



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

OFFICE OF THE  
GENERAL COUNSEL

Stop 9613

December 22, 2021

*Via electronic mail*  
[all-deaton@deatonlawfirm.com](mailto:all-deaton@deatonlawfirm.com)

Mr. John E. Deaton, Esq.  
Deaton Law Firm, LLC  
450 North Broadway  
East Providence, RI 02914

Re: Appeal, Freedom of Information Act Request Nos. 21-02639-FOIA & 21-02640-FOIA, designated on appeal as Nos. 22-00077-APPS & 22-00081-APPS

Dear Mr. Deaton:

This responds to your Freedom of Information Act (FOIA) appeals of the FOIA Office's decisions concerning your September 2, 2021 FOIA request for the personal calendars of Walter J. Clayton and William H. Hinman "detailing any meetings and/or appointments attended while acting in their official capacity ... from May 2017 to December 2020, including the meeting/appointment dates, times, locations, and participating individuals."<sup>1</sup>

In response to your request for Director Hinman's calendar, on September 14, 2021, the FOIA Office informed you that "any calendars that may exist were created by staff for their personal use and convenience ... [and] are not agency records and are therefore exempt from the FOIA." By letter dated September 14, 2021, the FOIA Office responded to your request for Chairman Clayton's calendar and advised you that his "calendar is publicly available and posted on the SEC's website." On November 23, 2021, you filed the subject appeals objecting to the FOIA Office's decisions.

I have considered your appeals and have determined that the calendars maintained by Chairman Clayton and Director Hinman are agency records for purposes of the FOIA. I am therefore remanding both requests to the FOIA Office for further processing. The FOIA Office will search for the responsive records and determine the applicability of any FOIA exemptions to such records. You may contact Lizzette Katilius, FOIA Branch Chief, at 202-551-7900, regarding the status of these matters on remand.

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<sup>1</sup> The FOIA Office divided the request into two separate requests and designated them as FOIA Request Nos. 21-02639-FOIA (Hinman's calendar) and 21-02640-FOIA (Clayton's calendar).

If you have any questions concerning my decision, please contact Mark Tallarico, Senior Counsel, at 202-551-5132.

For the Commission  
by delegated authority,

**Sasser, Tracey** Digitally signed by Sasser,  
Tracey  
Date: 2021.12.22 11:01:13 -05'00'

Tracey Sasser  
Associate General Counsel for  
Litigation and Administrative Practice