



FBI Tampa, 5525 W. Gray Street, Tampa, FL 33609

June 20, 2016

To whom it may concern:

I am writing concerning requests received pursuant to Florida's Sunshine Act for records and information pertaining to the investigation of the shooting at the Pulse Nightclub in Orlando on June 12, 2016. The Federal Bureau of Investigation ("FBI") has a strong interest in protecting such information and records from public disclosure until such time as the risks associated with their disclosure have expired.

As you know, this is an active, on-going investigation being conducted by the FBI. The FBI considers information obtained from state and local law enforcement agencies in furtherance of its investigation to be evidence, or potential evidence. Accordingly, the FBI is concerned that public disclosure of such records or information at this time will adversely affect our ability to effectively investigate the shooting and bring the matter to resolution; could endanger the safety of witnesses, law enforcement officers, and other individuals who have participated in or are otherwise connected with the investigation; and risks unduly prejudicing any prosecutions that may result from the investigation.

Information pertaining to pending law enforcement investigations is routinely protected from disclosure by federal law under Freedom of Information Act ("FOIA") Exemption 7(A) so that the investigations can proceed without hindrance. *See* 5 U.S.C. §552(b)(7)(A) (protecting records or information compiled for law enforcement purposes where disclosure would adversely affect a pending investigation). Such information is similarly protected under Florida's Sunshine Law, which exempts from public disclosure "active criminal investigative information." *See* FLA. STAT. § 119.71(c)(1). *See also City of Riviera Beach v. Barfield*, 624 So.2d 1135, 1137 (Fla. Dist. Ct. App. 1994) ("[W]hen a criminal justice agency transfers protected information to another criminal justice agency, the information retains its exempt status.").

The FBI, therefore, requests that you direct requesters seeking records or information pertaining to the investigation to the FBI to request such information. We further ask that you immediately notify the FBI of any request your agency receives pursuant to Florida's Sunshine Law or any equivalent law, or other judicial, legislative or administrative process, for records or information pertaining to the FBI's active, on-going investigation so that the FBI can seek to prevent disclosure through appropriate channels, as necessary. Finally, to the extent your agency is obligated to respond to a request under Florida's Sunshine Law for records and information pertaining to the FBI's pending investigation, including information that your agency has provided to the FBI in furtherance of our investigation, we request you withhold the records pursuant to FLA. STAT. § 119.71(c)(1) and any other applicable exemption to help ensure that the FBI's investigation can proceed unimpeded.

Paul Wysopal
Special Agent in Charge
Federal Bureau of Investigation