



January 20, 2015

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**Re: Freedom of Information Act Request  
Bulk Phone Metadata Database**

To whom it may concern:

This letter is a request under the Freedom of Information Act by the American Civil Liberties Union and the American Civil Liberties Union Foundation (collectively, "ACLU"). This request seeks records regarding the DEA's bulk phone-records collection and database.

The DEA's bulk collection of Americans' phone records was first revealed in a declaration recently filed by the government in *United States v. Hassanshahi* at 2, No. 13-274 (D.D.C. Jan. 15, 2015) (attached as Exhibit A):

This database [redacted] consisted of telecommunications metadata obtained from United States telecommunications service providers pursuant to administrative subpoenas served upon the service providers under the provisions of 21 U.S.C. § 876. This metadata related to international telephone calls originating in the United States and calling [redacted] designated foreign countries, one of which was Iran, that were determined to have a demonstrated nexus to international drug trafficking and related criminal activities.

The government's filings in *Hassanshahi* make clear that agencies other than the DEA—including the Department of Homeland Security—also had access to this bulk phone-records database.

The DEA's phone-records program has already generated significant public interest.<sup>1</sup> This is no doubt due in large part to the extraordinary public interest now focused on the NSA's bulk collection of Americans' phone

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<sup>1</sup> See, e.g., Devlin Barrett, *Justice Department Kept Secret Telephone Database*, Wall St. J., Jan. 16, 2015, <http://www.wsj.com/articles/justice-department-kept-secret-telephone-database-1421427624>; Michael S. Schmidt & Matt Apuzzo, *U.S. Discloses New Trove of Phone Call Records*, N.Y. Times, Jan. 16, 2015, [http://www.nytimes.com/2015/01/17/us/dea-kept-telephone-records-on-americans-justice-department-says.html?\\_r=0](http://www.nytimes.com/2015/01/17/us/dea-kept-telephone-records-on-americans-justice-department-says.html?_r=0); Spencer S. Hsu & Ellen Nakashima, *U.S. Kept Secret Law Enforcement Database of Americans' Calls Overseas Until 2013*, Wash. Post, Jan. 16, 2015, [http://www.washingtonpost.com/world/national-security/us-kept-secret-law-enforcement-database-of-americans-calls-overseas-until-2013/2015/01/16/a471df92-9dad-11e4-96cc-e858eba91ced\\_story.html](http://www.washingtonpost.com/world/national-security/us-kept-secret-law-enforcement-database-of-americans-calls-overseas-until-2013/2015/01/16/a471df92-9dad-11e4-96cc-e858eba91ced_story.html).

records.<sup>2</sup> Since the NSA's bulk collection program was revealed—through government documents disclosed by Edward Snowden—there has been an unprecedented and wide-ranging public debate about the extent to which the government should amass Americans' private information in massive government databases. The recent revelation of the DEA's bulk phone-records program is a crucial part of that debate, and yet the public has little information about the program beyond the spare details contained in the declaration quoted above.

This request seeks to fill those gaps in knowledge.

### **I. Records Requested**

Please provide copies of records containing:

1. Policies, procedures, formal or informal guidance, and legal analysis relating to the DEA's bulk phone-records program and/or database described above.
2. Communications to Congress relating to the DEA's bulk phone-records program and/or database described above.
3. The applications or demands used by the government to obtain the phone records stored in the database; any related non-disclosure orders or requests; and any objections or challenges to those applications, demands, or non-disclosure orders or requests.
4. Communications, memoranda, or directives relating to the DEA's decision to end its bulk phone-records collection under 21 U.S.C. § 876 in September 2013, or to destroy the database described above.

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<sup>2</sup> See, e.g., Mattathias Schwartz, *The Whole Haystack*, New Yorker, Jan. 26, 2015, <http://www.newyorker.com/magazine/2015/01/26/whole-haystack>; Joe Palazzolo, *NSA Phone-Data Collection Program Set for Legal Challenge*, Wall St. J., Sept. 14, 2014, <http://www.wsj.com/articles/nsa-phone-data-collection-program-set-for-legal-challenge-1409613200>; Ellen Nakashima & Ann e. Marimow, *Judge: NSA's Collecting of Phone Records Is Probably Unconstitutional*, Charlie Savage, *Obama to Call for End to N.S.A.'s Bulk Data Collection*, N.Y. Times, Mar. 24, 2014, <http://www.nytimes.com/2014/03/25/us/obama-to-see-nsa-curb-on-call-data.html>; <http://www.newyorker.com/magazine/2015/01/26/whole-haystack>.

