

October 16, 2019

VIA CM/ECF

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007



Re: *American Civil Liberties Union, et al. v. Office of the Director of National Intelligence, et al.*, No. 18-cv-12131 (LGS)

Dear Judge Schofield:

The parties in the above-captioned Freedom of Information Act (“FOIA”) lawsuit submit this joint letter pursuant to the Court’s order dated April 16, 2019 (ECF No. 35), to provide the Court with a status report.

Since the last status report to the Court on August 16, 2019 (ECF No. 37), the Department of Justice’s National Security Division (“NSD”) provided an interim response on September 3, 2019. NSD has withheld a number of documents in full pursuant to various FOIA exemptions and statutory authorities, and Plaintiffs reserve their right to challenge these claimed exemptions.

Plaintiffs have raised several questions concerning the agencies’ various productions and the agencies have provided some supplemental information in response, as the parties endeavor to resolve these outstanding matters. NSD’s September 3, 2019 response did not include records responsive to Category 4 of Plaintiffs’ FOIA request which were scheduled to be produced on that date. *See* ECF No. 35. NSD stated that the records could not be produced until they had been reviewed by the National Security Agency, and has since informed Plaintiffs that it expects to produce these records by November 8, 2019. Plaintiffs also requested additional information from the Federal Bureau of Investigation (“FBI”) regarding the processing of certain documents contained in its July 8, 2019 production. The FBI has agreed to reprocess these records and expects it will be able to produce them to Plaintiffs by mid-November. The parties are continuing to

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confer regarding these matters. We will inform the Court if any of the parties' discussions result in a dispute that requires the Court's intervention.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ Noor Zafar

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