

Office of the Director of National Intelligence
Washington, DC 20511

Mr. Nusrat Choudhury
National Security Project
American Civil Liberties Union Foundation
125 Broad Street
18th Floor
New York, NY 10004

DEC 10 2012

Reference: DF-2012-00079 (FBI FOIA/PA 114958-002)

Dear Mr. Choudhury:

This responds to your 1 March 2010 letter to the Federal Bureau of Investigation (FBI), wherein you requested, under the Freedom of Information Act (FOIA), **“records pertaining to the scope and implementation of the FBI’s eGuardian program.”** In response to your request, the FBI located and referred two documents to the Office of the Director of National Intelligence (ODNI) for our review and direct response to you.

Your request was processed in accordance with the FOIA, 5 U.S.C. § 552, as amended. Upon concurrent review with the FBI and the Nuclear Regulatory Commission, it is determined that one document may be released in segregable form with deletions made pursuant to FOIA Exemptions 3, 6, 7(C), and 7(E); 5 U.S.C. § 552 (b)(3), (b)(6), (b)(7)(C), and (b)(7)(E).

The remaining document must be denied in its entirety pursuant to FOIA Exemption 5; 5 U.S.C. § 552 (b)(5).

Exemption 3 protects information that is specifically protected by statute. In this case, the applicable statute is the Central Intelligence Agency Act of 1949, 50 U.S.C. §403g, as amended, which protects, among other things, the names of ODNI personnel. Exemption 5 protects privileged interagency or intra-agency information, which in this case, is deliberative and pre-decisional in nature. Exemption 6 protects information that would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) protects law enforcement information, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Exemption 7(E) protects information that would disclose techniques and procedures that could enable the circumvention of security procedures.

The document, as approved for release, is enclosed. Should you wish to appeal this determination, please do so in writing to:

Office of the Director of National Intelligence
Chief, Information and Data Management Group
Washington, DC 20511

ACLUEG000872

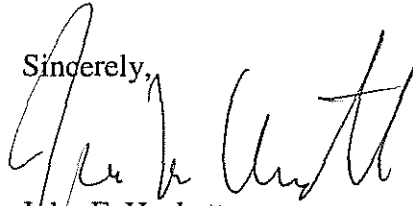
Office of the Director of National Intelligence
Washington, DC 20511

Mr. Nusrat Choudhury

Appeals must be received within 45 days of the date of this letter. If you have any questions, please call the Requester Service Center at (703) 874-8500.