5. Policies, procedures, practices, formal or informal guidance, and legal analysis relating to precursor, subsequent, or related databases, including but not limited to the “DICE” database.<sup>3</sup>
6. Court filings, orders, or opinions relating to the DEA’s bulk phone-records program and/or database described above.
7. The case name, docket number, and court of all criminal prosecutions, current or past, for which the database was queried by any agency.

The Request encompasses records designated as drafts or non-final, except where such records have resulted in a final policy or memorandum processed as responsive to the Request.

Pursuant to 5 U.S.C. § 552(a)(3)(B), we request that the records be produced in their native file format or, barring that, in text-searchable image files, with one record per file.

## **II. Application for Expedited Processing**

We request expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E), 28 C.F.R. § 16.5(d), and 6 C.F.R. § 5.5(d). There is a “compelling need” for these records, as defined in the statute and regulations, because the information requested is urgently needed by an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity. 5 U.S.C. § 552(a)(6)(E)(v); 28 C.F.R. § 16.5 (d)(1)(ii); 6 C.F.R. § 5.5(d)(1)(ii).

- a. The ACLU is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The ACLU is “primarily engaged in disseminating information” within the meaning of the statute and regulations. 5 U.S.C. § 552(a)(6)(E)(v)(II); 28 C.F.R. § 16.5 (d)(1)(ii); 6 C.F.R. § 5.5(d)(1)(ii); *see ACLU v. Dep’t of Justice*, 321 F. Supp. 2d 24, 30 n.5 (D.D.C. 2004) (finding that a non-profit, public-interest group that “gathers information of potential interest to a segment of

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<sup>3</sup> Spencer S. Hsu & Ellen Nakashima, *U.S. Kept Secret Law Enforcement Database of Americans’ Calls Overseas Until 2013*, Wash. Post, Jan. 16, 2015, [http://www.washingtonpost.com/world/national-security/us-kept-secret-law-enforcement-database-of-americans-calls-overseas-until-2013/2015/01/16/a471df92-9dad-11e4-96cc-e858eba91ced\\_story.html](http://www.washingtonpost.com/world/national-security/us-kept-secret-law-enforcement-database-of-americans-calls-overseas-until-2013/2015/01/16/a471df92-9dad-11e4-96cc-e858eba91ced_story.html) (describing the “DICE” database).

the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” is “primarily engaged in disseminating information” (internal citation omitted)); *see also Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005) (finding Leadership Conference—whose mission is “to serve as the site of record for relevant and up-to-the-minute civil rights news and information” and to “disseminate[] information regarding civil rights and voting rights to educate the public [and] promote effective civil rights laws”—to be “primarily engaged in the dissemination of information”).

Dissemination of information about actual or alleged government activity is a critical and substantial component of the ACLU’s mission and work. The ACLU disseminates this information to educate the public and promote the protection of civil liberties. The ACLU’s regular means of disseminating and editorializing information obtained through FOIA requests include: a print magazine distributed to over 350,000 ACLU members; email updates to 1.1 million subscribers; published reports, books, pamphlets, and fact sheets; a widely read blog that attracts more than 40,000 unique visitors per month; heavily visited websites; and an online video series with over 10,000 subscribers.

