



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

FOIA Case: 61043B
28 February 2012

Nusrat Choudhury
ACLU Foundation, National Security Project
125 Broad Street, 18th Floor
New York, NY 10004

Dear Ms. Choudhury:

This responds to your Freedom of Information Act (FOIA) request of 1 March 2010 for "Records pertaining to the scope and implementation of the FBI's eGuardian program -- records created since January 1, 2006 indicating the number of people whose activities have been reported to the eGuardian system, and other records (memoranda, policies, directives, guidance, legal analysis and training materials) created since January 1, 2006 pertaining to eGuardian." A copy of your request is enclosed. Your request has been processed under the FOIA and the documents you requested are enclosed. Certain information, however, has been deleted from the enclosures.

Some of the information deleted from the documents was found to be currently and properly classified in accordance with Executive Order 13526. The information meets the criteria for classification as set forth in Subparagraph (c) of Section 1.4 and remains classified SECRET as provided in Section 1.2 of the Executive Order. The information is classified because its disclosure could reasonably be expected to cause serious damage to the national security. Because the information is currently and properly classified, it is exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

The Agency is authorized by statute to protect certain information concerning its activities, as well as the names of its employees. Such information is exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statute applicable in this case is Section 6, Public Law 86-36 (50 U.S. Code 402 note). We have determined that such information exists in these records, and we have excised it accordingly.

The Initial Denial Authority for NSA information is the Deputy Associate Director for Policy and Records, D. M. Janosek. Since these deletions may be construed as a partial denial of your request, 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 from the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJP4), National Security Agency, 9800 Savage Road STE 6248, Fort George G.

Meade, MD 20755-6248. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

The FBI has asked that we protect information pursuant to 5 U.S.C. 552 (b)(5). Those deletions have been marked with the code OGA (Other Government Agency). Any appeal of the denial of FBI information should be directed to that agency. The appeal should be directed in writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, DC 20530-0001. The 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" or "Information Appeal" and the FBI's FOIPA number (1164836-000) should be cited.

The Department of Defense has asked that we protect information pursuant to 5 U.S.C. 552 (b)(6). Those deletions have been marked with the code OGA (Other Government Agency). Any appeal of the denial of DoD information should be directed to that agency. The appeal should be directed to the Director of Administration and Management, Office of Secretary of Defense, by writing directly to the Defense Freedom of Information Policy Office, Attn: Mr. James Hogan, 1155 Defense Pentagon, Washington, DC 20301-1155. The appeal should be postmarked within 60 calendar days from the date of this letter, should cite to case number 11-FC-0132, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



PAMELA N. PHILLIPS
Chief
FOIA/PA Office

Encls:
a/s