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December 14, 2015

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Comey:

I am writing in regard to the Federal Bureau of Investigation's ("FBI") new eFOIA system that is now in an "open beta" testing phase. While the system offers a streamlined approach to requests, it also features a highly problematic requirement: each FOIA request must be submitted with an uploaded scan of a government-issued ID belonging to the requestor. I write to express my strong concern that the ID requirement presents serious legal and privacy concerns.

The FBI's new eFOIA system imposes a requirement that can neither be found in statutory law nor case law. The FOIA statute does not require FOIA requestors to submit a government-issued ID, and the DC appellate court ruled that even when a privacy waiver was required, requestors need only attest to their identity under penalty of perjury. In addition, the FBI's eFOIA system differs from that of other federal entities. For example, the Department of Homeland Security does not require a photo ID of requestors, only an electronic signature attesting to the truth of the information submitted for certain requests.

In light of the case law and statutory law, I would like to know why the FBI is requiring government-issued IDs of FOIA requestors. Please also answer the following questions:

- Why does the FBI not just require an electronic signature under penalty of perjury regarding identity?
- For how long does the FBI plan to retain the data from the ID scans? Who has access to it? Are there minimization standards in place? Is any of the data being entered into facial recognition databases?

Thank you for your time. I await your timely response to the above-mentioned questions as well as any further context or information justifying what appears to be an overly intrusive and unnecessary requirement.

Sincerely,



RON WYDEN

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