



OFFICE *of* GOVERNMENT INFORMATION SERVICES

March 24, 2016—Sent via email

[REDACTED]
[REDACTED]

Re: Case No.: 201600538
NG: CM: KG

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on February 19, 2016 via email. Your request for assistance pertains to your records request to Central Intelligence Agency (CIA).

As you are aware, Congress created OGIS to complement existing Freedom of Information Act (FOIA) practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We have carefully reviewed your submission, and we understand that in response to your FOIA request, the CIA withheld portions of document [REDACTED]. You appealed this response, and on [REDACTED] the CIA responded to your appeal. The agency's Release Panel partially granted your appeal, releasing additional information. However, the agency continued to withhold information under FOIA Exemptions 1 3. You dispute this response.

OGIS contacted the CIA to discuss the agency's response to your appeal. CIA FOIA staff affirmed the agency's position on the withheld material. In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information about the agency's actions.

Under Exemption 1, FOIA does not require the production of records that are: "(A) specifically authorized under criteria established by an Executive order to be kept confidential in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order." 5 U.S.C. § 552(b)(1). CIA relies upon Executive Order 13526 which governs the classification and protection of national security information, to withhold the exempt information.



March 24, 2016

Page 2 of 2

Information can be properly classified under E.O. 13526 if four requirements are met: (1) an original classification authority has classified the information; (2) the United States Government owns, produces, or controls the information; (3) the information pertains to one or more of eight protected categories listed in Section 1.4 of the Executive Order, which include intelligence methods; and (4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in a specified level of damage to the national security, and the original classification authority is able to identify or describe the damage. E.O. 13526 § 1.1(a).

FOIA Exemption 3 authorizes the withholding of agency records on subject matter exempt from disclosure by statute, provided that such statute, “requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or establishes particular criteria for withholding or refers to the types of material to be withheld.” 5 U.S.C. § 552(b)(3). In the case of the records you seek, the information is withheld pursuant to Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. Sec. 3507 (formerly codified at 50 U.S.C. Sec. 403g), and/or Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C. 3024 (formerly codified at 50 U.S.C. 403-1(i)(1)). This statute exempts the CIA from “any...law which require(s) the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency.”

I hope you find this information useful. At this time, there is no further assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/S/

JAMES V.M.L. HOLZER
Director

cc: CIA FOIA