



U.S. Department of Justice
Office of Information Policy
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FILE COPY

February 11, 2013

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

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

Dear Ms. Choudhury:

This our final 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 November 15, 2012, you were advised that we were continuing to process 1,881 pages and that consultations were ongoing on that material. Please be advised that our consultations and review on these 1,881 pages are now complete.

I have determined that sixteen pages are appropriate for release without excision and copies are enclosed. Also enclosed are 199 pages which I have determined are appropriate for release with excisions made, some on behalf of the Department of Homeland Security, the Office of the Director of National Intelligence, and the Office of Justice Programs (OJP), pursuant to Exemptions 3, 5, 6, 7(C), and 7(E) of the FOIA, 5 U.S.C. § 552(b)(3), (5), (6), (7)(C), (7)(E). An additional 252 pages are being withheld in full pursuant to Exemption 5 of the FOIA. Exemption 3 pertains to information exempted from release by statute, in this instance 50 U.S.C. § 403g. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques or procedures for law enforcement investigations or prosecutions.

Please note that 606 pages are not responsive to your request because they consist of drafts or discussions concerning drafts. Moreover, we have determined that the remaining 808 pages are duplicative of material being provided to you in this response or are otherwise not responsive inasmuch as they do not pertain to the topic of your request.

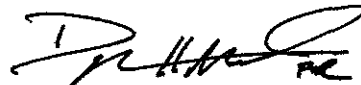
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Finally, please be advised that, aside from the 1,881 pages addressed above, OJP has forwarded an additional 1,044 pages of material to this Office for direct response to you. 648 pages of this material are appropriate for release with excisions made pursuant to Exemptions 3, 5, 6, 7(C), and 7(E) of the FOIA. Copies of these OJP documents will be provided under separate cover. The remaining 396 pages of material forwarded by OJP are being withheld on behalf of OJP and the Federal Bureau of Investigation pursuant to Exemption 7(E) of the FOIA.

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

Vanessa R. Brinkmann
Counsel, Initial Request Staff

Enclosures