DOCID: 4115644

Phillips Pamela N NSA-DJ4 USA CIV

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Tuesday, June 11, 2013 2.20 PM
To: Blacker Cindy S NSA-DJ41 USA CIV
Cc: Phillips Pamela N NSA-DJ4 USA CIV, Blaskowski Paul J NSA-DJ4 USA CIV
Subject: (U) More Discussion
Signed By: pnphill@nsa ic gov

Classification: ~~CONFIDENTIAL//REL TO USA, FVEY~~

Cindy,

(U~~//FOUO~~) Here's more that I just sent to Dave in response to another query from him regarding some of the possible unclassified facts that are under consideration.
Pamela

(b)(1)
(b)(3)-P.L. 86-36
(b)(5)

Dave,

(U) This will probably give you more reading material than you want – not all directly related to the classification/declassification decisions.

(b)(3)-P.L. 86-36

(C~~//REL~~) I discussed this with [redacted] in OGC, [redacted]

[redacted]

(U~~//FOUO~~) The FOIA implications for current new requests will have to do with how we respond. If certain details are declassified, then requests for that information may result in us not being able to do an full denial of information. This could be a significant impact for organizations that perform these activities, as they may be required to search for and produce responsive documents (time consuming), and DJ4 would be required to review all of those records (and likely involve the operations organizations in the review, depending on how well-defined the classification/declassification statements are). But none of that is a reason not to make the declassification decisions. It's just good for us to be aware of the potential impact, and also think through what additional requests and questions may come in because of the statements that will be put out there (and being prepared to respond to them).

(U~~//FOUO~~) Having a paper or sheet of unclassified facts that could be provided to the public may make it easier to respond, because we could provide that with initial responses, and then either indicate that all other

details are still classified (or have to be reviewed). It may buy more time for processing if the requesters get something up front.

(b)(3)-P.L. 86-36
(b)(5)

(U//FOUO)

(U//FOUO) Currently we have 2 requests

Not sure yet how we'll want to move forward with these.

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s (U)

(b)(3)-P.L. 86-36

Classified By: 273774
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380601

Classification: ~~CONFIDENTIAL//REL TO USA, FVEY~~

DOCID: 4115637

Phillips Pamela N NSA-DJ4 USA CIV

From: Phillips Pamela N NSA-DJ4 USA CIV (b)(3)-P.L. 86-36
Sent: Monday, June 17, 2013 8.50 AM
To: Sherman David J Dr NSA-DJ USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-D28 USA CIV; [redacted] NSA-DJ2 USA CIV; [redacted] NSA-DJ2 USA CIV; [redacted] NSA-DJ USA CIV; [redacted] NSA-DJ USA CIV; Phillips Pamela N NSA-DJ4 USA CIV
Subject: RE (U) language for requests for metadata/call detail records
Signed By: pnphill@nsa ic gov

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

Dave,

(U~~//FOUO~~) I like your suggested changes below. What do we need to do to have this officially blessed so that I can provide this to my folks to start responding to the requests?

(U~~//FOUO~~) And is there any further decision yet on an Unclassified Fact Sheet that can be provided to FOIA requesters (I know there are several out there for talking points, Congress, etc , but I don't know that approval has been given to proactively provide any to anyone else yet). Thanks.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

From: Sherman David J Dr NSA-DJ USA CIV
Sent: Friday, June 14, 2013 6:10 PM
To: Phillips Pamela N NSA-DJ4 USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-D28 USA CIV; [redacted] NSA-DJ2 USA CIV; [redacted] NSA-DJ2 USA CIV; [redacted] NSA-DJ USA CIV; [redacted] NSA-DJ USA CIV
Subject: RE: (U) language for requests for metadata/call detail records

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

(U~~//FOUO~~) I personally believe the information contained below is unclassified I have a few suggestions on the wording which we can discuss. Dave

David J. Sherman
Associate Director for Policy and Records
National Security Agency
Room 2A0858
djsherm@nsa.ic.gov
969-2850 (secure)
[redacted] (commercial)