The ACLU also regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other breaking news.<sup>4</sup>

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<sup>4</sup> *See, e.g.*, Release, American Civil Liberties Union, *Documents Show FBI Monitored Bay Area Occupy Movement*, Sept. 14, 2012, <http://www.aclu.org/node/36742>; Press Release, American Civil Liberties Union, *FOIA Documents Show FBI Using “Mosque Outreach” for Intelligence Gathering*, Mar. 27, 2012, <http://www.aclu.org/national-security/foia-documents-show-fbi-using-mosque-outreach-intelligence-gathering>; Press Release, American Civil Liberties Union, *FOIA Documents Show FBI Illegally Collecting Intelligence Under Guise of “Community Outreach,”* Dec. 1, 2011, <http://www.aclu.org/national-security/foia-documents-show-fbi-illegally-collecting-intelligence-under-guise-community>; Press Release, American Civil Liberties Union, *FOIA Documents from FBI Show Unconstitutional Racial Profiling*, Oct. 20, 2011, <http://www.aclu.org/national-security/foia-documents-fbi-show-unconstitutional-racial-profiling>; Press Release, American Civil Liberties Union, *Documents Obtained by ACLU Show Sexual Abuse of Immigration Detainees is Widespread National Problem*, Oct. 19, 2011, <http://www.aclu.org/immigrants-rights-prisoners-rights-prisoners-rights/documents-obtained-aclu-show-sexual-abuse>; Press Release, American Civil Liberties Union, *New Evidence of Abuse at Bagram Underscores Need for Full Disclosure About Prison, Says ACLU*, June 24, 2009, <http://www.aclu.org/national-security/new-evidence-abuse-bagram-underscores-need-full-disclosure-about-prison-says-aclu>.

ACLU attorneys are interviewed frequently for news stories about documents released through ACLU FOIA requests.<sup>5</sup>

The ACLU website specifically includes features on information about actual or alleged government activity obtained through FOIA. For example, the ACLU maintains an online “Torture Database,” a compilation of over 100,000 FOIA documents that allows researchers and the public to conduct sophisticated searches of FOIA documents relating to government policies on rendition, detention, and interrogation. The ACLU also maintains a “Torture FOIA” webpage containing commentary about the ACLU’s FOIA request, press releases, and analysis of the FOIA documents. (That webpage also notes that the ACLU, in collaboration with Columbia University Press, has published a book about the documents obtained through FOIA. See Jameel Jaffer & Amrit Singh, *Administration of Torture: A Documentary Record from Washington to Abu Ghraib and Beyond* (Columbia Univ. Press 2007)). Similarly, the ACLU’s webpage about the Office of Legal Counsel (“OLC”) torture memos obtained through FOIA contains commentary and analysis of the memos; an original, comprehensive chart summarizing the memos; links to web features created by ProPublica (an independent, non-profit, investigative-journalism organization) based on the ACLU’s information gathering, research, and analysis; and ACLU videos about the memos. In addition to websites, the ACLU has produced an in-depth television series on civil liberties, which has included analysis and explanation of information the ACLU has obtained through FOIA.

The ACLU plans to analyze and disseminate to the public the information gathered through this Request. The record requested is not sought for commercial use, and the Requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.

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<sup>5</sup> See, e.g., Carrie Johnson, *Delay in Releasing CIA Report Is Sought; Justice Dep’t Wants More Time to Review IG’s Findings on Detainee Treatment*, Wash. Post, June 20, 2009 (quoting ACLU staff attorney Amrit Singh); Peter Finn & Julie Tate, *CIA Mistaken on ‘High-Value’ Detainee, Document Shows*, Wash. Post, June 16, 2009 (quoting ACLU staff attorney Ben Wizner); Scott Shane, *Lawsuits Force Disclosures by C.I.A.*, N.Y. Times, June 10, 2009 (quoting ACLU National Security Project director Jameel Jaffer); Joby Warrick, *Like FBI, CIA Has Used Secret ‘Letters,’* Wash. Post, Jan. 25, 2008 (quoting ACLU staff attorney Melissa Goodman).

b. *The record sought is urgently needed to inform the public about actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity; moreover, this document relates to a breaking news story of general public interest.

