



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

May 5, 2022

BY ECF

Hon. Lorna G. Schofield
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *American Civil Liberties Union et al. v. Office of the Director of National Intelligence, et al.*, 18 Civ. 12131 (LGS)

Dear Judge Schofield:

I write on behalf of both parties in the above-captioned FOIA lawsuit to provide a status report, as required by the Court's January 19, 2022 order, ECF No. 85.

Withheld in Full Records

Since the parties' April 5 status report, Plaintiffs have continued to seek information about the government's basis for withholding certain records in full in light of the agencies' past official disclosures. The government is working to determine whether it can share some information with Plaintiffs about the basis for its decision, but this process has been slowed by the sensitive nature of the records at issue. The government has therefore agreed to provide additional information, if possible, regarding the records withheld in full by May 19, 2022. If necessary, the parties will provide a further update to the Court at that time.

Ongoing Processing

As noted in prior letters, the government also agreed to reexamine its assertion of exemptions in Item 9 records to ensure that its processing is consistent with previous non-FOIA official disclosures. The government completed this reprocessing and made a re-release to plaintiffs on May 2.

The government's processing of Item 6 records is ongoing, consistent with the operative schedule, including as modified by the Court's May 2 order extending the government's time to process certain records, ECF No. 90.

I thank the Court for its consideration of this matter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

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