, Inc. v. Dep’t of State, No. 15-CV-690 (RMC), 2016 WL 1367731, at *1 (D.D.C. Apr. 6, 2016)
“records that identify the number and names of all current and former officials”
Additional Notes on Exemptions

**Exemption 1:** classified national security information

**Exemption 2:** internal agency personnel rules & practices

**Exemption 3:** >250 statutes

**Exemption 4:** trade secrets & confidential commercial/financial info submitted to agency.
Exemption 4:

Info submitted from outside entity

• Voluntary or involuntary submission?
• Pricing info in contracts; wage and hour information; technical or manufacturing info; data in drug applications; info that it would be costly for competitors to figure out on their own; raw data in research study; food stamp data
EXEMPTION 6: Personal Privacy

Courtesy of the response to USA Today reporter Brad Heath’s FOIA request
EXEMPTION 6:

**Public interest:** extent disclosure lets public know what government is up to
EXEMPTION 6:

- Names, addresses, telephone numbers, email addresses (sometimes)
- Criminal history rap sheets
- Birth dates, social security numbers, passport information
- Identities of crime victims
EXEMPTION 6:

BUT:

• Names of those who voluntarily submitted comments
• Addresses of farmers who received federal subsidy
• Names of those who violated federal grazing laws
• Most federal employees’ names, titles, grades, salaries, qualifications
EXEMPTION 7:

Records compiled for law enforcement purposes: privacy, techniques and procedures; confidential informants; would interfere with enforcement proceedings; would deprive person of right to fair trial; could endanger the life or physical safety of individual