We make this Request to further the public's understanding of the DEA's bulk collection, storage, and use of phone metadata. National news stories have highlighted the significance of these programs for the public record. *See, e.g.,* Devlin Barrett, *Justice Department Kept Secret Telephone Database*, Wall St. J., Jan. 16, 2015, <http://www.wsj.com/articles/justice-department-kept-secret-telephone-database-1421427624>; Michael S. Schmidt & Matt Apuzzo, U.S. Discloses New Trove of Phone Call Records, N.Y. Times, Jan. 16, 2015, [http://www.nytimes.com/2015/01/17/us/dea-kept-telephone-records-on-americans-justice-department-says.html?\\_r=0](http://www.nytimes.com/2015/01/17/us/dea-kept-telephone-records-on-americans-justice-department-says.html?_r=0); Spencer S. Hsu & Ellen Nakashima, U.S. Kept Secret Law Enforcement Database of Americans' Calls Overseas Until 2013, Wash. Post, Jan. 16, 2015, [http://www.washingtonpost.com/world/national-security/us-kept-secret-law-enforcement-database-of-americans-calls-overseas-until-2013/2015/01/16/a471df92-9dad-11e4-96cc-e858eba91ced\\_story.html](http://www.washingtonpost.com/world/national-security/us-kept-secret-law-enforcement-database-of-americans-calls-overseas-until-2013/2015/01/16/a471df92-9dad-11e4-96cc-e858eba91ced_story.html). National news outlets and the public maintain great interest in learning about this database. The news story is still developing.

### **III. Limitation of Processing Fees**

The ACLU requests a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) (“[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by . . . a representative of the news media . . .”), 28 C.F.R. § 16.11(c)(1)(i), (c)(3), (d)(1) (search and review fees shall not be charged to representatives of “the news media”), and 6 C.F.R. § 5.11(c)(1)(i), 5.11(c)(3), 5.11(d)(1) (search and review fees shall not be charged to representatives of “the news media”). As a representative of the news media, the ACLU fits within this statutory and regulatory mandate. Fees associated with the processing of this request should, therefore, be limited accordingly.

The ACLU meets the definition of a representative of the news media because it is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” *Nat’l Sec. Archive v. U.S. Dep’t of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Dissemination of information to the public is a critical and substantial component of the ACLU's mission and work. Specifically, the ACLU publishes newsletters, news briefings, right-to-know documents, and other educational and informational materials that are broadly disseminated to the public. Such material is widely available to everyone, including individuals, tax-exempt organizations, not-for-profit groups, law students, and faculty, for no cost or for a nominal fee through its communications department and web site. The web site addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The website's blog attracts more than 40,000 unique visitors per month. The website specifically includes features on information obtained through the FOIA. For example, the ACLU's "Accountability for Torture FOIA" webpage, <http://www.aclu.org/torturefoia>, contains commentary about the ACLU's FOIA request for documents related to the treatment of detainees, press releases, analysis of the FOIA documents disclosed, and an advanced search engine permitting webpage visitors to search the documents obtained through the FOIA. *See Judicial Watch, Inc. v. U.S. Dep't of Justice*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch to be a news-media requester because it posted documents obtained through FOIA on its website).

The ACLU publishes a newsletter at least twice a year that reports on and analyzes civil-liberties-related current events. The newsletter is distributed to over 350,000 members. The ACLU also sends email updates to 1.1 million. Both of these newsletters often include descriptions and analyses of information obtained from the government through FOIA, as well as information about cases, governmental policies, pending legislation, abuses of constitutional rights, and polling data. *Cf. Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 13–14 (D.D.C. 2003) (finding the Electronic Privacy Information Center to be a representative of the news media under Department of Defense regulations because it published a "bi-weekly electronic newsletter that is distributed to over 15,000 readers" about "court cases and legal challenges, government policies, legislation, civil rights, surveys and polls, legislation, privacy abuses, international issues, and trends and technological advancements").



The ACLU also regularly publishes books,<sup>6</sup> “know your rights” publications,<sup>7</sup> fact sheets,<sup>8</sup> and educational brochures and pamphlets designed to educate the public about civil liberties issues and governmental policies that implicate civil rights and liberties. These materials are specifically designed to be educational and widely disseminated to the public. *See Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d at 11 (finding the Electronic Privacy Information Center to be a news-media requester because of its publication and distribution of seven books on privacy, technology, and civil liberties).

Depending on the results of this request, the ACLU plans to “disseminate the information” it receives “among the public” through these kinds of publications in these kinds of channels. The ACLU is therefore a news media entity.

