

6 JANUARY 2014



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 75087A
30 December 2013

Mr. John Young
Cryptome.org
251 West 89th Street
New York, NY 10024

Dear Mr. Young:

This is an interim response to your Freedom of Information Act (FOIA) request submitted via the Internet on 27 September 2013, which was received by this office on 30 September 2013, for the following information:

- 1) "any and all information about the alleged copying of the entire IC Intellipedia by Edward Snowden and
- 2) selected files from Intellipedia on the subjects of communications security (COMSEC), communications intelligence (COMINT), and signals intelligence (SIGINT), the selections to be the oldest, mid-aged, and newest."

A copy of your request is enclosed. As provided in our initial response, dated 24 October 2013, your request has been assigned Case Number 75087. Please refer to this case number when contacting us about your request. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. As such, you are allowed 2 hours of search and the duplication of 100 pages at no cost. At this time, there are no assessable fees for this request.

Regarding Item 1 of your request, any potentially responsive documents relating to any specific inquiry or allegations regarding Edward Snowden's activities would be exempt of disclosure under FOIA because it is an ongoing investigation. Specifically, Exemption 7 of the FOIA protects from disclosure records or information compiled for law enforcement purposes. This includes information that, if released, could interfere with enforcement proceedings, or would reveal law enforcement techniques or procedures. The information withheld under (b)(7)(A), and (b)(7)(E), meets the threshold requirements for withholding under exemption 7 of the FOIA.

In addition, regarding the specific information sought about what materials Edward Snowden did or did not have access to or copy, we have determined that the fact of the existence or non-existence of the materials you request is a currently and properly classified matter in accordance with Executive Order 13526, as set forth in Subparagraph (c) of Section 1.4. Thus, your request is denied pursuant to the first exemption of the FOIA which provides that the FOIA does not apply to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign relations and are, in fact properly classified pursuant to such Executive Order.

Moreover, the third exemption of the FOIA provides for the withholding of information specifically protected from disclosure by statute. Thus, the first part of your request is also denied because the fact of the existence or non-existence of the information is exempted from disclosure pursuant to the third exemption. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i) (formerly Title 50 U.S. Code 403-1(i)); and Section 6, Public Law 86-36 (50 U.S. Code 3605, formerly 50 U.S. Code 402 note).

The Initial Denial Authority for NSA information is the Associate Director for Policy and Records, David J. Sherman. As item 1 of your request is being denied, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days of the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the adverse determination and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes that the determination is unwarranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Regarding Item 2 of your request, we are uncertain of the records you seek. Searching for documents responsive to subjects such as "communications security (COMSEC)," "communications intelligence (COMINT)," and "signals intelligence (SIGINT)" would be unreasonably burdensome, time consuming and costly. These terms are overly broad and do not allow for an organized, non-random search. Department of Defense (DoD) Regulations 5400.7-R states that the requester must provide a description of the desired record so that the Government is able to locate the record with a reasonable amount of effort. More detail is required for us to determine exactly

what records you seek. It is the requester's responsibility to frame requests with sufficient particularity to ensure that searches are not unreasonably burdensome, and to enable the searching agency to determine precisely what records are being requested.

In accordance with DoD regulation, processing of this portion of your request is being held in abeyance pending a response from you within 30 days of the date of this letter, clarifying your request so that a reasonable search can be done. If we do not hear from you within that time, we will assume that you are no longer interested in pursuing this portion of your request, and we will close your case with no further processing since we have already responded regarding item 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela N. Phillips". The signature is written in a cursive style with a large initial "P".

PAMELA N. PHILLIPS
Chief
FOIA/PA Office

Jefferson, Judith A

From: donotreply@nsa.gov
Sent: Friday, September 27, 2013 1:40 PM
To: donotreply@nsa.gov
Cc: jya@pipeline.com
Subject: FOIA Request (Web form submission)

Name: John L Young

Email: jya@pipeline.com

Company: Cryptome.org

Postal Address: 251 West 89th Street

Postal City: New York

Postal State-prov: NY

Zip Code: 10024

Country: United States of America

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Work Phone: 212-873-8700

Records Requested: The Office of the Director of National Intelligence has advised us today by email to make this request to NSA.

This requests:

1. Any and all information about the alleged copying of the entire IC Intellipedia by Edward Snowden.
2. Selected files from Intellipedia on the subjects of communications security (COMSEC), communications intelligence (COMINT) and signals intelligence (SIGINT), the selections to be the oldest, mid-aged, and newest.

Material provided in response to this request will be published on the public education website Cryptome.org, of which I am the administrator.

I agree to pay for costs associated with this request.

Thanks very much,

Sincerely,

John Young