



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

May 13, 2013

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

FOIPA Request No.: 1214876
Subject: EGUARDIAN PROGRAM

Dear Mr. Choudhury:

While processing your Freedom of Information Act (FOIA) request, the Department of Justice, National Security Division ("NSD") located FBI information in their records that they determined was potentially responsive to your FOIA request. NSD referred this material to the FBI for direct response to you.

NSD referred 76 pages of records to the FBI. The FBI determined that all documents except one were outside the scope of your request. The remaining document is a working draft of Congressional testimony subsequently given by FBI Director Mueller. Only one portion of this testimony related to eGuardian. While this information would normally be subject to withholding under Exemption 5, the FBI is releasing to you without redaction the first page of this internal working draft (which is not about eGuardian but provides context for the release) and the two pages referencing eGuardian because we have determined that this information is substantively identical to the information publicly released in the final version of this document. The remainder of this working draft is not related to eGuardian and has been determined to be outside the scope of your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your 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." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned above the typed name.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

ACLUEG001839