

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

Ms. Julia Harumi Mass
Staff Attorney
American Civil Liberties Union
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

JUN 29 2012

Reference: DF-2012-00076 (FBI FOIA No. 1144839-000); ACLU v. FBI, 3:10-cv-03759-RS

Dear Ms. Mass:

This responds to your 9 March 2010 letter to the Federal Bureau of Investigation (FBI), wherein you requested, under the Freedom of Information Act (FOIA), agency records concerning the following:

- “1. Final memoranda, policies, procedures, directives, guidance, protocols, legal analysis, training materials, and other documents reflecting policy pertaining to the following matters that were created or effective since September 2001: [a-h]**
- 2. Individual records related to FBI activities in northern California from January 2005 to the present pertaining to: [a-c]**
- 3. Aggregated Data: [You] seek the following aggregate data, disaggregated by date, location, and/or as further designated below: [a-v]”**

In response to your request, and subsequent litigation, the Federal Bureau of Investigation (FBI) referred twelve documents consisting of 253-pages 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, it is determined that three documents consisting of 47 pages may be released in their entirety. Five documents consisting of 133 pages may be released in segregable form with deletions made pursuant to FOIA exemptions (b)(1), (b)(3), (b)(6), and (b)(7)(E). The documents, as approved for release, are enclosed.

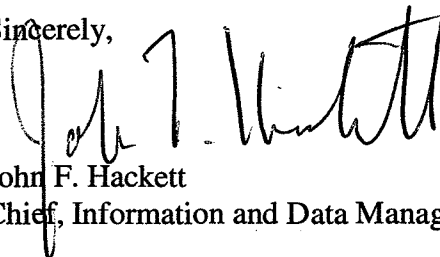
The remaining four documents consisting of 73 pages must be denied in their entirety pursuant to FOIA exemptions (b)(1) and (b)(3).

Exemption 1 protects information which is currently and properly classified in accordance with Executive Order 13526. Exemption 3 protects information that is specifically covered by statute. In this case, the applicable statute is the National Security Act, which protects information pertaining to intelligence sources and methods. Exemption 6 protects information that would constitute a clearly unwarranted invasion of privacy. Exemption 7(E) protects information that would disclose techniques and procedures for law enforcement investigations.

Ms. Julia Harumi Mass

The ODNI regulations governing administrative appeals are set forth in 32 C.F.R. §1700.13. Those regulations state that no appeal shall be accepted if the information in question is the subject of pending litigation in the federal courts.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Hackett". The signature is written in a cursive style with a large initial "J" and "H".

John F. Hackett
Chief, Information and Data Management Office

Enclosure (8 Documents/180-pages)