

- VIA ONLINE APPEAL FORM -

November 23, 2021

FREEDOM OF INFORMATION ACT APPEAL

Securities and Exchange Commission

Office of FOIA Services

ATTN: FOIA Appeals

100 F Street NE

Washington, DC 20549

(202) 772-9337

foiapa@sec.gov

RE: FREEDOM OF INFORMATION ACT APPEAL – REQUEST NO. 21-02639-FOIA

To Whom It May Concern,

This letter serves as an appeal pursuant to 17 C.F.R. § 200.80(f)(1) and 5 U.S.C. § 552(a)(6) under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The above-captioned FOIA Request (“Request”) (Attachment 1), submitted via the Security and Exchange Commission’s (“SEC”) online FOIA Request Form on September 2, 2021, was assigned the following identification number by the Office of FOIA Services on September 3, 2021: **21-02639-FOIA**. (Attachment 2). On September 14, 2021, I received an adverse determination as to my Request in a letter signed by Felecia Taylor, FOIA Lead Research Specialist, wherein the records responsive to my Request were withheld because they “are not agency records and are therefore exempt from the FOIA.” (Attachment 3). I hereby appeal the denial of my Request.

The records requested should be made available under the FOIA as the records requested clearly and specifically ask for the personal calendar of Mr. William H. Hinman (“Mr. Hinman”) detailing any meetings and/or appointments attended while acting in his official capacity as the SEC’s Director of the Division of Corporation Finance from May 2017 to December 2020. The information sought does not ask for any privileged information. The Request only asks for the dates, times, locations, and participating individuals that attended said meetings and/or appointments. The adverse determination was made in error based on a false narrative that Mr. Hinman’s calendar was “created by staff for their personal use and convenience.” In its denial, the SEC also falsely claims that Mr. Hinman’s calendar(s) “were not used to conduct agency business.” The records sought are directly related to agency business. There is no doubt that Mr. Hinman’s calendar was shared with other SEC staff and/or senior personnel. I very seriously doubt that the Office of the Chairman was not forwarded Mr. Hinman’s schedule. I similarly doubt that no other person, other than Mr. Hinman himself, was distributed his calendar and/or portions of his calendar during his tenure as the Director of the Division of Corporation Finance. Mr. Hinman’s schedule and calendar epitomize the types of information that should be produced pursuant to a FOIA request. For example, on June 14, 2018, Mr. Hinman gave a speech in San Francisco, California at the Yahoo Finance All Markets Summit. The contents of this speech are available to the public on the SEC’s website as of the date of this letter. It is truly absurd for the SEC to publish the contents of the speech, just to claim the calendar documenting this particular presentation was solely created “by staff for their personal use and convenience.”

Finally, the SEC publishes the calendar of the Chairman on a routine basis. In fact, in my FOIA Request No. 21-02640-FOIA, the SEC directs me to a link on the SEC’s website that contains Chairman

Walter J. Clayton's calendar. The fact that the Chairman's calendar is published routinely is inconsistent with the SEC's argument related to Mr. Hinman's calendar. Mr. Hinman's calendar was created and maintained by personnel paid by U.S. tax dollars. It would certainly be appropriate that Mr. Hinman's calendar also includes personal information irrelevant to his official duties. In this case, any personal, unrelated information could be redacted. For example, if Mr. Hinman's calendar included a dance recital for his granddaughter, that information could easily be redacted. But to claim that the Director of the Division of Corporation Finance created a personal calendar that was solely utilized for his personal convenience and not utilized by the SEC and SEC personnel is simply ludicrous; hence, the present appeal.

If you wish to discuss this appeal, I can be reached at my office at (401) 351-6400. Thank you in advance for your consideration of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Deaton". The signature is stylized and somewhat cursive, with a large, sweeping flourish at the end.

John E. Deaton, Esq.
Deaton Law Firm LLC
450 North Broadway
East Providence, RI 02914
O: (401) 351-6400
F: (401) 351-6401
all-deaton@deatonlawfirm.com

ATTACHMENT 1

-VIA ONLINE FORM-

September 2, 2021

Freedom of Information Act Officer
Office of FOIA Services
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-2465
(202) 551-7900

Re: Freedom of Information Act (FOIA) Request

To Whom It May Concern,

This letter constitutes a request (“Request”) pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a) et seq. (“FOIA”) and regulations implemented within 17 C.F.R. § 200.80 et seq., submitted by Mr. John E. Deaton, Esq. of the Deaton Law Firm.

