



Request ID: 0000993678

UNCLASSIFIED
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Type: OMAL



Submitted: 20190906

TO MR. JOHN GREENWALD 27305 W. LIVE OAK RD. SUITE #1203 CASTAIC, CA 91384		FROM (RETURN ADDRESS) DEPARTMENT OF DEFENSE NATIONAL SECURITY AGENCY 9800 SAVAGE ROAD FORT MEADE MARYLAND 20755-6000 ATTN: RAMSEY,VICKI LYNN SUITE: 6881		This transmittal may NOT be downgraded upon removal of the enclosure(s). This transmittal may NOT be declassified upon removal of the enclosure(s).	
WRAPPED <input checked="" type="checkbox"/> U <input type="checkbox"/> S <input type="checkbox"/> D		COMSEC <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SUBMITTED 20190906	
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LN#	UNCLASSIFIED TITLE/DESCRIPTION OF ITEM	QTY	TOT COST	MFG SERIAL#	BARCODE	CLASS. OF ITEM
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DESIG CPODIR	ACCT NO	TYPE NA	PAS STATEMENT Not Applicable	APPROVAL
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SPECIAL HANDLING INSTRUCTIONS (UNCLASSIFIED)

REQUESTED BY RAMSEY,VICKI LYNN (VLRAMSE)	SIGNATURE <i>Vicki Ramsey</i>	ORG P133	PHONE (301)688-7785
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Type: OMAL

RETURN TO DEPARTMENT OF DEFENSE NATIONAL SECURITY AGENCY 9800 SAVAGE ROAD FORT MEADE MARYLAND 20755-6000 ATTN: RAMSEY,VICKI LYNN SUITE: 6881	FROM MR. JOHN GREENWALD 27305 W. LIVE OAK RD. SUITE #1203 CASTAIC, CA 91384	Receipt is hereby acknowledged for the material or documents listed under this Request ID	
		SID (Typed or Printed)	DATE RECEIVED
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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: MDR-107070
6 September 2019

Mr. John Greenwald
27305 W. Live Oak Rd.
Suite #1203
Castaic, CA 91384

Dear Mr. Greenwald:

This responds to your request of 26 May 2019 to have Media Leaks: Strategic Guidance Needed on Engaging FOIA Requesters reviewed for declassification. The material has been reviewed under the Mandatory Declassification Review (MDR) requirements of Executive Order (E.O.) 13526 and is enclosed. We have determined that some of the information in the material requires protection.

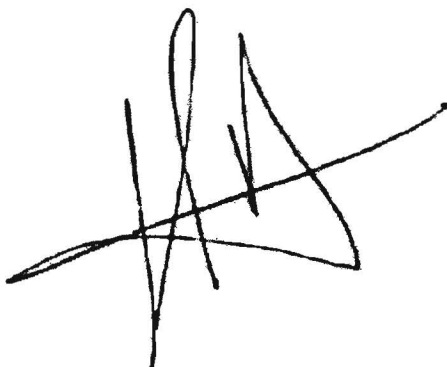
Some portions deleted from the document were found to be currently and properly classified in accordance with E.O. 13526. The information denied meets the criteria for classification as set forth in Section 1.4 subparagraph (c) and remains classified TOP SECRET, as provided in Section 1.2 of E.O. 13526.

Section 3.5 (c) of E.O. 13526, allows for the protection afforded to information under the provisions of law. Therefore, the names of NSA/CSS employees and information that would reveal NSA/CSS functions and activities have been protected in accordance with Section 6, Public Law 86-36 (50 U.S. Code 3605, formerly 50 U.S. Code 402 note).

Since your request for declassification has been denied you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS MDR Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the denial letter. The appeal shall be in writing addressed to the NSA/CSS MDR Appeal Authority (P133), National Security Agency, 9800 Savage Road, STE 6881, Fort George G. Meade, MD 20755-6881. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes the release of information is

required. The NSA/CSS MDR Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.

Sincerely,

A handwritten signature in black ink, appearing to be 'JD', with a long horizontal stroke extending to the right.