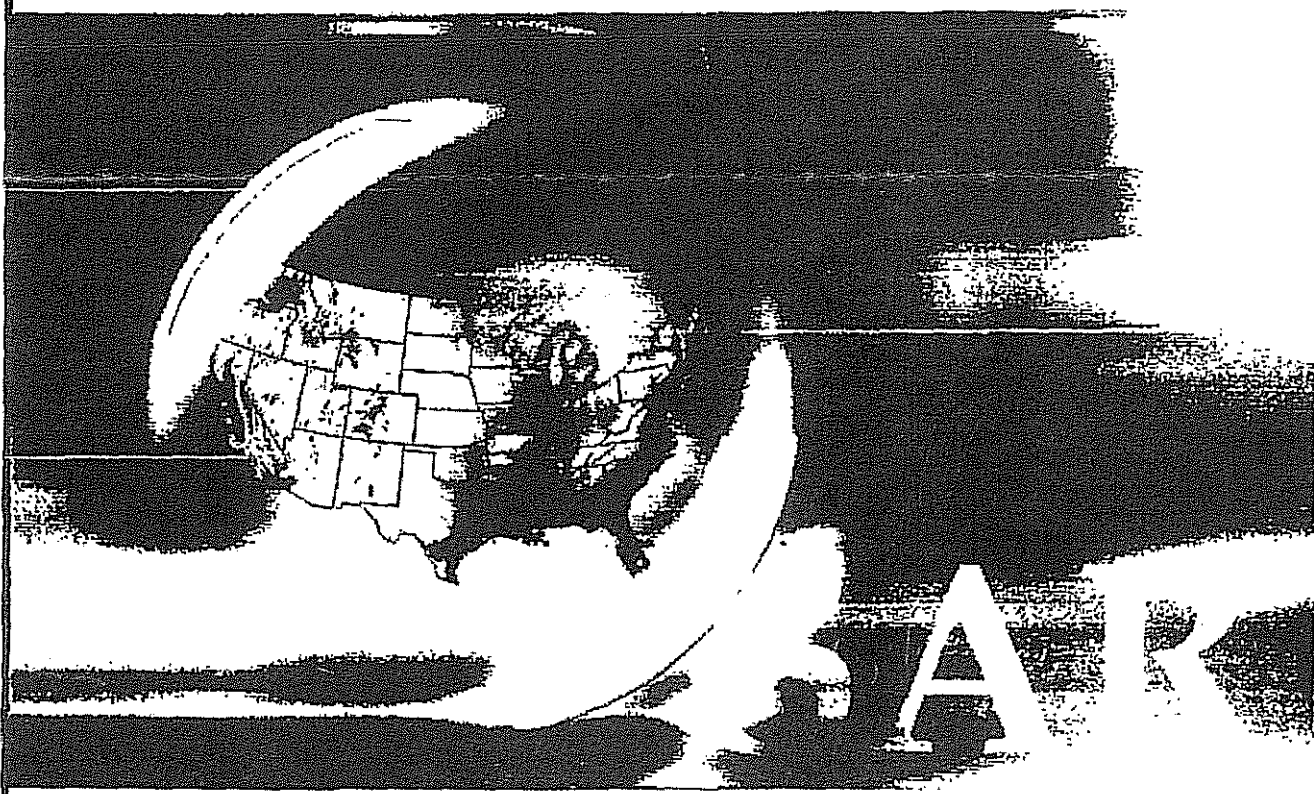
In addition, by letter dated 29 November 2010 we responded to your FOIA request on the same topic to the ODNI and advised that we did not locate any documents responsive to the request. Upon receipt of the documents referred to us by the FBI, we determined that the ODNI Office of the Program Manager for Information Sharing Environment – which was not previously searched – may have records responsive to your previous FOIA request. In light of this, we are reopening your FOIA request in which you requested “records pertaining to the scope and implementation of the FBI’s eGuardian program.” We will prioritize the processing of your request and anticipate providing you with a response in four months from the date of this letter. For administrative purposes, we have assigned your reopened request with a new reference number, which is DF-2013-00036.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Hackett", written over the word "Sincerely,".

John F. Hackett
Chief, Information and Data Management Group

Enclosure



Office of the Director of National Intelligence
Attention: Program Manager, Information Sharing Environment
Washington, D.C. 20511

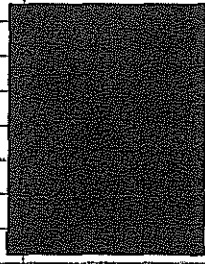
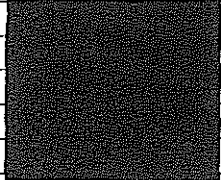
(202) 331-2490

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NSI Activities

1. REPORTS

BJA Evaluation Environment Report (per IIR inputs 10/6/09)	Dates	POC (Bob Cummings is primary POC for all BJA report items listed)
Draft Outline Completed	7/07/09	IIR
End-of-EE Site Assessments Completed (see Note 1)	10/20/09	IIR
Report Material Drafted and Coordinated Internally	Ongoing	BJA, IIR, IJS, FBI, DHS
Report Coordinated with PM-ISE	TBD	BJA
Report Finalized	TBD	BJA, IIR, IJS, FBI, DHS
Report Approved and Issued	11/30/09	BJA
Privacy and Civil Liberties (PCL) Report		
Assessment Calls Completed and Notes Prepared	10/20/09	
Notes from Assessment Calls Coordinated with Sites	10/30/09	
EE PCL Results Analyzed and Assessed	11/16/09	
Report Material Drafted and Coordinated within PGC	12/4/09	
Report Coordinated with PM-ISE	12/11/09	
Report Coordinated Externally, if needed	12/16/09	
Report Finalized	12/20/09	
Report Approved and Issued	12/30/09	PM-ISE
NSI Report		
Risk Assessment Findings Documented	7/28/09	SAR MT
Lessons Learned Feeder Written	9/22/09	SAR MT
Draft Outline Completed	10/23/09	
Report Material Drafted	12/11/09	
Report Coordinated within PM-ISE	12/17/09	
Report Finalized	12/23/09	
Report Approved and Issued	12/30/09	