(b)(3)-P.L. 86-36

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Friday, June 14, 2013 4:28 PM
To: Sherman David J Dr NSA-DJ USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV; Phillips Pamela N NSA-DJ4 USA CIV; [redacted] NSA-D28 USA CIV; [redacted]

DOCID: 4115637

[redacted] NSA-DJ2 USA CIV; [redacted] NSA-DJ2 USA CIV; [redacted] NSA-DJ USA CIV; [redacted] NSA-DJ USA CIV

Subject: FW: (U) language for requests for metadata/call detail records
Importance: High

(b)(3)-P.L. 86-36

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

Dave and team,

(U~~//FOUO~~ [redacted] has pieced together some language on the recent press coverage that would allow us to make a reasonable response to individuals who are seeking information on themselves (either broadly stated as "all records on me," or more narrowly focused to information regarding their phone number, metadata, or phone calls). It still ends up being a GLOMAR response, but more focused on the programs at hand [redacted] It is consistent with how we've always treated requests from US persons for NSA information (other than Privacy Act information).

(U~~//FOUO~~ I have made a couple of changes to keep our response in line with how we typically respond to FOIAs (in blue) and have included the exemption language for your review. I am not sure who has final authority to approve our use of this response, but we need to begin responding to these individual requests due to the volume that continues to come in (we have close to 300 requests from individuals that we haven't begun to process yet).

(U~~//FOUO~~) Please let us know your thoughts as to the language in the letter to be sure that a) it is UNCLASSIFIED, and b) it is consistent with other messages being put out there. Our preference would also be to include an UNCLASSIFIED fact sheet with our responses once that is approved and finalized. But if that's not ready, and the letter is OKed, we'll just go with this.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

(b)(3)-P.L. 86-36
(b)(5)

From: [redacted] NSA-D28 USA CIV
Sent: Friday, June 14, 2013 2:59 PM
To: Phillips Pamela N NSA-DJ4 USA CIV
Subject: (U) language for requests for metadata/call detail records

(b)(3)-P.L. 86-36

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

Pamela,

Here are my thoughts on a response for telephony metadata, call detail records, etc.:

Dear Requester:

This responds to your FOIA request of DATE for all records on you (or whatever the requester stated regarding intercept or phone number or metadata).

(b)(3)-P.L. 86-36
(b)(5)

[This is our current language, and we may want to still include it up front...]

[redacted]

(b)(3)-P.L. 86-36
(b)(5)

Therefore, your request is denied because fact of the existence or non-existence of responsive records 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 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, 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).

[Appeal paragraph here]

If we have misinterpreted your request and you have been affiliated with the NSA in some way as an employee, applicant, or visitor and are looking for records related to those activities, you may submit a signed Privacy Act request to seek that type of information. If you provide a Social Security number, it will assist us with the search for responsive records.

This is preliminary given that no declassification determinations have been made.

DOCID: 4115637

[redacted] (b)(3)-P.L. 86-36

Attorney
Litigation Practice Group
Office of General Counsel
D28, Rm 2B6106, OPS2B, Suite 6278
Secure: 963-2374/5047
Outside: [redacted]

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

DOCID: 4115638

(b)(3)-P.L. 86-36

Phillips Pamela N NSA-DJ4 USA CIV

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Tuesday, June 18, 2013 2:52 PM
To: [redacted] NSA-DJ USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-DJ2 USA CIV; [redacted] NSA-F32 USA CIV; [redacted] NSA-DJ2 USA CIV; [redacted] NSA-DJ USA CIV; [redacted] NSA-D28 USA CIV; Phillips Pamela N NSA-DJ4 USA CIV; [redacted] USA CIV; Sherman David J Dr NSA-DJ USA CIV; [redacted] USA CIV; [redacted] NSA-D28 USA CIV; [redacted] NSA-DJ USA CIV
Subject: (U) Final Draft - FOIA Response to Individuals
Attachments: [redacted]
Signed By: pnphill@nsa ic gov

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

All,

(U~~//FOUO~~) Attached is the final version of the draft response that the FOIA Office will begin sending to requesters tomorrow. OGC [redacted] has approved this version with only a couple of minor changes from the prior version. I will also be forwarding this to ODNI and OSD FOIA this afternoon to make them aware and let them know that we will begin responding with this tomorrow. Thanks for your reviews and assistance so that we can begin to work down the volume of requests we've received over the past week and a half.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
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Ops2A1118, Suite 6248
966-4071s [redacted] (U)

