

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 41

**Date of Document:** 2/19/2003

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Draft Response

**Document Pages:** 1

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a one-page email chain, with a draft response and suggestions to a Congresswoman concerning the disposition of the videotapes. This document contains predecisional information communicated between CIA attorneys and their clients for the purposes of obtaining legal advice, as well as information created by CIA attorney in anticipation of litigation. This document is withheld in its entirety on the basis of FOIA exemption b(5).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

## ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 42

**Date of Document:** 2/19/2003

**Document Type:** Email

**Classification:** Confidential

**From/To:** HQ/HQ

**Subject:** Draft response

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email email chain, with a draft response and suggestions to a Congresswoman concerning the disposition of the videotapes. This document contains predecisional information communicated between CIA attorneys for the purposes of obtaining legal advice, as well as information created by CIA attorney in anticipation of litigation. This document is withheld in its entirety on the basis of FOIA exemption b(5).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

## ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 43

**Date of Document:** 2/22/2003

**Document Type:** Email

**Classification:** Confidential

**From/To:** HQ/HQ

**Subject:** Letter

**Document Pages:** 1

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a one-page email, with an embedded draft letter for a Congresswoman. This document contains predecisional information communicated between CIA attorneys and their clients for the purposes of obtaining legal advice, as well as information created by CIA attorney in anticipation of litigation. This document is withheld in its entirety on the basis of FOIA exemption b(5).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 44

**Date of Document:** 3/14/2003

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Congressional Letter

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is two-page email chain concerning the disposition of the videotapes and a response to a Congressional letter. The document contains information that relates to locations of CIA facilities, as well as intelligence sources and methods. This document contains predecisional information that was made in anticipation of litigation, as well as information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemption b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government personnel, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 45

**Date of Document:** 5/13/2003

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Lessons for future

**Document Pages:** 7

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a seven-page email, with an embedded cable, concerning future field operations and locations, detentions, and interrogations. The document contains information that relates to locations of CIA facilities, as well as intelligence sources and methods. This document contains predecisional information communicated between CIA attorneys and their clients for the purposes of obtaining legal advice, as well as information created by a CIA attorney in anticipation of litigation. The document also contains information relating to the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 46

**Date of Document:** 6/7/2003

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Trip report

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email concerning a CIA's attorney trip report. This document contains predecisional deliberative information used by government employees, including presidential advisors in anticipation of possible presidential action, communication between CIA attorneys, which was made in anticipation of litigation, and well as information relating to the identities of personnel engaged in counter-terrorism activities. This document also contains information relating to classified intelligence operations, sources, and methods. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the basis of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

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Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of presidential advisors and CIA attorneys created in anticipation of litigation, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 47

**Date of Document:** 9/19/2003

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Memo on destruction of tapes

**Document Pages:** 3

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a three-page email chain, with suggestions and comments on a draft memo regarding the destruction of the videotapes. This document contains predecisional information and communication between CIA attorneys, which was made in anticipation of litigation, as well as information relating to intelligence methods and the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(3) and b(6).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys created in anticipation of litigation, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in

counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 48

**Date of Document:** 9/22/2003

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Videotapes memo

**Document Pages:** 3

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a three-page email chain, concerning a draft memo on the destruction of videotapes. This document contains predecisional information and communication between CIA attorneys, which was made in anticipation of litigation, as well as information relating to intelligence methods and the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5), and in part on the bases of FOIA exemptions b(3) and b(6).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys created in anticipation of litigation, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in

counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 49

**Date of Document:** 9/22/2003

**Document Type:** Email

**Classification:** Confidential

**From/To:** HQ/HQ

**Subject:** Videotapes memo

**Document Pages:** 4

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a four-page email chain concerning a draft memo on the destruction of the videotapes. This document contains predecisional information and communication between CIA attorneys, which was made in anticipation of litigation, as well as information relating to intelligence methods and the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(3) and b(6).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys created in anticipation of litigation, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in

counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 50

**Date of Document:** 2/19/2004

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Note

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with attachment, concerning the legalities as to whether the CIA is legally required to retain the videotapes. This document contains predecisional information communicated between CIA attorneys for the purposes of obtaining legal advice, as well as information created by CIA attorney in anticipation of litigation and information relating to the identities of personnel engaged in counterterrorism operations. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases FOIA exemptions b(3) and b(6).