Disclosure is not in the ACLU’s commercial interest. The ACLU is a “non-profit, non-partisan, public interest organization.” *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (citation and internal quotations omitted) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requesters.’”). Any information disclosed by the ACLU as a result of this FOIA will be available to the public at no cost.

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<sup>6</sup> Some of the recent books published by the ACLU include: Susan N. Herman, *Taking Liberties: The War on Terror and the Erosion of American Democracy* (Oxford Univ. Press 2011); Lenora M. Lapidus, Emily J. Martin & Namita Luthra, *The Rights of Women: The Authoritative ACLU Guide to Women’s Rights* (NYU Press 4th ed. 2009); Jameel Jaffer & Amrit Singh, *Administration of Torture: A Documentary Record from Washington to Abu Ghraib and Beyond* (Columbia Univ. Press 2007) (a book based on documents obtained through FOIA).

<sup>7</sup> Some of the more recent “know your rights” publications include: ACLU, *Know Your Rights: Demonstrations and Protests* (Nov. 2011), available at [http://www.aclu.org/files/assets/kyr\\_protests.pdf](http://www.aclu.org/files/assets/kyr_protests.pdf); ACLU, *Gender-Based Violence & Harassment: Your School, Your Rights* (May 2011), available at [http://www.aclu.org/files/assets/genderbasedviolence\\_factsheet\\_0.pdf](http://www.aclu.org/files/assets/genderbasedviolence_factsheet_0.pdf); ACLU, *Know Your Rights: What to Do If You’re Stopped by Police, Immigration Agents or the FBI* (June 2010), available at [http://www.aclu.org/files/assets/bustcard\\_eng\\_20100630.pdf](http://www.aclu.org/files/assets/bustcard_eng_20100630.pdf).

<sup>8</sup> See, e.g., ACLU, *Military Abortion Ban in Cases of Rape and Incest (Factsheet)* (2011), available at <http://www.aclu.org/reproductive-freedom/military-abortion-ban-cases-rape-and-incest-factsheet>; ACLU, *The Facts About “The No Taxpayer Funding For Abortion Act”* (2011), available at [http://www.aclu.org/files/assets/Chris\\_Smith\\_bill-ACLU\\_Fact\\_Sheet-UPDATED-4-30-11.pdf](http://www.aclu.org/files/assets/Chris_Smith_bill-ACLU_Fact_Sheet-UPDATED-4-30-11.pdf); ACLU, *Fact Sheet on H.R. 3, the No Taxpayer Funding for Abortion Act* (2011), available at <http://www.aclu.org/reproductive-freedom/fact-sheet-br-3-no-taxpayer-funding-abortion-act>.

#### IV. Waiver of All Costs

The ACLU additionally requests a waiver of all costs pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) (“Documents shall be furnished without any charge . . . if disclosure of the information 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.”), 28 C.F.R. § 16.11(k), 6 C.F.R. § 5.11(k)(1)(i)-(ii).

The requested information will “contribute significantly to public understanding.” *Id.* Disclosure of the requested information will help the American public better understand the tradeoffs between law enforcement needs and citizens’ privacy. The public needs more information about the creation and use of massive government databases. The public has already demonstrated a strong interest in learning more about this technology, as is apparent by the escalating amount of press coverage devoted to this issue since Edward Snowden’s revelations.

As a nonprofit 501(c)(3) organization and “representative of the news media,” the ACLU is well-situated to disseminate information it gains from this request to the general public and to groups that protect constitutional rights. Because the ACLU meets the test for a fee waiver, fees associated with responding to FOIA requests are regularly waived for the ACLU.<sup>9</sup>

\* \* \*

Pursuant to applicable statute and regulations, we expect a determination regarding expedited processing within ten calendar days. *See* 5 U.S.C. § 552(a)(6)(E)(ii)(I). Pursuant to 5 U.S.C. § 552(a)(7)(B)(ii), we request “an estimated date on which the agency will complete action on the request.”

