

RE: NSD FOIA request #17-097

From: NSDFOIA (NSD)
Sent: Fri, Mar 17, 2017 at 10:43
To: kyriakides@epic.org

Eleni Kyriakides
Epic.org
1718 Connecticut Ave N.W.
Suite 200
Washington, D.C. 20009

Re: FOIA/PA #17-097

Dear Ms. Kyriakides:

This is in reference to your email dated March 6, 2017 pertaining to 1. Any and all applications made pursuant to 50 U.S.C. § 1804 where the target of electronic surveillance was "Donald J. Trump," "Jefferson Beauregard Sessions III," "Michael T. Flynn," "Jared Corey Kushner," "Jeffrey D. Gordon," "Paul Manafort," or "Carter Page"; 2. Any and all applications made pursuant to 50 U.S.C. § 1823 where the premises or property to be searched were located in Trump Tower, 725 5th Ave, New York, NY 10022; 3. Any and all applications made pursuant to 50 U.S.C. § 1842 where the "person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied" was one of the aforementioned individuals in ¶ 1 above; 4. Any and all applications made pursuant to 50 U.S.C. § 1861 where the "tangible things sought" were located in Trump Tower, 725 5th Ave, New York, NY 10022; and 5. Any and all applications made pursuant to 50 U.S.C. § 1861 for call detail records of a specific selection term associated with one of the aforementioned individuals in ¶ 1 above. Our FOIA office received your Freedom of Information Act request on March 6, 2017.

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) (2006 & Supp. IV (2010)). 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.

The National Security Division (NSD) maintains operational files which document requests for and approvals of authority for the U.S. Intelligence Community to conduct certain foreign intelligence activities.

We do not search these records in response to requests regarding the use or non-use of such techniques in cases where the confirmation or denial of the existence of responsive records would, in and of itself, reveal information properly classified under Executive Order 13526. To confirm or deny the existence of such materials in each case would tend to reveal properly classified information regarding whether particular surveillance techniques have or have not been used by the U.S. Intelligence Community. Accordingly, we can neither confirm nor deny the existence of records in these files responsive to your request pursuant to 5 U.S.C. 552(b)(1).

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), 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 FOIAonline portal by creating an account on the following web site:

<https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,
Arnetta Mallory
Government Information Specialist

From: NSDFOIA (NSD)
Sent: Wednesday, March 15, 2017 1:01 PM
To: kyriakides@epic.org
Subject: NSD FOIA request #17-097

Eleni Kyriakides
Epic.org
1718 Connecticut Ave N.W.
Suite 200
Washington, D.C. 20009

Re: FOIA/PA #17-097

Dear Ms. Kyriakides:

This is to acknowledge receipt of your email dated March 6, 2017 pertaining to 1. Any and all applications made pursuant to 50 U.S.C. § 1804 where the target of electronic surveillance was "Donald J. Trump," "Jefferson Beauregard Sessions III," "Michael T. Flynn," "Jared Corey Kushner," "Jeffrey D. Gordon," "Paul Manafort," or "Carter Page"; 2. Any and all applications made pursuant to 50 U.S.C. § 1823 where the premises or property to be searched were located in Trump Tower, 725 5th Ave, New York, NY 10022; 3. Any and all applications made pursuant to 50 U.S.C. § 1842 where the "person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied" was one of the aforementioned individuals in ¶ 1 above; 4. Any and all applications made pursuant to 50 U.S.C. § 1861 where the "tangible things sought" were located in Trump Tower, 725 5th Ave, New York, NY 10022; and 5. Any and all applications made pursuant to 50 U.S.C. § 1861 for call detail records of a specific selection term associated with one of the aforementioned individuals in ¶ 1 above. Our FOIA office received your Freedom of Information Act request on March 6, 2017.

Our policy is to process FOIA requests on a first-in, first-out basis. Consistent with this policy, every effort will be made to respond to your request as quickly as possible. The actual processing time will depend upon the complexity of the request, whether it involves sensitive or voluminous records, and whether consultations with other agencies or agency components are appropriate.

You have requested expedited processing of your request under the Department of Justice standards permitting expedition when a requester demonstrates a "compelling need." A compelling need is defined as follows:

1. Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
2. With respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

You have demonstrated that there is a particular urgency to inform the public about an actual or alleged federal government activity. Therefore, we have determined that your request for expedited processing is granted.

Also, you requested a waiver of processing fees. Your reason for a fee waiver does meet the fee waiver threshold. Therefore, your request for a fee waiver has been granted.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), 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 FOIAonline portal by creating an account on the following web site:

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Sincerely,
Arnetta Mallory
Government Information Specialist

From: kyriakides@epic.org [<mailto:kyriakides@epic.org>]
Sent: Monday, March 06, 2017 7:03 PM
To: NSDFOIA (NSD) <Ex_NSDFoia@jmd.usdoj.gov>
Cc: FOIA@epic.org
Subject: FOIA request

Dear Ms. Mallory:

Please find the FOIA requests attached to this email.

Respectfully submitted,

Eleni Kyriakides
EPIC Fellow
1718 Connecticut Ave, N.W.

Suite 200
Washington, DC 20009
202.483.1140x111
FOIA@epic.org