



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

Telephone: (202) 514-3642

AUG 20 2012

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

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

Dear Ms. Choudhury:

This is our first interim response to your Freedom of Information Act (FOIA) request dated March 1, 2010 and received by 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.

As we stated in our August 1, 2012 status report to the Court in American Civil Liberties Union Foundation v. the Department of Justice, No. 11-CV-5936, records searches were conducted in the Offices of the Deputy Attorney General and Privacy and Civil Liberties and we located thousands of pages that are subject to the FOIA and responsive to your request. In addition, in our status report, we advised that the Office of Justice Programs (OJP) referred approximately 900 pages to this Office for processing and direct response to you. Specifically, we located 2,421 pages in the Offices of the Deputy Attorney General and Privacy and Civil Liberties, and OJP referred 982 pages to this Office.

At this time, we have completed our review of 1,281 pages and have determined that 569 pages located in the Offices of the Deputy Attorney General or Privacy and Civil Liberties are not responsive to your request because they consist of drafts of Systems of Records Notices or Privacy Impact Assessments concerning the eGuardian system, as well as e-mail messages containing logistical information. Please be advised that although we are considering the 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. We have also determined that 246 pages located in the Office of the Deputy Attorney General or Privacy and Civil Liberties and 351 pages referred by OJP are duplicative, and 115 pages referred by OJP were blank. Accordingly, we now have a total of 2,122 pages remaining to be processed.

As we also indicated in our August 1, 2012 status report to the Court, the material located in the Offices of the Deputy Attorney General and Privacy and Civil Liberties and referred by OJP 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) (2011).

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For your information, our consultations are partially complete on 200 pages, but are still pending; as soon as our consultations are complete and our disclosure determinations are made, we will write to you again.

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 'Vanessa R. Brinkmann', with a stylized flourish at the end.

Vanessa R. Brinkmann
Counsel, Initial Request Staff