



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

November 23, 2011

PETER BIBRING, ESQ.
ACLU OF SOUTHERN CALIFORNIA
1313 WEST EIGHTH STREET
LOS ANGELES, CA 90017

FOIPA Request No.: 1151865-000
Subject: ACLU/DIOG INFORMATION

Dear Mr. Bibring:

On December 22, 2010, we made a first interim release of 298 pages to you in connection with the above referenced request. We have reviewed 962 additional pages of responsive material. Of this material, 748 pages are exempt from disclosure in their entirety pursuant to Title 5, United States Code, Section 552, subsection (b)(7)(A), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. The remaining 214 pages were removed because they were duplicates of the pending material.

By letter dated July 27, 2010, you requested a fee waiver. Requests for fee waivers are determined on a case by case basis. See 5 U.S.C. 522(a)(4)(A)(iii). See also Nat'l Sec. Archive v. DOD, 808 F.2d 1381, 1383 (D.C. Cir. 1989). The burden is on the requester to show that the statutory requirements for a fee waiver have been met.

You have requested that fees be waived because disclosure of the information sought in the above FOIA request will "contribute significantly to public understanding of the federal government's policies and practices of monitoring and surveillance of American citizens and residents within this country's borders." You have represented that the ACLU of Southern California plans to disseminate the information disclosed as a result of this FOIA request and you have indicated the various ways in which the ACLU of Southern California analyzes, publishes, and disseminates material, including through its website (www.aclu-sc.org).

I have considered your request, the materials previously processed in response to it, and applicable law. Your request for a fee waiver is granted as to search and duplication fees. No fee will be assessed against the materials previously released to you.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. 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 Number assigned to your request so that it may be easily identified.

Very truly yours,

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

ACLURM017507