Classification: UNCLASSIFIED~~//FOR OFFICIAL USE ONLY~~

DOCID: 4115642

Phillips Pamela N NSA-DJ4 USA CIV

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Thursday, June 27, 2013 10.05 AM
To: DL dj4_gov (ALIAS) DJ4
Subject: FW (U) Rick/Trum -- Media Leaks. Strategic Guidance Needed on Engaging FOIA Requesters
Signed By: pnphill@nsa ic gov

Classification: ~~TOP SECRET//SI//NOFORN~~

All,

(U~~//FOUO~~) Thought you'd like to see Dave's vote of confidence for the entire FOIA/PA Staff! Dave and I and OGC met with Rick Ledgett yesterday afternoon to go over the GLOMAR process, and he was totally comfortable with it after the meeting, as well as everything else the FOIA Office is doing.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

From: Sherman David J Dr NSA-DJ USA CIV
Sent: Wednesday, June 26, 2013 6:07 PM
To: Phillips Pamela N NSA-DJ4 USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-D28 USA CIV (b)(3)-P.L. 86-36
Subject: RE: (U) Rick/Trum -- Media Leaks: Strategic Guidance Needed on Engaging FOIA Requesters

Classification: ~~TOP SECRET//SI//NOFORN~~

(U~~//FOUO~~) I have not said this enough: each of you and the entire team that is working this in DJ4 and OGC is doing an absolutely super job under difficult and rapidly changing conditions. It's confirming every day why NSA's FOIA program is called out as best-in-class. I'm the new guy and the amateur at all this, but for what it is worth I am extraordinarily proud and glad that I was offered the opportunity to be here with you at this time and see what is exceptional public service, in the true sense of the words, in action.

David J. Sherman
Associate Director for Policy and Records
National Security Agency
Room 2A0858
djsherm@nsa.ic.gov
969-2850 (secure)
[redacted] (commercial) (b)(3)-P.L. 86-36

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Wednesday, June 26, 2013 12:41 PM
To: Sherman David J Dr NSA-DJ USA CIV
Cc: Phillips Pamela N NSA-DJ4 USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-D28 USA CIV
Subject: FW: (U) Rick/Trum -- Media Leaks: Strategic Guidance Needed on Engaging FOIA Requesters
Importance: High

DOCID: 4115642

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)
(b)(5)

Classification: ~~TOP SECRET//SI//NOFORN~~

Dave,

~~(TS//SI//NF)~~ [redacted]

(U~~//FOUO~~) In the meantime, I am very appreciative of the fact that they concur with the approach to negotiating with the media requesters. I will gather those up and determine the best way to approach them and start making calls today or tomorrow. I will keep you posted on how those calls go.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

(b)(3)-P.L. 86-36

From: Soule Trumbull D NSA-DC USA CIV
Sent: Wednesday, June 26, 2013 12:25 PM
To: Sherman David J Dr NSA-DJ USA CIV; Ledgett Richard H Jr NSA-V USA CIV
Cc: DL medialeaks_staff (ALIAS) K1; De Rajesh NSA-D2 USA CIV; [redacted] NSA-D2 USA CIV; [redacted] NSA-D28 USA CIV; [redacted] USA CIV [redacted] USA CIV; [redacted] USA CIV; Emmel Judith A NSA-DN USA CIV; [redacted] NSA-DN09 USA CIV; [redacted] USA CIV; [redacted] [redacted] USA CIV; [redacted] NSA-DJ USA CIV; [redacted] NSA-DJ USA CIV; Phillips Pamela N NSA-DJ4 USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV
Subject: RE: (U) Rick/Trum -- Media Leaks: Strategic Guidance Needed on Engaging FOIA Requesters

Classification: ~~TOP SECRET//COMINT//NOFORN~~

Dave,

Rick and I discussed this issue this morning, and I'm replying for both of us.

