



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

Telephone: (202) 514-3642

NOV 15 2012

Ms. Nusrat Choudhury, Esq.
ACLU/National Security Project
18th Floor
125 Broad Street
New York, NY 10004-2400

Re: DAG/12-00406 (F)
VRB:GEB

Dear Ms. Choudhury:

This our third interim response to your Freedom of Information Act (FOIA) request dated March 1, 2010, and received in this Office on February 8, 2012, for records pertaining to the Federal Bureau of Investigation's eGuardian Threat Tracking System. This response is made on behalf of the Office of the Deputy Attorney General.

By letter dated October 1, 2012, you were advised that we had 2,116 pages remaining to be processed and that we were continuing to consult on approximately 200 of those pages. For your information, the exact number of pages on which we were consulting was 192 pages. Please be advised that our consultation process is now partially complete. Upon further review, I have determined that 132 pages are not responsive to your request. We are continuing to review the remaining sixty pages, as that material requires further consultation with other offices. I have also determined that an additional 103 pages, which were not included in our pending consultation, are also not responsive to your request. The not responsive material consists of drafts or discussions about drafts, as well as logistical e-mails pertaining to the Systems of Records Notices concerning the eGuardian system. Please also be advised that although we are considering drafts not responsive, they would be withheld pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552 (b)(5), which pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. None of this material is appropriate for discretionary release. Accordingly, we have 1,881 pages remaining to be processed.

As we indicated in our prior responses, the material located in the Offices of the Deputy Attorney General and Privacy and Civil Liberties and referred by the Office of Justice Programs contain information of interest to other entities and we can respond only after consulting with those Offices regarding their information. See 28 C.F.R. § 16.4(c)(1) (2012). We currently have consultations pending with other entities on material that we have identified as responsive to your request. Once our consultations are complete and our disclosure determinations are made, we will write to you again.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. 552(c) (2006 &

Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'V R B', with a long horizontal flourish extending to the right.

Vanessa R. Brinkmann
Counsel, Initial Request Staff