Exemption b(3) - This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose



privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 51

**Date of Document:** 7/28/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** DNI/HQ

**Subject:** Views

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email chain concerning the disposition of the tapes. The document contains information that relates to classified intelligence operations and methods and contains the predecisional deliberative communications of presidential advisers relating to a possible presidential decision. This document also contains personal and identifiable information relating to the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, and opinions of United States government officers, including CIA attorneys and presidential advisers, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

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# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 52

**Date of Document:** 07/28/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** DNI/HQ

**Subject:** DNI views

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email chain concerning the disposition of the videotapes. The document also contains information that relates to classified intelligence operations and methods, predecisional deliberative information and personal and identifiable information relating to the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

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Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, and opinions of United States Government officers, including CIA attorneys, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 53

**Date of Document:** 10/28/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** DNI/HQ

**Subject:** Field Location

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email chain concerning the disposition of the videotapes. The document contains information about classified intelligence operations, sources, and methods. The document also contains predecisional, deliberative information created by attorneys in anticipation of litigation, and information relating to the identities of personnel engaged in counterterrorism operations. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys created in anticipation of litigation, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

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# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 54

**Date of Document:** 10/28/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Authorization to destroy tapes

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email chain on whether to send a cable to destroy or relocate videotapes. The document contains information about classified intelligence operations, sources, and methods. The document also contains predecisional, deliberative information created by an attorney in anticipation of litigation and information relating to the identities of personnel engaged in counterterrorism operations. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).



Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys created in anticipation of litigation, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 55

**Date of Document:** 10/31/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Potential press briefing on interrogation program

**Document Pages:** 25

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a thirteen-page and a twelve-page email chain, concerning a proposed press release discussing the CIA's interrogation program. The document contains information about classified intelligence operations, sources, and methods. The document also contains predecisional, deliberative information created by CIA attorneys in anticipation of litigation and transmitted to the client in connection with providing legal advice, as well as information relating to the identities of personnel engaged in counterterrorism operations. This document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – Exemption b(5) – This document contains information relating predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government employees, as well as CIA attorney work product conveyed in connection with the provision of legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 56

**Date of Document:** 10/31/2005

**Document Type:**

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Potential Press Briefing

**Document Pages:** 13

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a thirteen-page email chain, discussing whether to publically acknowledge the counterterrorism interrogation program. This document contains information relating to classified intelligence methods, as well as predecisional and deliberative information created by CIA attorneys in anticipation of litigation and communicated between CIA attorneys for the purposes of obtaining legal advice, as well as information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5), and in part on the basis of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – Exemption b(5) – This document contains information relating predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government employees, as well as CIA attorney work product conveyed in connection with the provision of legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 57

**Date of Document:** 11/01/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** updated bullet points

**Document Pages:** 4

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a four-page email discussing a proposed a press release regarding a specific program. This document contains information regarding the Agency's organizational structure and intelligence sources and methods. Additionally, it contains the identities of personnel engaged in counterterrorism operations and predecisional, and deliberative information communicated between CIA attorneys for the purposes of informing the CIA's deliberative process in anticipation of litigation. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemption b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys created in anticipation of

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litigation, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 58  
**Date of Document:** 11/1/2005  
**Document Type:** Email  
**Classification:** Top Secret  
**From/To:** HQ/HQ  
**Subject:** Updated information  
**Document Pages:** 3

## FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

## Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

## Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

## Document Description:

This is a one-page email, with a two-page attachment, that discusses the Agency's detention and interrogation program from a legal standpoint. This document contains information that relates to the Agency's organizational structure, as well as classified intelligence methods. It also contains predecisional and deliberative information that was conducted in anticipation of litigation and information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemption b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).



Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys created in anticipation of litigation, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 59

**Date of Document:** 11/4/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Proposed cable language

**Document Pages:** 5

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a five-page email that contains proposed language regarding the disposition of the tapes. This document contains information that relates to the Agency's organizational structure, as well as intelligence methods. It also contains predecisional and deliberative information that was created in anticipation of litigation and information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys created in anticipation of litigation, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456  
**Document Number:** 60  
**Date of Document:** 11/9/2005  
**Document Type:** Email  
**Classification:** Top Secret  
**From/To:** HQ/HQ  
**Subject:** Destruction of tapes  
**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with an embedded cable confirming destruction of the videotapes that were stored at a field location. This document contains information that relates to the Agency's organizational structure, as well as intelligence activities, sources, methods, and information relating to the identities of personnel engaged in counter-terrorism activities. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), b(6), and b(7)(A). The Agency was prepared to release this document in part, but Special Prosecutor Durham has claimed FOIA Exemption b(7) over the information the Agency proposed to release, which has resulted in the document being denied in full.

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Exemption b(7) - This document contains information compiled for law enforcement purposes the disclosure of which could reasonably be expected to interfere with enforcement proceedings, and thus is protected from disclosure by Exemption b(7)(A).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 61

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ./HQ

**Subject:** Memo regarding tapes

**Document Pages:** 9

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with an attached five-page memo and an attached two-page memo regarding the tapes. This document contains information that relates to the Agency's organizational structure, as well as intelligence activities, sources, and methods. This document contains predecisional information communicated between CIA attorneys and their clients for the purposes of obtaining legal advice, as well as information created by CIA attorney in anticipation of litigation. It also contains information relating to the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of providing legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 62

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Language for tapes

**Document Pages:** 24

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a twenty-four page email chain, discussing communication between CIA officers relating to the tapes. This document contains information that relates to the Agency's organizational structure and the location of classified facilities, as well as intelligence activities, sources, and methods. This document contains predecisional information communicated between CIA attorneys and their clients for the purposes of obtaining legal advice, as well as information created by CIA attorney in anticipation of litigation. It also contains information relating to the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,



50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 63

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Cable traffic

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with an embedded cable discussing a proposal to destroy the videotapes. This document contains information that relates to the Agency's organizational structure and the location of classified facilities, as well as intelligence activities, sources, and methods. This document also contains predecisional, deliberative information communicated between CIA officers and attorneys for the purposes of obtaining legal advice. It also contains information relating to the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government personnel, as well as communications between an attorney and client, made and kept in confidence, for the purpose of the attorney providing the client legal advice, and is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 64

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Cable

**Document Pages:** 4

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a four-page email, with an embedded cable discussing the destruction of the videotapes. This document contains information that relates to the Agency's organizational structure and the location of classified facilities, as well as intelligence activities, sources, and methods. This document also contains information communicated between CIA officers and attorneys for the purposes of obtaining legal advice, in addition to information relating to the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains communications between an attorney and client conducted for the purpose of allowing the attorney to provide legal advice to the client. The communications were made with the expectation that they would remain in confidence and have remained so. They are therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 65

**Date of Document:** 11/10/2002

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Cable traffic

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with an embedded cable discussing the destruction of the videotapes. This document contains information that relates to the Agency's organizational structure and the location of classified facilities, as well as intelligence activities, sources, and methods. This document also contains predecisional information created as part of the CIA's deliberative process and information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government personnel, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456

Document Number: 66

Date of Document: 11/10/2005

Document Type: Email

Classification: Secret

From/To: HQ/HQ

Subject: Cable

Document Pages: 2

## FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

## Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

## Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

## Document Description:

This is a two-page email, with an embedded cable discussing the destruction of the videotapes. This document contains information that relates to the Agency's organizational structure and the location of classified facilities, as well as intelligence activities, sources, and methods. This document contains information communicated between a CIA attorney and client for the purposes of obtaining legal advice. It also contains information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).



