



Issue Date: 10 January 2020

Case No. 2020-MIS-00001

In the Matter of

**ADMINISTRATIVE NOTICE OF
PROACTIVE DISCLOSURE OF FREQUENTLY REQUESTED RECORDS
UNDER THE FREEDOM OF INFORMATION ACT
REGARDING:**

COLLEEN A. GRAHAM,

Complainant

v.

CREDIT SUISSE SECURITIES, et al., ALJ No. 2019-SOX-00040

Respondents.

ADMINISTRATIVE NOTICE

The parties in the above-captioned matter are hereby notified that the Freedom of Information Act (“FOIA”) governs all filings in proceedings before the Office of Administrative Law Judges (“OALJ”), and that proactive disclosure of documents is required under FOIA in certain circumstances for frequently requested records. *See* 5 U.S.C. § 552(a)(2); *Proactive Disclosures of Non-Exempt Agency Information: Making Information Available Without the Need to File a FOIA Request* (U.S. Dept. of Justice, Office of Information Policy (“USDOJ/OIP”) Mar. 16, 2015).

Because of multiple prior FOIA requests, OALJ already has posted materials from *Graham v. Credit Suisse*, 2019-SOX-00040 on the OALJ website at https://www.oalj.dol.gov/FOIA_Frequently_Requested_Records.htm. *See* 5 U.S.C. § 552(a)(2)(D)(ii)(II) (“rule-of-three” posting requirement). This Administrative Notice is to inform the parties that OALJ is continuing to receive media inquiries about the availability of filings in this case. Accordingly, I have determined that the filings in this case are likely to

become the subject of subsequent FOIA requests for substantially the same records, and therefore continuing proactive disclosures are required pursuant to 5 U.S.C. § 552(a)(2)(D)(ii)(I).

The parties are hereby notified that:

1. All filings made, and all documents issued, in *Graham v. Credit Suisse*, 2019-SOX-00040 while the matter is pending before OALJ will be made publicly available on the OALJ website at https://www.oalj.dol.gov/FOIA_Frequently_Requested_Records.htm, even in advance of anticipated FOIA requests.
2. Parties are encouraged to clear up any public access issues about filings with the presiding ALJ **PRIOR TO SUBMISSION** of the document(s) at issue to the presiding judge. Any motions to seal a record under 29 C.F.R. §§ 18.52 and 18.85 should be filed with the presiding ALJ.
3. Parties **must** redact information in compliance with 29 C.F.R. § 18.31 (“Privacy Protection for Filings and Exhibits”) prior to submitting a filing to either the presiding ALJ or the OALJ FOIA Coordinator. The parties should note that there is a significant difference between redactions made to documents prior to filing, which do not need to be justified by a FOIA exemption, and redactions made after filing, which cannot be justified unless a FOIA exemption supports the redaction.

SO NOTICED.

STEPHEN R. HENLEY
Chief Administrative Law Judge