JOSEPH DEMATTEI
Chief
Declassification Services

Encl:
a/s

Phillips Pamela N NSA-DJ4 USA CIV

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Thursday, June 27, 2013 10:05 AM
To: DL dj4_gov (ALIAS) DJ4
Subject: FW (U) Rick/Trum -- Media Leaks. Strategic Guidance Needed on Engaging FOIA Requesters
Signed By: pnphill@nsa.ic.gov

Classification: ~~TOP SECRET//SI//NOFORN~~

All,
(U//FOUO) Thought you'd like to see Dave's vote of confidence for the entire FOIA/PA Staff! Dave and I and OGC met with Rick Ledgett yesterday afternoon to go over the GLOMAR process, and he was totally comfortable with it after the meeting, as well as everything else the FOIA Office is doing.
Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

PL 86-36/50 USC 3605

From: Sherman David J Dr NSA-DJ USA CIV
Sent: Wednesday, June 26, 2013 6:07 PM
To: Phillips Pamela N NSA-DJ4 USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-D28 USA CIV
Subject: RE: (U) Rick/Trum -- Media Leaks: Strategic Guidance Needed on Engaging FOIA Requesters

Classification: ~~TOP SECRET//SI//NOFORN~~

(U//FOUO) I have not said this enough: each of you and the entire team that is working this in DJ4 and OGC is doing an absolutely super job under difficult and rapidly changing conditions. It's confirming every day why NSA's FOIA program is called out as best-in-class. I'm the new guy and the amateur at all this, but for what it is worth I am extraordinarily proud and glad that I was offered the opportunity to be here with you at this time and see what is exceptional public service, in the true sense of the words, in action.

David J. Sherman
Associate Director for Policy and Records
National Security Agency
Room 2A0858
djsherm@nsa.ic.gov
.969-2850 (secure)
[redacted] commercial)

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Wednesday, June 26, 2013 12:41 PM
To: Sherman David J Dr NSA-DJ USA CIV
Cc: Phillips Pamela N NSA-DJ4 USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-D28 USA CIV
Subject: FW: (U) Rick/Trum -- Media Leaks: Strategic Guidance Needed on Engaging FOIA Requesters
Importance: High

Declassified and Approved for Release by NSA on 09-06-2019 pursuant to E.O. 13526: MDR-107070

Classification: ~~TOP SECRET//SI//NOFORN~~

EO 1.4.(c)
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Dave,

(TS//SI//NF) [Redacted]

(U//FOUO) In the meantime, I am very appreciative of the fact that they concur with the approach to negotiating with the media requesters. I will gather those up and determine the best way to approach them and start making calls today or tomorrow. I will keep you posted on how those calls go.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [Redacted] (U)

PL 86-36/50 USC 3605

From: Soule Trumbull D NSA-DC USA CIV
Sent: Wednesday, June 26, 2013 12:25 PM
To: Sherman David J Dr NSA-DJ USA CIV; Ledgett Richard H Jr NSA-V USA CIV
Cc: DL medialeaks_staff (ALIAS) K1; De Rajesh NSA-D2 USA CIV; [Redacted] NSA-D2 USA CIV; [Redacted] NSA-D28 USA CIV; [Redacted] USA CIV; [Redacted] USA CIV; [Redacted] USA CIV; Emmel Judith A NSA-DN USA CIV; [Redacted] NSA-DN09 USA CIV; [Redacted] NSA-C USA CIV; [Redacted] USA CIV; [Redacted] NSA-DJ USA CIV; [Redacted] NSA-DJ USA CIV; Phillips Pamela N NSA-DJ4 USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV
Subject: RE: (U) Rick/Trum -- Media Leaks: Strategic Guidance Needed on Engaging FOIA Requesters

Classification: ~~TOP SECRET//COMINT//NOFORN~~

Dave,

Rick and I discussed this issue this morning, and I'm replying for both of us.

(U//FOUO) We concur with maintaining the current approach as you outlined below, that you reach out to those reporters with requests so broad as to be impossible to respond to and see if we can develop ways of meeting their needs.

(U//FOUO) Separately, [redacted]

[redacted]

Would you please work with [redacted]

cc on this email as part of the DL MEDIALEAKS_Staff to arrange such a discussion with Rick + either [redacted] or me?

