



NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 60923  
10 March 2010

Matthew Phillips, Esquire  
Electronic Privacy Information Center  
1718 Connecticut Ave., NW, Suite 200  
Washington, DC 20009

Dear Mr. Phillips:

This responds to your Freedom of Information Act (FOIA) request of 4 February 2010, which was received by this office on 24 February 2010, for:

1. All records concerning an agreement or similar basis for collaboration, final or draft, between the NSA and Google regarding cyber security;
2. All records of communication between NSA and Google concerning Gmail, including but not limited to Google's decision to fail to routinely encrypt Gmail messages prior to January 13, 2010; and
3. All records of communications regarding NSA's role in Google's decision regarding the failure to routinely deploy encryption for cloud-based computing service, such as Google Docs.

Your request has been assigned Case Number 60923. For purposes of this request and based on the information you provided in your letter, you are considered a representative of the media. There are no assessable fees for your request. Your request has been processed under the provisions of the FOIA.

As part of its longstanding Information Assurance mission, NSA works with a broad range of commercial partners and research associates to ensure the availability of secure tailored solutions for the Department of Defense and national security systems customers today and cutting-edge technologies that will secure the information systems of tomorrow.

Please be advised that this Agency is authorized by statute to protect information concerning its functions and activities. The third exemption of the FOIA provides for the denial of information specifically protected from disclosure by statute. Therefore, we can neither confirm nor deny whether the company has a relationship with the Agency related to the issues you describe. The specific statute applicable in this case is the National Security Agency Act

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[Section 6, Public Law 86-36 (50 U.S.C. 402 note)]. Thus, your request is denied pursuant to the third exemption of the FOIA.

The Initial Denial Authority for NSA information is the Deputy Associate Director for Policy and Records, Diane M. Janosek. As your request is being 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 Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days of the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJP4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the adverse determination and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes that the determination is unwarranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Sincerely,

A handwritten signature in cursive script, enclosed in a rectangular box. The signature appears to read "Pamela N. Phillips".

PAMELA N. PHILLIPS  
Chief  
FOIA/PA Office