Exemption b(5) - This document contains communications between an attorney and client conducted for the purpose of allowing the attorney to provide legal advice to the client. The communications were made with the expectation that they would remain in confidence and have remained so. They are therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 67

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Approval Cable

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with an embedded cable authorizing destruction of the videotapes. This document contains information that relates to the Agency's organizational structure and the location of classified facilities, as well as intelligence activities, sources, and methods. This document contains predecisional information conveyed by CIA attorneys to their clients in connection with the provision of legal advice. It also contains information relating to the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government personnel, as well as communications between an attorney and client, made and kept in confidence, for the purpose of the attorney providing the client legal advice, and is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 68

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Cable

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with an embedded cable discussing the destruction of the videotapes. This document contains information that relates to the Agency's organizational structure and the location of a classified facility, as well as intelligence activities, sources, and methods. This document also contains predecisional information created and used as part of the CIA's deliberative process. It also contains information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government personnel, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 69

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Cable

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with an embedded cable granting approval to destroy the videotapes. This document contains information that relates to the Agency's organizational structure and the location of a classified facility, as well as intelligence activities, sources, and methods. This document also contains information communicated between a CIA attorney and a client for the purposes of obtaining legal advice. It also contains information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains communications between an attorney and client conducted for the purpose of allowing the attorney to provide legal advice to the client. The communications were made with the expectation that they would remain in confidence and have remained so. They are therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 70

**Date of Document:** 11/10/2002

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Cable

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with an embedded cable confirming the destruction of the videotapes. This document contains information that relates to the Agency's organizational structure and the location of a classified facility, as well as intelligence activities, sources, and methods. This document also contains information communicated between a CIA attorney and a client for the purposes of obtaining legal advice. It also contains information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).



Exemption b(5) - This document contains communications between an attorney and client conducted for the purpose of allowing the attorney to provide legal advice to the client. The communications were made with the expectation that they would remain in confidence and have remained so. They are therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 71

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Tapes

**Document Pages:** 1

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a one-page email discussing the destruction of the videotapes. This document contains information relating to classified intelligence methods, as well as predecisional information that was used as part of the CIA's deliberative process and information relating to the identities of personnel engaged in counterterrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(3) and b(6).

Exemption b(3) - This document contains information relating to intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government personnel, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 72

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Outgoing Cable

**Document Pages:** 4

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a four-page email discussing the destruction of the videotapes. This document contains information that relates to the Agency's organizational structure, as well as intelligence activities, sources, and methods. This document contains predecisional, deliberative information communicated between CIA officers and attorneys for the purposes of obtaining legal advice, as well as information created by CIA attorney in anticipation of litigation. It also contains information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – Exemption b(5) – This document contains information relating predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government employees, as well as CIA attorney work product conveyed in connection with the provision of legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 73

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Review of tapes

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email, with an embedded cable, regarding a CIA attorney's review of the videotapes. This document contains information relating to classified intelligence operations and methods, as well as predecisional information that was used as part of the CIA's deliberative process and information relating to the identities of personnel engaged in counter-terrorism activities. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government personnel, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 74

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Destroyed Tapes

**Document Pages:** 4

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a four-page email chain, with attached cables and handwritten marginalia, discussing the destruction of the tapes. The document contains information relating to classified intelligence operations and methods and the identities of personnel engaged in counter-terrorism operations. The document also contains predecisional, deliberative information created by CIA officers as part of the CIA's deliberative process and presidential advisors in furtherance of possible presidential action. The document is withheld in full on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government personnel, including presidential advisors, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).



# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 75

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Tapes Destroyed

**Document Pages:** 2

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email discussing the destruction of the tapes. This document contains personal identifiable information of personnel engaged in counter-terrorism operations, as well as the Agency's organizational structure. This document also contains predecisional deliberative information communicated between CIA officers and presidential advisors as part of presidential and CIA deliberations. The document also contains information communicated between CIA officers and attorneys for the purposes of obtaining legal advice, as well as information created by CIA attorney in anticipation of litigation. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(3), and b(6).

Exemption b(3) - This document also contains information relating to the organization and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of presidential advisors, government officers, and government attorneys, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in

counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 76

**Date of Document:** 11/10/2005

**Document Type:** Cable

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Tapes Destroyed

**Document Pages:** 5

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a two-page email chain discussing the destruction of the tapes. This document contains personal identifiable information of personnel engaged in counterterrorism operations, as well as the Agency's organizational structure. This document also contains predecisional deliberative information communicated between presidential advisors and CIA officers in furtherance of presidential deliberations, as well as between CIA officers and attorneys for the purposes of obtaining legal advice and information created by CIA attorney in anticipation of litigation. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3) and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

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50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys and presidential advisors, as well as CIA attorney work product conveyed for the purposes of soliciting legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

## ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 77

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Secret

**From/To:** HQ/HQ

**Subject:** Tapes Destroyed

**Document Pages:** 7

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a seven-page email chain, with handwritten marginalia and embedded cables, discussing the destruction of the tapes. This document contains personal identifiable information of personnel engaged in counterterrorism operations, as well as the Agency's organizational structure. This document also contains predecisional deliberative information communicated between CIA officers and presidential advisors in furtherance of presidential deliberations, and attorneys for the purposes of obtaining legal advice and information created by CIA attorney in anticipation of litigation. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3) and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended,

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50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information relating to predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government attorneys, officers, and presidential advisors, as well as CIA attorney work product conveyed for the purposes of providing legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 78

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Cable/Memo

**Document Pages:** 4

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a four-page email chain regarding the review of the tapes. This document contains information relating to the organizational structure of the CIA and classified intelligence methods. It also contains information that was created by an attorney or the attorney's agent in anticipation of litigation, and personal identifiable information relating to the identities of personnel engaged in counterterrorism operations. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created by an attorney or the attorney’s agent in anticipation of litigation. The information has been kept in confidence by the attorney and therefore is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).



## ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 79

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Memo on tapes-OIG comment

**Document Pages:** 1

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a one-page email discussing the disposition of the tapes. This document contains information relating to the organizational structure of the CIA and classified intelligence methods. It also contains information, which was created by an attorney or the attorney's agent in anticipation of litigation and personal identifiable information relating to the identities of personnel engaged in counterterrorism operations. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) – This document contains information created by an attorney or the attorney’s agent in anticipation of litigation. The information has been kept in confidence by the attorney and therefore is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in . counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

# ACLU v. DOD Final Production

**FOIA/PA Request No.:** F-2004-01456

**Document Number:** 80

**Date of Document:** 11/10/2005

**Document Type:** Email

**Classification:** Top Secret

**From/To:** HQ/HQ

**Subject:** Memo on tapes-OIG comment

**Document Pages:** 1

**FOIA Exemptions:**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

**Privacy Act Exemptions:**

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

**Disposition:**

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

**Document Description:**

This is a one-page email chain discussing the disposition of the videotapes. This document contains information relating to the organizational structure of the CIA. It also contains information, which was created by an attorney or the attorney's agent in anticipation of litigation and personal identifiable information relating to the identities of personnel engaged in counterterrorism operations. This document is withheld in its entirety on the basis of FOIA exemption b(5) and in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2008) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

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Exemption b(5) - This document contains information created by an attorney or the attorney's agent in anticipation of litigation. The information has been kept in confidence by the attorney and therefore is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).