



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

Office of FOIA Services

September 30, 2015

Mr. Richard Edelman  
Empire State Building Associates LLC  
608 N. Rios Avenue  
Solana Beach, CA 92075

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. 15-02672-FOIA

Dear Mr. Edelman:

This letter responds to your request, dated and received in this office on March 30, 2015, for all consumer complaints concerning Empire State Realty Trust Inc. from March 1, 2012 through December 31, 2013.

Access is granted to the enclosed 2 pages of records, except for a third-party name, telephone number, and other personally identifiable information. This information is being withheld pursuant to Exemption 6 of the FOIA, since its release would constitute a clearly unwarranted invasion of personal privacy.

Additionally, we are withholding 4 pages of records that are contained in the SEC's Tips, Complaints and Referrals (TCR) System in their entirety. These records are protected from release pursuant to 5 U.S.C. § 552(b)(3), (6), (7)(A), (7)(C) and (7)(D), 17 CFR § 200.80(b)(3), (6), (7)(i), (7)(iii) and (7)(iv), for the following reasons:

- Under Exemption 3, certain information is specifically exempted from disclosure by statute. Pursuant to 15 USC § 78u-6, the Commission shall not disclose any information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower.
- Under Exemption 6, the release of the records would constitute a clearly unwarranted invasion of personal privacy.

- Exemption 7(A) protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities.<sup>1</sup>
- Under Exemption 7(C), the release of the records could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- Exemption 7(D) provides protection for records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source which furnished information on a confidential basis.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision within 90 calendar days from the date of this letter 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.

You may file your appeal by completing the online Appeal form located at [https://www.sec.gov/forms/request\\_appeal](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. 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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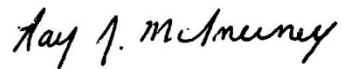
<sup>1</sup> It is the general policy of the Commission to conduct its investigations on a non-public basis. Thus, subject to the provisions of FOIA, the Commission does not disclose the existence or non-existence of an investigation or information gathered unless made a matter of public record in proceedings brought before the Commission or in the courts. Accordingly, the assertion of this exemption should not be construed as an indication by the Commission or its staff that any violations of law have occurred or as a reflection upon any person, entity, or security.

Mr. Richard Edelman  
September 30, 2015  
Page 3

15-02672-FOIA

If you have any questions, please contact Jason Luetkenhaus of my staff at [luetkenhausj@sec.gov](mailto:luetkenhausj@sec.gov) or (202) 551-8352. You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900.

Sincerely,

A handwritten signature in black ink that reads "Ray J. McInerney". The signature is written in a cursive style with a large initial "R".

Ray J. McInerney  
FOIA Branch Chief

Enclosures