DOCID: 4115642

(U//~~FOUO~~) We concur with maintaining the current approach as you outlined below, that you reach out to those reporters with requests so broad as to be impossible to respond to and see if we can develop ways of meeting their needs.

(b)(3)-P.L. 86-36
(b)(5)

(U//~~FOUO~~) Separately, [redacted] Would you please work with [redacted] cc on this email as part of the DL MEDIALEAKS_Staff to arrange such a discussion with Rick + either [redacted] or me?

Thank you.

Trum (b)(3)-P.L. 86-36

(U//~~FOUO~~)

Trumbull D Soule

NSA Deputy Chief of Staff

NSA Media Leaks Event Lead

OPS 2B, Room 2B8044, Suite 6242

For Chief of Staff Issues 963-3444s [redacted]

For Media Leaks Team: use DL MEDIALEAKS_Staff or 963-2356s

From: Sherman David J Dr NSA-DJ USA CIV
Sent: Tuesday, June 25, 2013 8:49 AM
To: Ledgett Richard H Jr NSA-V USA CIV; Soule Trumbull D NSA-DC USA CIV [redacted] NSA-D2 USA CIV; [redacted] NSA-D28 USA CIV; [redacted] USA CIV; [redacted] USA CIV; [redacted] USA CIV; Emmel Judith A NSA-DN USA CIV; [redacted] NSA-DN09 USA CIV; [redacted] USA CIV; [redacted] USA CIV; [redacted] NSA-DJ USA CIV; [redacted] NSA-DJ USA CIV; Phillips Pamela N NSA-DJ4 USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV
Subject: (U) Rick/Trum -- Media Leaks: Strategic Guidance Needed on Engaging FOIA Requesters

Classification: ~~TOP SECRET//SI//NOFORN~~

Rick/Trum:

BLUF: (U//~~FOUO~~) We need to make a strategic decision on how we respond to FOIA requests from the media and the advocacy community, more specifically on continuing our traditionally forward-leaning engagement with requesters to narrow overly broad searches and provide responsive materials. I've coordinated the attached with [redacted] OGC, PAO, and [redacted] who concur. We recommend maintaining this approach.

(b)(3)-P.L. 86-36

(U//~~FOUO~~) By way of background:

- We traditionally have leaned forward in contacting requesters whose FOIAs are so broadly drawn as to make a response impossible.

- We attempt to negotiate more focused requests meeting their needs.

- We have taken this approach as such engagement is in line with the President's direction regarding transparency in government.

- It also may reduce the chances of a requester citing lack of responsiveness on our part and opting for litigation.

(U//FOUO) The nature of current media and privacy NGO requests suggests that we revalidate this approach.

- We've received roughly 20 significant media/NGO requests since 5 June.

- We should expect them to continue for the foreseeable future and spike after new press items, testimony, etc..

(b)(3)-P.L. 86-36
(b)(5)

- Over 1000 requests in all have come in during this period.

- The overwhelming majority from individuals seeking records NSA allegedly holds on them.

- There is at least one website facilitating individual requests accounting for half of the total.

(TS//SI//NF) By way of example [redacted]

(U//FOUO) [redacted]

(U//FOUO) Were the scope of this latter request to be limited [redacted] however, we could respond to it.

(U//FOUO) Under our past SOP, the FOIA office chief or deputy (not line staff) would contact [redacted] to ascertain the exact information that it is seeking and see if we can narrow the search to something manageable.

(U//FOUO) The benefit to continuing this approach in the current context is that we remain engaged with the requesters and do not have media suggesting we are unresponsive.

(U//FOUO) That said, it is entirely possible that [redacted] Those searches are completely feasible to conduct and presumably could surface responsive materials. As I

understand matters, there are grounds for withholding [redacted] but we would have to indicate that we were withholding them and provide the reasons.

(U~~//FOUO~~) On balance, **our recommendation is that we continue to reach out to those with requests so broad as to be impossible to respond to and see if we can develop ways of meeting their needs** and thus have a better chance of providing what we can consistent with our obligation to protect classified or otherwise exempted information. In the current context, the alternative of being portrayed in the media as unresponsive seems to carry too much risk. We would continue to coordinate any activity in this regard with OGC and, for media requests, PAO.

