

THE PETTINATO FIRM

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March 18, 2025

Associate Director for Personnel Systems and Oversight
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

RE: FREEDOM OF INFORMATION ACT REQUEST

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and on behalf of Citizens for Constitutional Integrity, a 501(c)(3) nonprofit charity, I am requesting the Office of Personnel Management (OPM) to send copies of the following materials.

1. On February 22, hr@opm.gov sent an email that asked each recipient to “Please reply to this email with approx. 5 bullets of what you accomplished last week and cc your manager.” Please produce all records that OPM received in response to this request.
2. On February 28, OPM sent a second email that asked each recipient to “Please reply to this email with approx. 5 bullets describing what you accomplished last week and cc your manager.” Please produce all records that OPM received in response to this request.

Please email electronic copies of these documents, in a reasonably accessible format, to Jared@JaredPettinato.com. If email will not accommodate them, please send electronic files to this address:

The Pettinato Firm
1802 Vernon St. NW, PMB 620
Washington, DC 20009

Fees

Citizens for Constitutional Integrity hereby request OPM to waive the fees for sending these documents. Disclosing these documents to Citizens will advance the public interest.

FOIA requires production “without any charge” or at a “reduced” charge if disclosure “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). Citizens qualify for a fee waiver.

In particular, as a 501(c)(3) nonprofit charity, Citizens named one of its objectives to improve “government accountability.” OPM designed these emails to accomplish just that objective. Congressman Michael Cloud believes these efforts would advance government accountability. <https://cloud.house.gov/posts/newsletter-doge-is-holding-federal-agencies-accountable>. As NBC News reported, the government will review the emails, so “[t]he AI system will determine whether someone’s work is mission-critical or not.” <https://www.nbcnews.com/politics/doge/federal-workers-agencies-push-back-elon-musks-email-ultimatum-rcna193439>.

Subject Matter

To answer the questions in 5 C.F.R. § 294.109(f)(1) directly, please see the following information.

- (i) *The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the Government”;*

OPM’s emails ask questions only about the operations or activities of the Government, and we are seeking the emails that respond to that request. Therefore, the response seeks records concerning the operations or activities of the Government.

- (ii) *The information value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of Government operations or activities;*

By sending these documents, OPM will contribute significantly to public understanding of the operations or activities of the government. OPM designed its request to elicit responses that provide information on how the government and its employees operate. No cache of information like this exists, and OPM’s FOIA response here will provide more valuable information on government activities than any other FOIA production. As its purpose, OPM’s emails request information that would be useful and would contribute to understanding of the government’s operations.

- (iii) *The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to “public understanding”; and*

Again, the information these documents will provide will better inform the public about its government’s operations than any other set of documents. It will provide granular details never before revealed to the public. OPM designed its email requests to obtain information that would benefit the government’s understanding of each individual’s activities. The public would certainly benefit from that information, as well, to know how the government is spending its time and taxpayer dollars.

- (iv) *The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of Government operations or activities.*

Understanding from each employee’s perspective that individual’s activities from the past week would advance significantly the public’s understanding of the government activities. From these documents, the public will see how each individual’s activities contribute to the whole government’s effectiveness in advancing the public interest. OPM designed the emails to elicit exactly this type of significant information, and it deems that information significant because it expects to make personnel decisions based upon the responses and to seek efficiencies based upon this information.

No Commercial Interest

To answer the questions in 5 C.F.R. § 294.109(f)(2) directly, please see the following information.

- (i) *The existence and magnitude of a commercial interest. Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so-*

Citizens have no commercial interest. They are a 501(c)(3) charitable nonprofit organization, and they do not sell anything in commerce.

- (ii) *The primary interest in disclosure. Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requester.”*

Because Citizens have no commercial interests, it is not possible that any disclosure could be “primarily in the commercial interest of [Citizens].” The balancing test weighs only in favor of disclosure.

Interest and Use

The regulations also request the following information:

- (i) *A clear statement of the requester’s interest in the requested information;*

Citizens named one of its objectives to improve “government accountability.” As a nonprofit, Citizens intend to publish on its website, ConstitutionalIntegrity.org, any documents OPM produces. Moreover, Citizens intend to send notice of the availability of the documents to other nonprofit organizations interested in government oversight.

Citizens intend to use the same AI large-language processing models to analyze the information and to better understand what the government does every week and how it affects the lives of its citizens and otherwise advances the public interest and affects individual citizens. These records will help identify additional activities the government could undertake, and will help identify components that have too little staff to accomplish their objectives. They could also identify other activities that the government takes and which the public has no knowledge.

- (ii) *A clear statement of the use proposed for the information and whether the requester will derive income or other benefit from such use;*

Citizens will derive no income from using the information. It will use the information to inform the public on how the government operates. That will provide the organization no particularized interest because it acts solely and exclusively in the public interest.

- (iii) *A clear statement of how the public will benefit from OPM’s release of the requested information; and*

By requesting responses, OPM believes that review these records would advance its interest, and OPM’s objective reinforces the conclusion that the public would also benefit from reviewing them. As mentioned above, these records could help identify additional activities the government could undertake,

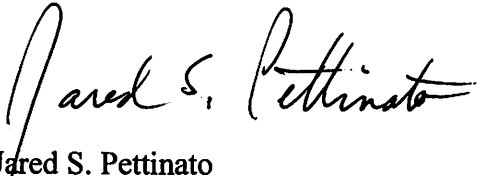
or they could identify components that have too little staff to accomplish their objectives. They could also identify other activities that the government takes and which the public has no knowledge.

- (iv) *If specialized use of the documents is contemplated, a clear statement of the requester's qualifications that are relevant to the specialized use.*

Citizens have engaged statisticians and data scientists in their work. It has otherwise made use of sophisticated mathematical models and analysis. In addition, using the publicly available large-language models to analyze voluminous materials like this would provide the additional materials necessary to analyze it and to produce meaningful information and analyses. Then, Citizens could focus on particular emails and information obtained to inform the public about the government's activities and operations.

Citizens appreciate your help and time. If this raises any questions, please call me at (406) 314-3247.

Sincerely,

A handwritten signature in black ink that reads "Jared S. Pettinato". The signature is fluid and cursive, with the first name "Jared" being more prominent than the last name "Pettinato".

Jared S. Pettinato
Executive Director
Citizens for Constitutional Integrity