

16 MAY 2011



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE GENERAL COUNSEL

May 11, 2011

Re: Freedom of Information Act (FOIA) Request No.

The United States Patent and Trademark Office (USPTO) FOIA Office received your e-mail dated April 17, 2011, in which you requested, under the provisions of the Freedom of Information Act, 5 U.S.C. § 552, a copy of:

Records related to the seizure of employee hard drives of people who accessed the Wikileaks website and documents circa November/December 2010.

The United States Patent and Trademark Office identified four pages of documents that are responsive to your request. A copy of this material is enclosed.

The processing fee was less than \$20.00, and is hereby waived.

Sincerely,

A handwritten signature in black ink, appearing to read "Karon E. Seldon".

Karon E. Seldon
FOIA Specialist

Enclosure

Security Investigations

Started cleaning Wikileaks hard drives.

Grabbed another hard drive from a user that went to a wikileaks mirror site late last week.

Conley, David

From: Counsel, General
Sent: Monday, December 06, 2010 11:08 AM
To: Broadcast, DOC
Subject: Follow-up Guidance on WikiLeaks

Last week, you received notice from the Department's Office of CIO and Office of Security reminding you that, even though the classified government documents released by Wikileaks have been posted online and discussed widely in the media, they remain classified and have to be treated as such by federal employees and contractors.

We received additional guidance from OMB on Friday (which you may have read about over the weekend) about obligations for treatment of classified information and the use of non-classified government information technology systems. OMB's guidance appears below.

Cameron F. Kerry
General Counsel
United States Department of Commerce
1401 Constitution Avenue, NW, Room 5870
Washington, DC 20230

tel: 202-482-4772
email: generalcounsel@doc.gov
web: www.ogc.doc.gov

- Except as authorized by their agencies and pursuant to agency procedures, federal employees or contractors shall not, while using computers or other devices (such as Blackberries or Smart Phones) that access the web on non-classified government systems, access documents that are marked classified (including classified documents publicly available on the WikiLeaks and other websites), as doing so risks that material still classified will be placed onto non-classified systems. This requirement applies to access that occurs either through agency or contractor computers, or through employees' or contractors' personally owned computers that access non-classified government systems. This requirement does not restrict employee or contractor access to non-classified, publicly available news reports (and other non-classified material) that may in turn discuss classified material, as distinguished from access to underlying documents that themselves are marked classified (including if the underlying classified documents are available on public websites or otherwise in the public domain).
- Federal employees or contractors shall not access classified material unless a favorable determination of the person's eligibility for access has been made by an agency head or the agency head's designee, the person has signed and approved non-disclosure agreement, the person has a need to know the information, and the person has received contemporaneous training on the proper safeguarding of classified information and on the criminal, civil, and administrative sanctions that may be imposed on an individual who fails to protect classified information from unauthorized disclosure.

- Classified information shall not be removed from official premises or disclosed without proper authorization.
- Federal employees and contractors who believe they may have inadvertently accessed or downloaded classified or sensitive information on computers that access the web via non-classified government systems, or without prior authorization, should contact their information security offices for assistance.

Conley, David

From: Broadcast, DOC
Sent: Wednesday, December 01, 2010 10:57 AM
To: Broadcast, DOC
Subject: Guidance regarding WikiLeaks

To: All Commerce Employees and Contractors

Recent reports indicate that a number of government documents have been posted on the WikiLeaks website. These documents may or may not contain information that is considered National Security Information (classified information) and as such, the information is NOT authorized for downloading, viewing, printing, processing, copying, or transmitting via non-classified Government-issued computers, laptops, blackberries, or other communication devices and is not an authorized use of DOC IT equipment. Doing so would introduce potentially classified information onto our unclassified networks and represent a potential security incident.

There has been a rumor that the information is no longer classified since it resides in the public domain. This is NOT true. Executive Order 13526, Section I.1(4)(2) states "Classified Information shall not be declassified automatically as a result of any unauthorized disclosure of identical or similar information." The information was neither properly nor improperly "declassified" by the appropriate authority and requires continued classification or reclassification.

Please do not attempt to access any of the WikiLeaks documents via the WikiLeaks website or through other websites hosting those documents because these documents may contain classified information. Accessing the WikiLeaks documents will lead to sanitization of your PC to remove any potentially classified information from the system and result in possible data loss.

If you have questions regarding this broadcast or have accessed the WikiLeaks documents, please contact the DOC Computer Incident Response Team at email doc-cirt@doc.gov or call (202) 482-4000.

This message was authorized by the Office of Secretary OSY/OCIO.

Please do not reply to this message. The broadcast email account is not monitored for incoming mail.