ODNI b6

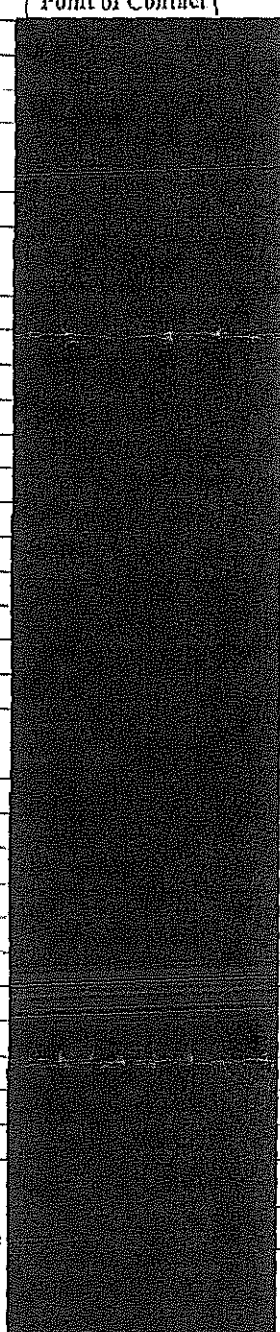
Note 1: Calls for 11 of 12 sites completed. Still need to close with Boston.

And need to follow up on Privacy questions with DC.

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ODNI b6

2. TRAINING PLANS (Updated per IIR, 10/6/09) Need to secure funding, then can work the schedule of sites

Front Line Officer (FLO)	Dates	Point of Contact
Completion of FLO training pilot	8/06/09 (final pilot)	
Revision of course material based on pilot	IIR Reformulating pkg	
FLO training material made available on line	11/18/09	
Regional Training Sessions	Probably Locations/Dates TBD	
Executive Training		
Decision on need to modify/update	Living document; no	
Completion of modification/update as appropriate	major version change	
Delivery schedule (by site)		
Alabama	TBD	
Dallas	TBD	
Indiana	TBD	
Kansas City	TBD	
New Jersey	TBD	
Ohio	TBD	
Savannah	TBD	
South Carolina	TBD	
Tennessee	TBD	
Wisconsin	TBD	
Vetting (Analyst) Training		
Decision on need to modify/update	Living Document; no	
Completion of modification/update as appropriate	major version change	
Delivery schedule (by site)		
Alabama	TBD	
Dallas	TBD	
Indiana	TBD	
Kansas City	TBD	
New Jersey	TBD	
Ohio	TBD	
Savannah	TBD	
South Carolina	TBD	
Tennessee	TBD	
Wisconsin	TBD	
Supervisory and Command Training		
Completion of Development	Not currently funded but	
Delivery schedule (by site)	MCCA recognizes the need based on experience in DC & NY. (VA also commented on need to PM-ISE personal.)	

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3. SAR Outreach Efforts

BJA Projected Outreach Efforts

Location	Purpose of Outreach Effort	BJA Point of Contact	Projected Date	Site Point of Contact
Batter's Box Sites	Site visits/Baseline Assessments	Tom O'Reilly	After acceptance of Privacy policies	TBD
New Orleans	Nail FC Conf/SAR Discussions	Dave Lewis	10/14/09	NA
LV FC Visit	Accompanying AG Holder	Tom O'Reilly	10/17/09	?
?	NSI briefing to Global meeting	Tom O'Reilly	Wk of 19 Oct	?
FL	Describing SAR experience to SE Mtg of FC Directors	Tom O'Reilly	10/28/09	NA
Miami	Building Community of Trust Mtg	Tom O'Reilly	Wk of 16 Nov 09	?
LA	Panel discussion for Predictive Policing Meeting	Tom O'Reilly	Wk of 16 Nov 09	?
Telecons	Weekly status discussions	Tom O'Reilly	Mondays PM	NA
TBD	College/University Reach out - vulnerabilities/reporting	Tom O'Reilly	Upcoming	Rep from U Chicago
TBD	Incorp of AMTRAK into NSI	Tom O'Reilly	Upcoming	TBD
TBD	Updates about NSI at different national forums (CICC, FC Mtgs, Global migs, etc)	Tom O'Reilly	As Requested	NA

c-Guardian Outreach Efforts

Location	Purpose of Outreach Effort	FBI Point of Contact	Projected Date	Site Point of Contact

b6 per PBT
b7C
b7E

EGuardian-662

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4. Federal Participation Plans

