



PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
WASHINGTON, D.C. 20511

October 16, 2018

Ashley Gorski
American Civil Liberties Union
125 Broad Street – 18th Floor
New York, NY 10004
agorski@aclu.org

Re: PCLOB FOIA 2018-13

Dear Ms. Gorski:

I am writing in response to your request for records under the Freedom of Information Act (“FOIA”) received on July 12, 2018 seeking the disclosure of the Privacy and Civil Liberties Oversight Board’s (“PCLOB”) report on the implementation of Presidential Policy Directive 28: Signals Intelligence Activities (“PPD-28”). Your request also included a request for expediting processing which was denied on July 25, 2018.

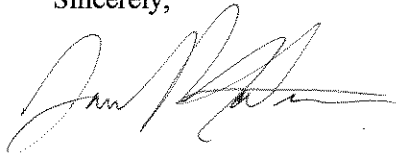
A search was conducted and a document was located that is responsive to your request. However, release of the document required consultation with other executive branch agencies. The appropriate executive branch agencies have reviewed the document and provided the PCLOB with any relevant FOIA exemptions that should be applied prior to disclosure. This letter includes a redacted version of the PPD-28 report.

After consulting with the appropriate executive branch agencies, redactions pursuant to Exemptions 1, 3, 5, and 6 of the FOIA, 5 U.S.C. § 552 (b)(1), (b)(3), (b)(5), and (b)(6), are applied. Exemption 1 protects from disclosure information that has been deemed classified “under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy.” Exemption 3 incorporates certain nondisclosure provisions contained in other federal statutes into the FOIA. Exemption 5 protects certain inter- and intra-agency memorandums or letters protected by the deliberative process privilege, and Exemption 6 protects information the disclosure of which would “constitute a clearly unwarranted invasion of personal privacy.” Redactions have been clearly marked with the corresponding exemption.

You may contact me or the PCLOB’s FOIA Public Liaison Eric Broxmeyer at (202) 296-4617 or foia@pclob.gov for further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (“OGIS”) at the National Archives and Records Administration (“NARA”) to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the PCLOB Freedom of Information Act Appeal Authority, at 800 N. Capitol St., NW, Washington, DC 20002, or you may submit an appeal via email to foia@pclob.gov. Your appeal must be postmarked or electronically transmitted within ninety calendar days from the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Annan Mortensen", with a long horizontal flourish extending to the right.

Annan Mortensen
Acting Freedom of Information Act Officer
Attorney-Advisor
(202) 296-2706