Dave

(b)(3)-P.L. 86-36
(b)(5)

David J. Sherman

Associate Director for Policy and Records

National Security Agency

Room 2A0858

djsherm@nsa.ic.gov

969-2850 (secure)

[redacted] (commercial)

(b)(3)-P.L. 86-36

Classified By: djsherm

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20380601

Classification: ~~TOP SECRET//SI//NOFORN~~

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20380601

Classification: ~~TOP SECRET//COMINT//NOFORN~~

Classified By: 273774

Derived From: NSA/CSSM 1-52

Dated: 20070108

DOCID: 4115640

To: [redacted] NSA-D2 USA CIV
Subject: (U) Glomar letters

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

(b)(5)
(b)(3)-P.L. 86-36

[redacted]

You approved the attached Glomar letter, but wanted to make sure that it does not need to be tweaked [redacted] We've already sent this Glomar letter to approx. 300 requesters so far. I don't think any changes are necessary, but would welcome your input.

Thanks.

(b)(3)-P.L. 86-36

[redacted]

[redacted]
Attorney
Litigation Practice Group
Office of General Counsel
D28, Rm 2B6106, OPS2B, Suite 6278
Secure: 963-2374/5047
Outside: [redacted]

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Does this give you want you need? which I can do if you need me to). If not, please let me know what else you may need.

(U//FOUO)

(b)(3)-P.L. 86-36

From: USA CIV
Sent: Thursday, July 25, 2013 6:00 PM
To: USA CIV; USA CIV
Cc:

Subject: RE: (U) ACTION -- FOIAs for PRISM Information -

(b)(3)-P.L. 86-36
(b)(5)

Classification: ~~TOP SECRET//SI//NOFORN~~

Hi

Please let us know if you need anything further

(U//FOUO)

(b)(3)-P.L. 86-36

From: USA CIV
Sent: Thursday, July 11, 2013 17:20
To: USA CIV
Cc:

Subject: (U) ACTION -- FOIAs for PRISM Information -

(b)(3)-P.L. 86-36
(b)(5)

DOCID: 4115646

Classification: ~~TOP SECRET//SI//NOFORN~~ (b)(3)-P.L. 86-36

[redacted]

Note – This is NOT a request for anyone to search for records that are responsive to any FOIA request!

As we discussed on the phone, there have been numerous FOIA requests for PRISM-related material since the leaks began. The FOIA office has been working with requesters to narrow the requests as much as possible; however, for some, there's just no way to narrow the scope. We are required to respond with anything that is either unclassified or segregable. For FOIA purposes, segregable info is info that appears in a document and that is not classified, but would be responsive/meaningful to the requester (in other words, a paragraph or sentence in some document that would be meaningfully segregable and tell the requester something about what he's asking). Under FOIA, we can withhold from release info that is either classified or FOUO. The issue at hand is whether there would be any PRISM-related material – other than the talking points that have been created/used over the last month or so – that is unclassified. [redacted]

[redacted]

You'll see below the discussion that Pamela Phillips, the chief of the FOIA office, and I have been having over the past week or so about this. She explains beautifully the issue, some history, as well as the options we have. She also included a synopsis of some of the requests. It's important to note that the Talking Points that have been created for the DNI, DIR, DDIR, etc., to use in unclassified settings may be responsive and will be provided to requesters if that is the case. Those are separate from NSA's classified/FOUO records.

[redacted]

Please don't hesitate to call me if you have questions, although I will be on vacation from 13-23 July. I'm asking that you get back to me with your thoughts by 26 July. I'll be here tomorrow (Friday), so you can reach me then if you need to.

(b)(3)-P.L. 86-36
(b)(5)

Thanks very much for helping with this.

