



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

June 27, 2016

Dror Ladin
Staff Attorney
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, New York 10004
dladin@aclu.org

Re: FOIA Tracking No. FY15-098; ACLU v. DOD et al., No. 15-cv-9317 (SDNY)

Dear Mr. Ladin:

This letter constitutes a supplemental response to your August 14, 2015 Freedom of Information Act ("FOIA") request to the Office of Legal Counsel ("OLC") and other entities, in which you sought "records listed in [an] attached table" that pertain to "the Executive Summary of the Senate Select Committee on Intelligence ('SSCI') *Study of the CIA's Detention and Interrogation Program*." As you know, the request is also the subject of the above-captioned litigation, and OLC sent you a first response on June 13, 2016, enclosing nine records. Pursuant to 28 C.F.R. § 16.5(b), your request was processed in the expedited track.

In processing your request, the Central Intelligence Agency referred one additional responsive document to OLC, identified in your request as Document 17. We are withholding the document in full pursuant to FOIA Exemption Five, 5 U.S.C. § 552(b)(5). The document is protected by the deliberative process and attorney-client privileges, and we have determined that it is not appropriate for discretionary release. Portions of the document are also exempt from disclosure pursuant to FOIA Exemptions One and Three, § 552(b)(1), (3). The material withheld pursuant to Exemptions One and Three is classified national security information and specifically exempted from disclosure by Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C. § 3024(i)(1).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Although your request is the subject of ongoing litigation, and administrative appeals are not ordinarily acted upon in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. You may submit an appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through

OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be postmarked or transmitted electronically within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Paul P. Colborn
Special Counsel

cc: Tara M. LaMorte
Assistant United States Attorney
Southern District of New York

Sarah S. Normand
Assistant United States Attorney
Southern District of New York