



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2736

Office of FOIA Services

February 10, 2011

Mr. Michael Smallberg
Project on Government Oversight
1100 G Street, NW, Suite 900
Washington, DC 20006

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. 11-02968-FOIA

Dear Mr. Smallberg:

This letter is in response to your request, dated January 25, 2011, and received in this office on January 26, 2011, for a copy of all statements filed with the Secretary of the Commission from 1995 to 2010 by former members or employees who, within 2 years after leaving the SEC, were employed or retained by outside parties on matters in which they expected to appear before the SEC, as required by 17 CFR § 200.735-8(b) ("Practice by former members and employees of the Commission"). In our telephone conversation on January 31, 2011, you agreed to narrow the scope of your request for statements filed from 2006 thru 2009, rather than from 1995 to 2010.

Access is granted to the statements (approximately 989 pages) previously released in connection with FOIA request No. 09-05991. For your convenience, we have copied the releasable statements to a compact disk.

We have determined to deny access to certain information exempt from disclosure under 5 U.S.C. § 552(b)(4), (6), 7(A), and (7)(C), 17 CFR § 200.80(b)(4), (6), (7)(A), and (7)(iii), for the reasons described below.

Access is denied to information that is privileged or confidential under Exemption 4, since the release would cause substantial competitive harm to the submitter.

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Staff and third-party names, home addresses, and telephone numbers are protected under Exemptions 6 and 7(C), since release could reasonably be expected to constitute an unwarranted invasion of personal privacy. The names of Commission staff named are also protected from release under FOIA Exemption 7(C). Release of this information could subject the employees to harassment from the public in the performance of their official duties.

Finally, we are withholding other information responsive to your request under 5 U.S.C. § 552(b)(7)(A), 17 CFR § 200.80(b)(7)(i). This exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities. Since Exemption 7(A) protects the records from disclosure, we have not determined if other exemptions apply. Therefore, we reserve the right to assert other exemptions when Exemption 7(A) no longer applies.

Because the underlying circumstances described in the above paragraph may change, we may later disclose some of the exempt records. If you wish, you may request them again six months from the date of this letter.

With respect to the withheld information, you have the right to appeal our decision to our General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(d)(5) and (6). 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.

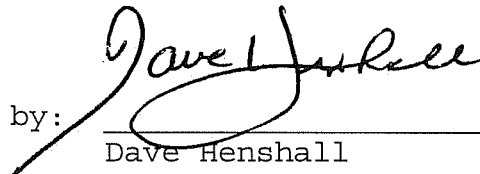
Send your appeal to the FOIA/Privacy Act Office of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2736, Washington, D.C. 20549, or deliver it to Room 1120 at that address. Also, send a copy to the SEC Office of the General Counsel, Mail Stop 9612, or deliver it to Room 1120 at the Station Place address.

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If you have any questions, please contact Ms. Felecia Taylor of my staff at taylorf@sec.gov or (202) 551-8349. You may also contact me at henshalld@sec.gov or (202) 551-8316.

Sincerely,

by: 

Dave Henshall
FOIA Branch Chief

Enclosure