[redacted]

~~(U//FOUO)~~ (b)(3)-P.L. 86-36

[redacted]

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Tuesday, July 09, 2013 4:56 PM
To: [redacted] USA CIV

DOCID: 4115646

Cc: Blaskowski Paul J NSA-DJ4 USA CIV; Phillips Pamela N NSA-DJ4 USA CIV
Subject: RE: (U) FOIAs for PRISM Information

(b)(3)-P.L. 86-36
(b)(5)

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36

(U//~~FOUO~~) Based on our conversation this morning, I believe the next step is for SID to task the appropriate [redacted] We know that there have been some unclassified statements made in testimony and talking point regarding 702 collection. To the extent we have those statements and/or talking points, that will be releasable. [redacted]

(U//~~FOUO~~) [redacted] they should be provided to DJ4 for review We would add those to any unclassified statements and talking points for consideration for release.

(U//~~FOUO~~) [redacted]

(U//~~FOUO~~) [redacted] Let me know if you need additional information from me. I do not profess to be knowledgeable about the program, so it is hard for me to define where the limits should be on these requests and know what the specific implications are of each request for SID. I am happy to keep working with SID to make this doable and defensible.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

(b)(3)-P.L. 86-36

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Wednesday, July 03, 2013 7:51 AM
To: [redacted] USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-DJ USA CIV [redacted] NSA-DJ USA CIV; Phillips Pamela N NSA-DJ4 USA CIV
Subject: RE: (U) FOIAs for PRISM Information

Classification: ~~TOP SECRET//SI//NOFORN~~

[redacted]

(U//~~FOUO~~) Good question, and it's complicated. We have to process a FOIA request based on what is or is not releasable at the time the release decision is made. We can't predict that after we deny information, a new

classification guide may come out 2 months later that releases more information. If that happens, someone would have to submit a new request, and we'd have to do the review based on the new guidance (or if it happens while information is on appeal, we handle it on appeal) [redacted] I can't look into the future and answer those questions. (If someone knows at this point that information is likely to be declassified, or those decisions are already in the works, we don't want to deny now.)

(U//~~FOUO~~) So, we could deny it all today based on current classification, and later [redacted] a new decision may be made If we get a new request, or if the requester appeals prior to the declassification decision, we might have to redo it all. [redacted]

(U//~~FOUO~~) But we could sit here waiting to process any of these cases "just in case" [redacted] declassification decision, [redacted]

(U//~~FOUO~~) [redacted]

(U//~~FOUO~~) [redacted]

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

(b)(3)-P.L. 86-36
(b)(5)

From [redacted] USA CIV (b)(3)-P.L. 86-36
Sent: Wednesday, July 03, 2013 7:22 AM
To: Phillips Pamela N NSA-DJ4 USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-DJ USA CIV; [redacted] NSA-DJ USA CIV; [redacted] USA CIV
Subject: RE: (U) FOIAs for PRISM Information

Classification: ~~TOP SECRET//SI//NOFORN~~

Hi,

DOCID: 4115646

(U//~~FOUO~~)

(b)(3)-P.L. 86-36
(b)(5)

(b)(3)-P.L. 86-36

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Tuesday, July 02, 2013 3:02 PM
To: USA CIV
Cc: Phillips Pamela N NSA-DJ4 USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV NSA-DJ USA CIV; NSA-DJ USA CIV
Subject: (U) FOIAs for PRISM Information

Classification: ~~TOP SECRET//SI//NOFORN~~

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(U//~~FOUO~~) As I mentioned on the phone, we have several FOIA requests for information on PRISM. These requests do not appear to be from media requesters, but are from individuals who have been made aware of alleged NSA activities through extensive media reporting on NSA recently. We have been working/negotiating with requesters on many of the other topics to narrow the requests down to lessen the impact of searches in organizations and of reviews. However, for many of the requests listed below, there is no way to scope or narrow the requests

(U//~~FOUO~~) We'd like to know whether there is anything relating to PRISM that is unclassified, or could be segregated from classified records, that would be releasable – other than any talking points created at the unclassified level that may address the program. Under FOIA, information may be protected if it is classified under (b)(1), or if it is unclassified and exempt for some other reason (like core functions and activities of the Agency under (b)(3)/Public Law 86-36).

(U//~~FOUO~~)

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- (~~TS//SI//NF~~)

(U//~~FOUO~~) As worded, many of the requests are very broad, To the extent that we have any unclassified talking points/testimony/fact sheets that we can provide great. Who the requesters are should not sway the decision, however, as we need to be able to support the decisions regardless of who requests – even