



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

Office of FOIA Services

June 6, 2024

Ms. Allison Rebadow
History Associates Incorporated
7361 Calhoun Place, Suite 310
Rockville, MD 20855

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **23-03007-FOIA**

Dear Ms. Rebadow:

This letter is our final response to your request, dated July 28, 2023 and received in this office on July 31, 2023, for the following:

"all records created since February 3, 2021 pertaining to Chair Gary Gensler and Silvio Micali, including but not limited to, any communications, whether formal or informal, between Chair Gary Gensler and Silvio Micali, including, meeting minutes, calendar invites, notes, e-mails, and letters, reflecting advice, guidance, positions, interpretations, opinions, or research concerning Algorand, or other Digital Assets, as well as existing or potential regulation or rulemaking for Digital Assets or Digital Asset-related products, services, companies, or any other Digital Asset-related activities."

By email dated January 30, 2024, you narrowed your search to the following search string:

Gensler AND Micali AND (ALGO OR Algorand OR "digital asset" OR crypto* OR "virtual currency" OR blockchain OR token) AND (securit* OR Howey OR Reves OR "Gary Plastic" OR (investment /2 contract))

The enclosed eight (8) pages are released to you with redactions pursuant to 5 U.S.C. § 552(b)(5) and (6), for the following reasons:

Certain responsive information was prepared in anticipation of litigation, forms an integral part of the pre-decisional process, and contains advice given to the SEC or senior staff by the SEC's attorneys. This information is protected from release

by the attorney work-product, deliberative process and/or attorney-client privileges embodied in FOIA Exemption 5.

Pursuant to FOIA Exemption 6, we have withheld SEC staff names, telephone numbers and email addresses. This information is withheld under 5 U.S.C. § 552(b)(6) because the release of this information would constitute a clearly unwarranted invasion of personal privacy.

Please be advised that we have considered the foreseeable harm standard in preparing this response.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision 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 hyde-michaelsc@sec.gov or 202-551-5816. 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,



Carrie Hyde-Michaels
FOIA Branch Chief

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.

From: (b)(6)
Sent: Sat, 18 Feb 2023 21:38:21 -0500
To: Tenreiro, Jorge; Hirsch, David L
Subject: RE: Token review

(b)(5)

From: Tenreiro, Jorge (b)(6) @SEC.GOV>
Sent: Saturday, February 18, 2023 8:51 PM
To: Gensler, Gary (b)(6) @sec.gov>
Subject: RE: Token review

(b)(5)

You too.

From: Gensler, Gary (b)(6) @SEC.GOV>
Sent: Saturday, February 18, 2023 8:50 PM
To: Tenreiro, Jorge (b)(6) @SEC.GOV>
Subject: RE: Token review

(b)(5)

Have a good weekend.

From: Tenreiro, Jorge (b)(6) @SEC.GOV>
Sent: Saturday, February 18, 2023 7:54 PM
To: Gensler, Gary (b)(6) @SEC.GOV>
Subject: RE: Token review

Thx Gary.

From: Gensler, Gary (b)(6) @SEC.GOV>
Sent: Saturday, February 18, 2023 7:39 PM
To: Hirsch, David L (b)(6) @SEC.GOV>; Tenreiro, Jorge (b)(6) @SEC.GOV>; Ingram, Jonathan (b)(6) @SEC.GOV>; Frayer, Corey (b)(6) @SEC.GOV>
Cc: Fischer, Amanda (b)(6) @SEC.GOV>; Gerding, Erik (b)(6) @SEC.GOV>; Suthammanont, Victor (b)(6) @SEC.GOV>; Grewal, Gurbir (b)(6) @SEC.GOV>; Wadhwa, Sanjay (b)(6) @SEC.GOV>; Szczepanik, Valerie (b)(6) @SEC.GOV>; Barbero, Megan (b)(6) @SEC.GOV>
Subject: Token review

Jonathan, Dave, Jorge, & Corey

(b)(5)



(b)(5)

(b)(5)

Gary

From: Gensler, Gary
Sent: Sat, 18 Feb 2023 21:26:07 -0500
To: Tenreiro, Jorge
Subject: RE: Token review

Thanks. Glad if it of assistance.

From: Tenreiro, Jorge <(b)(6)@SEC.GOV>
Sent: Saturday, February 18, 2023 8:51 PM
To: Gensler, Gary <(b)(6)@SEC.GOV>
Subject: RE: Token review

(b)(5)

You too.

From: Gensler, Gary <(b)(6)@SEC.GOV>
Sent: Saturday, February 18, 2023 8:50 PM
To: Tenreiro, Jorge <(b)(6)@SEC.GOV>
Subject: RE: Token review

(b)(5)

Have a good weekend.

From: Tenreiro, Jorge <(b)(6)@SEC.GOV>
Sent: Saturday, February 18, 2023 7:54 PM
To: Gensler, Gary <(b)(6)@SEC.GOV>
Subject: RE: Token review

Thx Gary.

From: Gensler, Gary <(b)(6)@SEC.GOV>
Sent: Saturday, February 18, 2023 7:39 PM
To: Hirsch, David L <(b)(6)@SEC.GOV>; Tenreiro, Jorge <(b)(6)@SEC.GOV>; Ingram, Jonathan <(b)(6)@SEC.GOV>; Frayer, Corey <(b)(6)@SEC.GOV>
Cc: Fischer, Amanda <(b)(6)@SEC.GOV>; Gerding, Erik <(b)(6)@SEC.GOV>; Suthammanont, Victor <(b)(6)@SEC.GOV>; Grewal, Gurbir <(b)(6)@SEC.GOV>; Wadhwa, Sanjay <(b)(6)@SEC.GOV>; Szczepanik, Valerie <(b)(6)@SEC.GOV>; Barbero, Megan <(b)(6)@SEC.GOV>
Subject: Token review

Jonathan, Dave, Jorge, & Corey

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Gary