



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

November 21, 2016
NSD FOI/PA #16-012

Mr. Aaron Mackey
Electronic Frontier Foundation
815 Eddy Street
San Francisco, California 94109

This letter provides the Department of Justice's response to your revised "technical assistance" Freedom of Information Act ("FOIA") request, which was sent to the Department on June 23, 2016. In your email of that date, the Electronic Frontier Foundation revised its original request, dated October 8, 2015, "to seek any FISC applications and FISC opinions/orders that include requests for technical assistance under FISA in which an application/order sought or required one or more of the following from a third party:

- The decryption of data, whether stored or in transit.
- Providing the government any type of access to data from an encrypted device, storage medium, or communications service.
- Providing the government any type of access to any type of software update system, or utilizing such a system at the government's direction.
- Providing decryption keys (or any other means of access) to the government for access to encrypted data, whether stored or in transit.
- Providing, writing, or executing software, computer code, or any other means that would allow for the decryption of data, whether stored or in transit.
- Disclosing, maintaining, refraining from fixing, or otherwise providing the government with access to any software or hardware flaws or vulnerabilities that would allow for the decryption of data, whether stored or in transit."

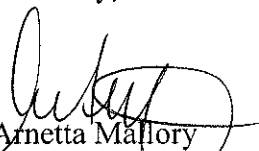
We understand this revised FOIA request to request any FISA application which sought

an order from the FISC for technical assistance requiring a third party to provide either decryption assistance, or facility/device/communications service/software or hardware access for purposes of decryption, along with any resulting order or opinion from the FISC compelling such technical assistance. We have processed this revised FOIA request and have identified no responsive documents.

Specifically, in responding to your FOIA request, the Department conducted the following search. In response to your initial request of October 8, 2015, the National Security Division's ("NSD") FOIA staff coordinated with knowledgeable individuals in the NSD Office of the Assistant Attorney General (OAAG) and the NSD Office of Intelligence (OI) who would be expected to know such information based on their positions and length of service. Based on these discussions, the Department's NSD FOIA staff determined that there were no cases brought before the Foreign Intelligence Surveillance Court (FISC) that would have resulted in responsive orders or opinions of the FISC, and so, no further search was required. These individuals were aware of two pieces of correspondence that could be considered potentially responsive to your request. Upon reviewing these pieces of correspondence, NSD FOIA determined that both of these records are exempt from disclosure under FOIA.

Following your submission of the revised and narrowed request set forth above, NSD FOIA consulted with the same individuals referenced above on whether searches in response to the revised request would have identified responsive records that were not previously identified. None of these individuals believed that there were any responsive records to the revised request. In addition, NSD FOIA searched the relevant Office of Intelligence case management system where responsive records would be located if they were to exist, using the key words "encrypt", "decrypt", "encryption", "decryption", and "software update." This supplemental search did not yield any records that were responsive to your request.

Sincerely,



Arnetta Mallory
FOIA Coordinator