



**U.S. Department of Justice**

National Security Division

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*Washington, D.C. 20530*

May 1, 2015  
NSD FOI/PA #14-177

Mr. Alexander Abdo  
American Civil Liberties Union Foundation  
125 Broad Street 18<sup>th</sup> Floor  
New York, NY 10004-2400

Dear Mr. Abdo:

This letter further responds to your July 29, 2014 Freedom of Information Act (FOIA)/Privacy Act (PA) request.

Your July 29, 2014 request sought the following:

- (1) Formal regulations or policies relating to any agency's authority under EO 12,333 to undertake "Electronic Surveillance" (as that term is defined in EO 12,333) that implicates "United States Persons" (as that term is defined in EO 12,333), including regulations or policies relating to the acquisition, retention, dissemination, or use of information or communications to, from, or about United States Persons under such authority.
- (2) Records that officially authorize or modify under EO 12,333 any agency's use of specific programs, techniques, or types of Electronic Surveillance that implicate United States Persons, including official rules or procedures for the acquisition, retention, dissemination, or use of information or communications to, from, or about United States persons under such authority generally or in the context of particular programs, techniques, or types of Electronic Surveillance.
- (3) Formal legal opinions addressing any agency's authority under EO 12,333 to undertake specific programs, techniques, or types of Electronic Surveillance that implicates United States Persons, including formal legal opinions relating to the acquisition, retention, dissemination, or use of information or communications to, from, or about United States Persons under such authority generally or in the context of particular programs, techniques, or types of Electronic Surveillance.



- (4) Formal training materials or reference materials (such as handbooks, presentations, or manuals) that expound on or explain how any agency implements its authority under EO 12,333 to undertake Electronic Surveillance that implicates United States Persons, including the acquisition, retention, dissemination, or use of information or communications to, from, or about United States Persons under such authority.
- (5) Formal reports relating to Electronic Surveillance under EO 12,333 implicating United States Persons that contain any meaningful discussion of (1) any agency's compliance, in undertaking such surveillance, with EO 12,333, its implementing regulations, the Foreign Intelligence Surveillance Act, or the Fourth Amendment; or (2) any agency's interception, acquisition, scanning, or collection of the communications of United States Persons, whether "incidental" or otherwise, in undertaking such surveillance; and that are or were:
  - (a) Authored by an inspector general or the functional equivalent thereof;
  - (b) Submitted to Congress, the Office of the Director of National Intelligence, the Attorney General, or the Deputy Attorney General;  
or
  - (c) Maintained by the office of the Assistant Attorney General for National Security.

This request was assigned NSD FOI/PA #14-177.

We have completed processing pursuant to FOIA 66 records responsive to your July 29, 2014 request. 6 of those records are being released in full, another 9 are being withheld in part and released in part, and the remaining 51 are being withheld in full. The withholdings are being made pursuant to one or more of the following FOIA exemptions set forth in 5 U.S.C. § 552(b):

(1), which permits the withholding of information properly classified pursuant to Executive Order No. 13526;

(3), which permits the withholding of information specifically exempted from disclosure by statute;

(5), which permits the withholding of agency memorandums or letters containing privileged information

(6), which permits the withholding of information whose disclosure would constitute an unwarranted invasion of personal privacy;

(7)(C), which permits the withholding of law enforcement information whose disclosure would constitute an unwarranted invasion of personal privacy; and,

(7)(E), which permits the withholding of techniques and procedures for law enforcement investigations or prosecutions whose disclosure could risk circumvention of the law.

All released records are Bates numbered as NSD000094 to NSD000405.

As this case is in litigation, we are omitting our standard appeals paragraph.

Sincerely,

A handwritten signature in black ink, appearing to read 'SK', is positioned above the typed name.

Susan Kim  
Attorney Advisor