

EXHIBIT 2

1 2. Due to my experience in responding to requests for DEA records since 1998, and the nature
2 of my official duties, I am familiar with the policies and practices of DEA and DOJ related to
3 searching for, processing, and the release of DEA information responsive to FOIA and PA
4 requests and, in particular, I am familiar with the processing of Plaintiff's request to DEA that is
5 the basis of this suit.

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7 3. In preparing this declaration, I have read and am familiar with the Complaint in the above
8 titled action and its pleadings, including the Court's Order, dated November 27, 2012. The
9 statements I make hereinafter are made on the basis of my personal knowledge, review of DEA
10 records, and information acquired by me in the performance of my official duties as Chief of
11 SARF.

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13 4. I have provided three prior declarations for the instant FOIA litigation. The first of the
14 declarations ("First Myrick Decl."), dated January 24, 2011, provided the Court with information
15 regarding DEA's processing of Plaintiff's six-item request dated September 28, 2010. The
16 second declaration ("Second Myrick Decl."), dated February 29, 2012, set forth DEA's
17 processing methodology and reasons for withholding certain documents. The third declaration
18 ("Third Myrick Decl."), dated April 25, 2012, provided the Court with further information
19 regarding records specifically addressed in the Plaintiff's Cross Motion and Opposition. The
20 purpose of this declaration is to provide the Court with information regarding DEA's compliance
21 with the Court's November 27, 2012, Order.

22
23 5. Pursuant to the Court's November 27, 2012, Order, DEA has conducted a review of pages
24 that were previously withheld in full or in part from otherwise responsive documents, based on
25 DEA's prior determination that the information in question was outside the scope of Plaintiff's
26 FOIA requests. DEA's review was completed by December 14, 2012, and a response was
27 provided to the Plaintiff on that same date.

1 6. DEA's review of the aforementioned materials did not identify any additional information
2 that is responsive to the Plaintiff's FOIA request. However, DEA, exercising its administrative
3 discretion, released 14 pages of material to the Plaintiff, withholding only the names, work
4 telephone numbers, and work E-mail addresses of DEA personnel, who are not in the Senior
5 Executive Service.

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7 7. By letter dated December 14, 2012, DEA released portions of those 14 pages to the Plaintiff.
8 Information was withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). A copy of the
9 DEA letter dated December 14, 2012, is attached as Exhibit A.

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I declare under the penalty of perjury that the foregoing is true and correct.

1/30/13

DATE

Katherine L. Myrick

KATHERINE L. MYRICK
Chief, FOI/Privacy Act Unit
FOI/Records Management Section
Drug Enforcement Administration
Washington, D.C. 20537

EXHIBIT A



U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrisette Drive
Springfield, Virginia 22152

DEC 14 2012

Case Number: 10-00892-F

Subject: Electronic Frontier Foundation v Department of Justice

Jennifer Lynch
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, California 94110

Re: *Electronic Frontier Foundation v. Department of Justice*, CA No. 10-4892 RS
DEA FOIA Case 10-00892-F

Dear Ms. Lynch:

Pursuant to the Court's October 30, 2012, order in the above titled matter, the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), reviewed pages that were previously withheld in full or part from otherwise responsive documents based on DEA's prior determination that the information in question was outside the scope of Plaintiff's Freedom of Information Act request under Case Number 10-00892-F. As a result of that review, DEA is making a discretionary release of 14 pages. This release does not constitute an admission on the part of DEA with respect to the responsiveness of the documents released.

Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and/or the Privacy Act, 5 U.S.C. § 552a. Specifically, the names, work email addresses, and work phone numbers of government personnel are withheld. Please refer to the list enclosed with this letter that identifies the authority for withholding the deleted material, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail. The documents are being forwarded to you with this letter.

The rules and regulations of the Drug Enforcement Administration applicable to Freedom of Information Act requests are contained in the Code of Federal Regulations, Title 28, Part 16, as amended. They are published in the Federal Register and are available for inspection by members of the public.

Case Number: 10-00892-F

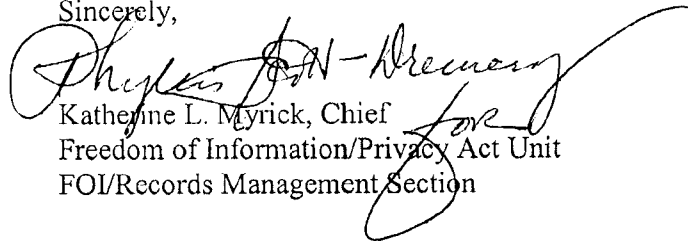
Page 2

If you wish to appeal any denial of your request, you must make your appeal in writing and it must be received by the Office of Information Policy within sixty (60) days of the date of this letter pursuant to 28 C.F.R. § 16.9. The appeal should be sent to the following address, with the envelope marked "FOIA Appeal":

DEPARTMENT OF JUSTICE
OFFICE OF INFORMATION POLICY
NYAV BUILDING, 11TH FLOOR
WASHINGTON, D.C. 20530

If you have any questions regarding this letter, you may contact FOI Specialist Katherine Myrick on (202) 307-7613.

Sincerely,


Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section

Number of pages withheld: 0

Number of pages released: 14

Number of pages referred: 0

Number of pages consulted: 0

APPLICABLE SECTIONS OF THE FREEDOM OF INFORMATION AND/OR PRIVACY ACT:

**Freedom of Information Act
5 U.S.C. 552**

**Privacy Act
5 U.S.C. 552a**

(b)(1) (b)(5) (b)(7)(C)
 (b)(2) (b)(6) (b)(7)(D)
 (b)(3) (b)(7)(A) (b)(7)(E)
 (b)(4) (b)(7)(B) (b)(7)(F)

(d)(5) (k)(2)
 (j)(2) (k)(5)
 (k)(1) (k)(6)

Enclosures

FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (b)(2) Materials related solely to the internal rules and practices of DEA.
- (b)(3) Information specifically exempted from disclosure by another federal statute.
- (b)(4) Privileged or confidential information obtained from a person, usually involving commercial or financial matters.
- (b)(5) Inter-agency or intra-agency documents which are subject to a privilege, such as documents the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction, or which represent the work product of an attorney, or which reflect confidential communications between a client and an attorney.
- (b)(6) Materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis; and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.

PRIVACY ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) Materials compiled in reasonable anticipation of a civil action or proceeding.
- (j)(2) Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals.
- (k)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (k)(2) Material compiled during civil investigations for law enforcement purposes.
- (k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to an express promise that his identity would be held in confidence, or pursuant to an implied promise of confidentiality if such information was furnished prior to September 27, 1975.
- (k)(6) The substance of tests used to determine individual qualifications for appointment or promotion in Federal Government Service.