I hereby request that a copy of the following documents from the U.S. Securities and Exchange Commission (“SEC”) be provided to me electronically at all-deaton@deatonlawfirm.com or forwarded to my office: The Deaton Law Firm, attn: John Deaton, 450 North Broadway, East Providence, RI 02914.

- Mr. William H. Hinman’s personal calendar detailing any meetings and/or appointments attended while acting in his official capacity as the SEC’s Director of the Division of Corporation Finance from May 2017 to December 2020, including the meeting/appointment dates, times, locations, and participating individuals.
- Mr. Walter J. Clayton’s personal calendar detailing any meetings and/or appointments attended while acting in his official capacity as SEC Chairman from May 2017 to December 2020, including the meeting/appointment dates, times, locations, and participating individuals.

John E. Deaton ^Δ

DEATONLAWFIRM, LLC

450 North Broadway, East Providence, Rhode Island 02914

^Δ Admitted in RI, MA, CT & IA

In order to help determine my status as to assess applicable fees, please note that I am a Proposed Intervenor in the matter of SEC v. Ripple Labs Inc. in the Southern District of New York.

Thank you in advance for your consideration of this Request.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Deaton". The signature is stylized and somewhat cursive, with a large, sweeping flourish at the end.

John E. Deaton, Esq.
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ATTACHMENT 2



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

September 03, 2021

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

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **21-02639-FOIA (1 of 2)**

Dear Mr. Deaton:

This letter is an acknowledgment of your FOIA request dated and received in this office on September 02, 2021, for records regarding **Mr. William H. Hinman's personal calendar detailing any meetings and/or appointments from May 2017 to Dec. 2020.**

Your request has been assigned tracking number 21-02639-FOIA. Your request will be assigned to a Research Specialist for processing and you will be notified of the findings as soon as possible. If you do not receive a response after thirty business days from when we received your request, you have the right to seek dispute resolution services from an SEC FOIA Public Liaison or the Office of Government Information Services (OGIS). A list of SEC FOIA Public Liaisons can be found on our agency website at <https://www.sec.gov/oso/contact/foia-contact.html>. OGIS can be reached at 1-877-684-6448 or Archives.gov or via email at ogis@nara.gov.

In the interim, if you have any questions about your request, you may contact this office by calling (202) 551-7900, or sending an e-mail to foiapa@sec.gov. Please refer to your tracking number when contacting us.

For additional information, please visit our website at www.sec.gov and follow the FOIA link at the bottom.

Sincerely,

Office of FOIA Services

ATTACHMENT 3



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

September 14, 2021

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

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **21-02639-FOIA**

Dear Mr. Deaton:

This letter is in response to your request, dated and received in this office on September 2, 2021, for access to the following documents. Each subject in your request has been assigned a separate tracking number as noted below.

FOIA REQUEST NUMBER	SUBJECT
21-02639-FOIA	Mr. William H. Hinman's personal calendar detailing any meetings and/or appointments attended while acting in his official capacity as the SEC's Director of the Division of Corporation Finance from May 2017 to December 2020, including the meeting/appointment dates, times, locations, and participating individuals.
21-02640-FOIA	Mr. Walter J. Clayton's personal calendar detailing any meetings and/or appointments attended while acting in his official capacity as SEC Chairman from May 2017 to December 2020, including the meeting/appointment dates, times, locations, and participating individuals.

This letter only responds to Request No. 21-02639-FOIA concerning Mr. William H. Hinman.

Mr. John E. Deaton, Esq.
September 14, 2021
Page 2

21-02639-FOIA

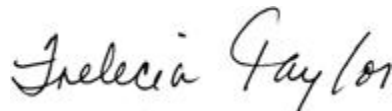
Please note that any calendars that may exist were created by staff for their personal use and convenience. They were not distributed to other employees so they could perform their duties and were not used to conduct agency business. Accordingly, those calendars are not agency records and are therefore exempt from the FOIA.

If you consider this response to be an adverse determination, you have the right to appeal to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request_appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

If you have any questions, please contact me at taylorf@sec.gov or (202) 551-8349. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,



Felecia Taylor
FOIA Lead Research Specialist

Enclosure

ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at ogis@nara.gov. Information concerning services offered by OGIS can be found at their website at [Archives.gov](https://www.archives.gov). Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.