Thank you.

Trum

(U//FOUO)

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PL 86-36/50 USC 3605

Trumbull D Soule

NSA Deputy Chief of Staff

NSA Media Leaks Event Lead

OPS 2B, Room 2B8044, Suite 6242

For Chief of Staff Issues 963-3444s [redacted]

For Media Leaks Team: use DL MEDIALEAKS_Staff or 963-2356s.

From: Sherman David J Dr NSA-DJ USA CIV

Sent: Tuesday, June 25, 2013 8:49 AM

To: Ledgett Richard H Jr NSA-V USA CIV; Soule Trumbull D NSA-DC USA CIV

Cc: DL medialeaks_staff (ALIAS) K1; De Rajesh NSA-D2 USA CIV; [redacted] NSA-D2 USA CIV; [redacted]

NSA-D28 USA CIV; [redacted] USA CIV; [redacted] USA CIV; [redacted]

USA CIV; Emmel Judith A NSA-DN USA CIV; [redacted] NSA-DN09 USA CIV; [redacted] USA CIV; [redacted]

[redacted] USA CIV; [redacted] NSA-DJ USA CIV; [redacted] NSA-DJ USA CIV; Phillips Pamela N NSA-DJ4

USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV

Subject: (U) Rick/Trum -- Media Leaks: Strategic Guidance Needed on Engaging FOIA Requesters

Classification: ~~TOP SECRET//SI//NOFORN~~

Rick/Trum:

BLUF: (U//FOUO) We need to make a strategic decision on how we respond to FOIA requests from the media and the advocacy community, more specifically on continuing our traditionally forward-leaning engagement with requesters to narrow overly broad searches and provide responsive materials. I've coordinated the attached with [redacted] OGC, PAO, and [redacted] who concur. We recommend maintaining this approach.

(U//FOUO) By way of background:

- We traditionally have leaned forward in contacting requesters whose FOIAs are so broadly drawn as to make a response impossible.
- We attempt to negotiate more focused requests meeting their needs.
- We have taken this approach as such engagement is in line with the President's direction regarding transparency in government.
- It also may reduce the chances of a requester citing lack of responsiveness on our part and opting for litigation.

(U//FOUO) The nature of current media and privacy NGO requests suggests that we revalidate this approach.

- We've received roughly 20 significant media/NGO requests since 5 June.
- We should expect them to continue for the foreseeable future and spike after new press items, testimony, etc..
- Over 1000 requests in all have come in during this period.
- The overwhelming majority from individuals seeking records NSA allegedly holds on them.
- There is at least one website facilitating individual requests accounting for half of the total.

EO 1.4.(c)
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(TS//SI//NF) By way of example

(U//FOUO)

(U//FOUO) Were the scope of this latter request to be limited [redacted] however, we could respond to it.

(U//FOUO) Under our past SOP, the FOIA office chief or deputy (not line staff) would contact [redacted] to ascertain the exact information that it is seeking and see if we can narrow the search to something manageable.

(U//FOUO) The benefit to continuing this approach in the current context is that we remain engaged with the requesters and do not have media suggesting we are unresponsive.

(U//FOUO) That said, it is entirely possible [redacted] those searches are completely feasible to conduct and presumably could surface responsive materials. As I

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understand matters, there are grounds for withholding [redacted]

[redacted] but we would have to indicate that we were withholding them and provide the reasons.

(U//FOUO) On balance, our recommendation is that we continue to reach out to those with requests so broad as to be impossible to respond to and see if we can develop ways of meeting their needs and thus have a better chance of providing what we can consistent with our obligation to protect classified or otherwise exempted information. In the current context, the alternative of being portrayed in the media as unresponsive seems to carry too much risk. We would continue to coordinate any activity in this regard with OGC and, for media requests, PAO.

Dave

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David J. Sherman

Associate Director for Policy and Records

National Security Agency

Room 2A0858

djsherm@nsa.ic.gov

969-2850 (secure)

[redacted] (commercial)

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and research of John Greenwald, Jr., creator of:

The Black Vault



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