DHS Plans (DHS Input 10/6/09)

Activity	Completion Date	Point of Contact
Approval of PIA/Privacy Policy	11/30/09	Stu Frome
Activation of Shared Space	12/1/09	Stu Frome
Relocation of DHS Shared Space to DHS Facilities	11/15/09	Stu Frome
Incorporation of additional data (by agency) into shared space		
FAMS	Completed	Stu Frome
Federal Protective Service (FPS)	12/1/09	Stu Frome
US Coast Guard (USCG)	1/3/10	Stu Frome
National Infrastructure Coordination Center (NICC)	2/1/10	Stu Frome
US Secret Service (USSS)	3/1/10	Stu Frome

NRC

NRC Activity	Completion Date	Point of Contact
Arrange NRC, PM-ISE, FBI, BJA mtg to discuss options	10/20/09	PM-ISE
Conduct focused meeting	10/29/09	PM-ISE, FBI,
Provide mapping from PWS data to fields in Functional Std	11/7/09	
Request NRC ID what info they need to reach decision	11/14/09	
Facilitate necessary organization interfaces	11/14/09 to ?	PM-ISE

Notes: NRC posts their SAR data on a protected server.
NRC also has a Guardian account.

NRC b6

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5. EVALUATION ENVIRONMENT SITE STATUS AT A GLANCE (Updated per telecon, 10/19/09)

Participating EE Sites	Privacy Policy Status (In work/ In Review/ Accepted)	Data Loaded (yes/no) If no, specify expected date.	Data Currently Being Shared with Others in NSI Environment? If no, specify site activation date.	Initial Training Provided? If no, specify training dates.		
				Executive	Vetting (Analyst)	Front Line Officer
Boston PD	Accepted	Yes	Yes	Yes	Yes	
Chicago PD	Accepted	Yes	Yes	Yes	Yes	
FDLE	Accepted	Yes	Yes	Yes	Yes	Yes
Houston PD	Accepted	Yes	No (TBD)	Yes	Yes	
Las Vegas Metropolitan PD	In Work	No	No	Yes	Yes	
Los Angeles PD	Accepted	In SVT but not SS	No (TBD)	Yes	Yes	
Metropolitan (DC) PD	In Review	Yes	No	Yes	Yes	Yes
Miami-Dade	Accepted	No (19Oct09)	No (TBD)	Yes	Yes	
NYSIC	Accepted	Yes	Yes	Yes	Yes	
Phoenix (ACTIC)	In Review	No (30Oct09)	No (10/30/09)	Yes	Yes	
Seattle (WSFC)	In Review	No (17Oct09)	No (10/17/09)	Yes	Yes	
Virginia FC	Accepted	Yes	Yes	Yes	Yes	Yes
FBI (e-Guardian)	Working PIA	Yes	No (TBD)	New BTL script seems to be working		
DHS	Working PIA	Yes	No (TBD)			

6. FY10 EXPANSION SITE STATUS AT A GLANCE (as of 10/6/09)

Candidate FY10 Expansion Sites	Privacy Policy Status (In review / Accepted)	Data Loaded (yes/no)	Site Activation Date?	Projected Training Dates		
				Executive	Vetting (Analyst)	Front Line Officer
Alabama						
Dallas	In Review (8/4/09)					
Indiana	In Review (9/17/09)					
Kansas City						
New Jersey						
Ohio						
Savannah	In Review (6/11/09)					
South Carolina	In Review (8/6/09)					
Tennessee	In Review (5/21/09)					
Wisconsin	In Review (8/5/09)					

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7. eGuardian Account Holders actually providing data into eGuardian

EE Sites	Providing data into e-Guardian ? (yes/no)
Boston PD	
Chicago PD	
FDLE	
Houston PD	
Las Vegas Metropolitan PD	
Los Angeles PD	
Metropolitan (DC) PD	
Miami-Dade	
NYSIC	
Phoenix (ACTIC)	
Seattle (WSFC)	
Virginia FC	
Expansion Sites	
Alabama	
Dallas	
Indiana	
Kansas City	
New Jersey	
Ohio	
Savannah	
South Carolina	
Tennessee	
Wisconsin	
Others providing SAR reports into e-Guardian	
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes
	yes

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