



**BERNARD MICHAEL BURAWSKI**  
**10727 S. Preserve Way, Apt. 108**  
**Miramar, FL 33025-6570**  
**Phone (407)371-8525**

February 10<sup>th</sup>, 2014

Director, Office of Information Policy  
U.S. Department of Justice  
1425 New York Avenue, NW, Ste. 11050  
Washington, DC 20530-0001

Subject: Freedom of Information Appeal (FOIPA No. 1220070-000)

Reference your denial letter of February 4<sup>th</sup>, 2014. I am appealing the denial of my requests of June 18, 2013 and July 4<sup>th</sup>, 2013 for information pertaining to the National Security Agency Surveillance Program/PRISM.

I am not requesting information which would confirm nor deny the existence of records which would indicate whether an individual or organization is, or has ever been, of investigatory interest. I am requesting information on those records which indicate the use of mass surveillance on a majority of the citizens of the United States with regard to metadata as outlined in the PRISM Collection Programs, and who have not been the subject of, or suspected of any criminal acts.

The exemptions you cited in your denial letter all refer to those areas where legitimate surveillance would be justified as intended by that law. However, what I am asking for is for the records on the use of metadata for mass surveillance of innocent U.S. citizens who have done nothing wrong, and are not suspected of any criminal wrongdoing or acts.

The exemptions that you cited under subsections of Title 5, United States Code, Section 552 would not apply in this case because the intent of those exemptions would be under legitimate surveillance practices, which do not apply to mass surveillance programs involving those not suspected of doing anything wrong.

Sincerely,

**BERNARD MICHAEL BURAWSKI**  
Chief Yeoman, U.S. Navy (Ret.)



U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

February 4, 2014

MR. BERNARD MICHAEL BURAWSKI  
APARTMENT 108  
10727 SOUTH PRESERVE WAY  
MIRAMAR, FL 33025-6570

FOIPA Request No.: 1220070-000  
Subject: NATIONAL SECURITY AGENCY  
SURVEILLANCE PROGRAM/PRISM

Dear Mr. Burawski:

This responds to your Freedom of Information Act (FOIA) request.

Please be advised that it is the FBI's policy to neither confirm nor deny the existence of any records which would tend to indicate or reveal whether an individual or organization is of investigatory interest to the FBI. Acknowledging the FBI's interests invites the risk of circumvention of federal law enforcement efforts. Thus, pursuant to FOIA, 5 U.S.C. 552 exemptions (b)(1), (b)(3), and (b)(7)(E), the FBI neither confirms nor denies the existence of records which would indicate whether an individual or organization is or has ever been of investigatory interest.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIA Request Number in any correspondence to us for proper identification of your request.

Enclosed for your information is a copy of the Explanation of Exemptions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned above the typed name.

David M. Hardy  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)



## EXPLANATION OF EXEMPTIONS

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



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**(Work) (305)415-7304**

July 4<sup>th</sup>, 2013

FOIA/PA Mail Referral Unit  
Justice Management Division  
Room 115  
LOC Building  
Washington, DC 20530-0001

Subject: Freedom of Information Act (FOIA) Request for Waiver of Fees

Reference my letter to you of June 18<sup>th</sup>, 2013 regarding my request under the Freedom of Information Act, 5 U.S.C. Section 552 (as amended by the OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524), which requested all releasable information, including email communications from the **United States Department of Justice** regarding the **FAA702 Operations for UPSTREAM** and **PRISM Data Collection Program** under the **FISA Amendment Act**.

I request a **waiver** of all fees over \$25.00. The justification for this **waiver** is as follows:

This **FOIA** request is within the public interest and likely to contribute significantly to the understanding of the operations and/or activities of the U.S. Government, and is not in any commercial interest. Additionally, payment of additional fees for this information may be seen as a barrier for the release of information that is well within the rights of the public interest, as well as ensuring an open government as guaranteed under the U.S. Constitution, which guards against **unreasonable searches and seizures**.

Please notify me if this justification is acceptable for waiver of any additional fees associated with providing this information. Additionally, if you deny all or any part of this **FOIA** request, please cite each specific **exemption** you think justifies your refusal to release the information, and notify me of appeal procedures available under the law. If you have any questions about handling this request, you may telephone me either at my home or office.

BERNARD MICHAEL BURAWSKI  
Chief Yeoman, U.S. Navy (Ret.)





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**10727 S. Preserve Way, Apt. 108**  
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**(Work) (305)415-7304**

June 18<sup>th</sup>, 2013

FOIA/PA Mail Referral Unit  
Justice Management Division  
Room 115  
LOC Building  
Washington, DC 20530-0001

Subject: Freedom of Information Act (FOIA) Request

Under the rules of the Freedom of Information Act, 5 U.S.C. section 552 (as amended by the OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524) I am requesting all **UNCLASSIFIED** records, including email, phone and data collection records and communications from the **U.S. Department of Justice**, including the **Office of the Attorney General of the United States** and contracted agencies regarding the surveillance program of the **FAA702 Operations for UPSTREAM and PRISM Data Collection under the FISA Amendment Act.**

Sincerely,

**BERNARD MICHAEL BURAWSKI**  
Chief Yeoman, U.S. Navy (Ret.)