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<sup>9</sup> For example, in June 2011, the National Security Division of the Department of Justice granted a fee waiver to the ACLU with respect to a request for documents relating to the interpretation and implementation of a section of the PATRIOT Act. In October 2010, the Department of the Navy granted a fee waiver to the ACLU with respect to a request for documents regarding the deaths of detainees in U.S. custody. In January 2009, the CIA granted a fee waiver with respect to the same request. In March 2009, the State Department granted a fee waiver to the ACLU with regard to a FOIA request submitted in December 2008. The Department of Justice granted a fee waiver to the ACLU with regard to the same FOIA request. In November 2006, the Department of Health and Human Services granted a fee waiver to the ACLU with regard to a FOIA request submitted in November of 2006.

If the request is denied in whole or in part, we ask that you justify all withholdings by reference to specific exemptions to FOIA. We also ask that you release all segregable portions of otherwise exempt material.

We reserve the right to appeal a decision to withhold any information or to deny expedited processing or a waiver of fees.

Thank you for your prompt attention to this matter. Please furnish all applicable records to:

Alex Abdo  
Staff Attorney  
American Civil Liberties Union Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION

Sincerely,



Alex Abdo  
Staff Attorney  
American Civil Liberties Union Foundation

# EXHIBIT A

**LAW ENFORCEMENT SENSITIVE**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	Criminal No.: 13-274 (RC)
	:	
v.	:	
	:	
SHANTIA HASSANSHAH,	:	<i>Ex Parte</i> Pursuant to Court Order
	:	Filed Under Seal
Defendant.	:	
	:	

**DECLARATION OF ROBERT PATTERSON**

1. I am an Assistant Special Agent in Charge at the United States Drug Enforcement Administration (“DEA”), which is a component of the Department of Justice. I have held this position for 8 years. Based on my current role within DEA, I am familiar with the database that is described below. This declaration is based on my personal knowledge and on information that has been provided to me in my official capacity.

2. I make this declaration in response to this Court’s December 1, 2014 Order directing the government to “provide the Court with an *ex parte* declaration summarizing the contours of the law enforcement database used by Homeland Security Investigations to discover Hassanshahi’s phone number, including any limitations on how and when the database may be used.” I understand that the phone number referenced in the Court’s Order as “Hassanshahi’s phone number” is 818-971-9512 (hereinafter, “the 818 number”).

3. As described in the previously filed, public affidavit of Joshua J. Akronowitz, Government investigators learned that there was reason to believe that Iranian telephone number 982144406457 (hereinafter, “the Iranian number”) was relevant to an ongoing federal criminal investigation. The Iranian number was queried in a federal law enforcement database [REDACTED] [REDACTED] the database indicated that a call had been placed from the 818 number to the Iranian number.

**LAW ENFORCEMENT SENSITIVE**

4. This database [REDACTED] consisted of telecommunications metadata obtained from United States telecommunications service providers pursuant to administrative subpoenas served upon the service providers under the provisions of 21 U.S.C. § 876. This metadata related to international telephone calls originating in the United States and calling [REDACTED] designated foreign countries, one of which was Iran, that were determined to have a demonstrated nexus to international drug trafficking and related criminal activities. This metadata consisted exclusively of the initiating telephone number; the receiving telephone number; the date, time, and duration of the call; and the method by which the call was billed. No subscriber information or other personal identifying information was included in this database. No communication content was included in this database.

5. As noted, this database was a federal law enforcement database. It could be used to query a telephone number where federal law enforcement officials had a reasonable articulable suspicion that the telephone number at issue was related to an ongoing federal criminal investigation. The Iranian number was determined to meet this standard based on specific information indicating that the Iranian number was being used for the purpose of importing technological goods to Iran in violation of United States law.

6. Use of the [REDACTED] database [REDACTED] that returned the 818 number was suspended in September 2013.<sup>1</sup> This database [REDACTED] is no longer being queried for

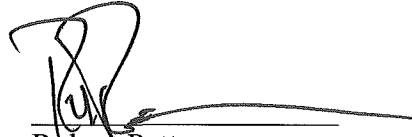
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<sup>1</sup> [REDACTED]

**LAW ENFORCEMENT SENSITIVE**

investigatory purposes, and information is no longer being collected in bulk pursuant to 21 U.S.C. § 876.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to be 'R. Patterson', written over a horizontal line.

Robert Patterson  
Assistant Special Agent in Charge  
U.S. Drug Enforcement Administration