



March 2, 2016

VIA EMAIL

Arnetta Mallory
FOIA Initiatives Coordinator
National Security Division
Department of Justice
Room 6150, 950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001
nsdfoia@usdoj.gov

RE: Freedom of Information Act Request

Dear Ms. Mallory:

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (“EPIC”) to the National Security Division of the Department of Justice (“DOJ”).

EPIC seeks records related to the DOJ’s meeting with technology and entertainment executives that took place on February 24, 2016 at the DOJ in Washington, D.C. to discuss coordinating efforts to counter violent extremism online.

Background

On February 24, 2016, government officials met with “executives of major technology and entertainment companies in Washington on [Feb. 24] to discuss combating the activities of violent extremists online, according to industry and government officials.”¹ The focus of the meeting—the so-called

¹ Cecilia Kang and Matt Apuzzo, *U.S. Asks Tech and Entertainment Industries Help in Fighting Terrorism*, N.Y. Times (Feb. 24, 2016), http://www.nytimes.com/2016/02/25/technology/tech-and-media-firms-called-to-white-house-for-terrorism-meeting.html?_r=0; Associated Press, *US Convening Meeting on Countering Islamic State Recruitment* (Feb. 23, 2016),

“Madison Valleywood Project”—was on coordinating efforts between major technology companies and the government in fighting terrorism and countering violent extremism online.² “The U.S. government recognizes,” said DOJ national security spokesperson, Marc Raimondi, “that these private sector actors, which include N.G.O.s, social media companies and content producers, have a crucial role to play in developing creative and effective ways to undermine terrorist recruiting and counter the call to violence.”³

According to a meeting participant, Assistant Attorney General Carlin began the meeting by remarking that “federal law enforcement had struggled to reach audiences that were responding to recruitment by violent extremists.”⁴ Media outlets reported that government officials in attendance included John P. Carlin, Assistant Attorney General for National Security; Megan Smith, U.S. Chief Technology Officer; Jen Easterly, White House Senior Director for Counterterrorism; and Nicholas Rasmussen, Director of the National Counterterrorism Center.⁵ Silicon Valley participants included Facebook, Google, Twitter, Instagram, Snapchat, Tumblr and Microsoft.⁶

Documents Requested

1. All records, including but not limited to final memos, talking points, meeting notes, presentations, and slides used, created, or distributed at the February 24, 2016 “Madison Valleywood Project” meeting between White House Officials and tech and entertainment company executives.

Request for “News Media” Fee Status

EPIC is a “representative of the news media” for fee classification purposes.⁷ Based on EPIC’s status as a “news media” requester, EPIC is entitled to receive the requested records with only duplication fees assessed.⁸

Consistent with DOJ regulations, any duplication fees should be waived because (1) disclosure of the documents requested herein “is in the

<http://www.nytimes.com/aponline/2016/02/23/us/politics/ap-us-islamic-state-white-house-summit.html>; Eamon Javers, *Silicon Valley, Hollywood to Help White House in ISIS Propaganda Fight*, CNBC (Feb. 24, 2016), <http://www.cnbc.com/2016/02/24/silicon-valley-hollywood-to-help-white-house-in-isis-propaganda-fight.html>.

² Kang & Apuzzo.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003).

⁸ See 28 C.F.R. § 16.10(k) (2016).

public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government,” and (2) “[d]isclosure of the information is not primarily in the commercial interest” of EPIC.⁹

The first fee waiver requirement is met because (i) the subject of the request concerns the “operations or activities of the Federal Government”; (ii) disclosure is “likely to contribute” to an understanding of government operations or activities and the information is not already in the public domain; (iii) the disclosure will “contribute to the understanding of a reasonably broad audience of persons interested in the subject,” and EPIC has the “expertise in the subject area” and the “ability and intention to effectively convey information to the public” (As the agency notes, “[i]t shall be presumed that a representative of the news media will satisfy this consideration.”); and, (iv) the public’s understanding will “be enhanced by the disclosure to a significant extent.”¹⁰ This FOIA request involves the government’s efforts to enlist tech companies in its effort to combat terrorism—efforts that have privacy and constitutional implications. Responsive documents will hold a great informative value regarding activities of the government that will have a significant public impact.

Further, EPIC routinely and systematically disseminates information to the public. EPIC maintains several heavily visited websites that highlight breaking news implicating privacy and civil liberties issues. Two of EPIC’s websites, EPIC.org and PRIVACY.org, consistently appear at the top of search engine rankings for searches related to “privacy.” EPIC also publishes a bi-weekly electronic newsletter, the EPIC Alert, which is distributed to around 20,000 readers, many who report on technology and privacy issues for major news outlets.¹¹

The second fee waiver requirement is also satisfied. EPIC is a non-profit, public interest research center that was established in 1994 to direct public attention to emerging civil liberties issues and to protect privacy, the First Amendment, and constitutional values.¹² EPIC’s work is distributed freely through our website and through the EPIC Alert newsletter. EPIC has no commercial interest that would be furthered by disclosing the requested records.

⁹ *Id.* at (k)(1)(i)-(ii).

¹⁰ *See id.* at (k)(2)(i)-(iv).

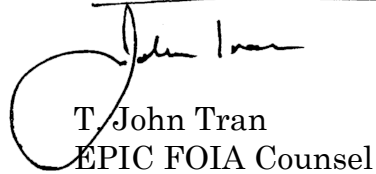
¹¹ *See* EPIC: EPIC Alert, <http://epic.org/alert/>.

¹² *About EPIC*, EPIC (2016), <http://epic.org/epic/about.html>.

Conclusion

Thank you for your consideration of this request. As provided in 5 U.S.C. § 552(a)(6)(E)(ii)(I), we will anticipate your response within 20 business days. Should you require additional information, please contact John Tran at 202-483-1140, ext. 123 or tran@epic.org.

Respectfully Submitted,


T. John Tran
EPIC FOIA Counsel