



Federal Bureau of Investigation

Washington, D.C. 20535

June 30, 2011

MS. JENNIFER LYNCH
STAFF ATTORNEY
ELECTRONIC FRONTIER FOUNDATION
454 SHOTWELL STREET
SAN FRANCISCO, CA 94110

Subject: COMMUNICATIONS COMPLIANCE WITH FBI
ELECTRONIC SURVEILLANCE FROM JANUARY 1, 2006

FOIPA No. 1154593- 000

Dear Ms. Lynch:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

- List of FOIPA exemptions including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7)

440 pages were reviewed and 9 pages are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
- referred to the OGA for review and direct response to you.
- referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown,

when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure

This constitutes the final release for this request. All responsive documents have been processed.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar 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 be 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 be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of 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 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;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

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

- (d)(5) information compiled in reasonable anticipation of a civil action 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 an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (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 a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
 FOIPA
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 Page 508 ~ b5, b6, b7C, b7E 1191
 Page 511 ~ b5, b7E 1192
 Page 512 ~ b5, b7E 1193
 Page 513 ~ b5, b7E 1194
 Page 514 ~ b5, b7E 1195
 Page 515 ~ b5, b7E 1196
 Page 516 ~ b5, b7E 1197
 Page 517 ~ b5, b7E 1198
 Page 519 ~ b5, b6, b7C, b7E 1199
 Page 520 ~ b5, b6, b7C, b7E 1200
 Page 521 ~ b5, b6, b7C, b7E 1201
 Page 522 ~ b5, b6, b7C, b7E 1202
 Page 525 ~ b5, b7E 1203
 Page 526 ~ b5, b7E 1204
 Page 527 ~ b5, b7E 1205
 Page 529 ~ b5, b6, b7C, b7E 1206
 Page 531 ~ b5 1207

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Page 533 ~ b5 1208
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 Page 552 ~ b1, b5, b6, b7C, b7E 1223
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 Page 557 ~ b1, b5, b7E 1227
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 Page 561 ~ b1, b5, b7E 1230
 Page 563 ~ b5, b6, b7C, b7E 1231
 Page 564 ~ b5, b7D, b7E 1232
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 Page 571 ~ b5, b7E 1237
 Page 572 ~ b5, b7E 1238
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 Page 574 ~ b5, b7E 1240

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From: [redacted] (OTD) (FBI)
Sent: Wednesday, December 09, 2009 12:11 PM
To: [redacted] (DO)(OGA)
Cc: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)
Subject: Follow-up from Friday's mtg

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UNCLASSIFIED
NON-RECORD

[redacted]
Here are the answers to most of your items. [redacted]
[redacted]

From: [redacted] (DO)(OGA)
Sent: Tuesday, December 08, 2009 1:43 PM
To: PAGLINO, MARYBETH (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OGC) (FBI); [redacted] (DI)(FBI)
Cc: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI)
Subject: Follow-up from Friday's mtg

UNCLASSIFIED
NON-RECORD

I just want to make sure that everyone is on the same page about do-outs from Friday's meeting. My notes show [redacted]

[Large redacted area]

EFF/Lynch-1012

~~Secret~~

(U) [redacted] use a variety of technologies that have presented electronic surveillance challenges to case agents in the field. A few examples include the following:

X

X

X

X

X

X

(S)

~~Secret~~

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Tuesday, June 22, 2010 2:08 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, MARCUS C. (OTD) (FBI); [redacted]
[redacted] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P.
(OTD) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted]
(DO) (FBI); [redacted] (OTD) (FBI)
Subject: RE: [redacted]

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~~UNCLASSIFIED~~
~~NON-RECORD~~

[redacted]

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Tuesday, June 22, 2010 2:03 PM
To: THOMAS, MARCUS C. (OTD) (FBI); [redacted] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE,
ANTHONY P. (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted]
[redacted] (OTD) (FBI)
Subject: RE: [redacted]

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[redacted]

THIS MAY BE A PRIVILEGED ATTORNEY CLIENT ATTORNEY WORK PRODUCT COMMUNICATION
AND SHOULD NOT BE DISCLOSED OUTSIDE THE FBI WITHOUT OGC'S PRIOR PERMISSION

From: THOMAS, MARCUS C. (OTD) (FBI)
Sent: Tuesday, June 22, 2010 11:08 AM
To: [redacted] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI);
CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI);
[redacted] (OTD) (FBI)
Subject: RE: [redacted]

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~~SECRET//NOFORN~~
~~RECORD 415~~

(S) [redacted]
(S) [redacted]
(S) [redacted]

EFF/Lynch-1104

(S)

(S)

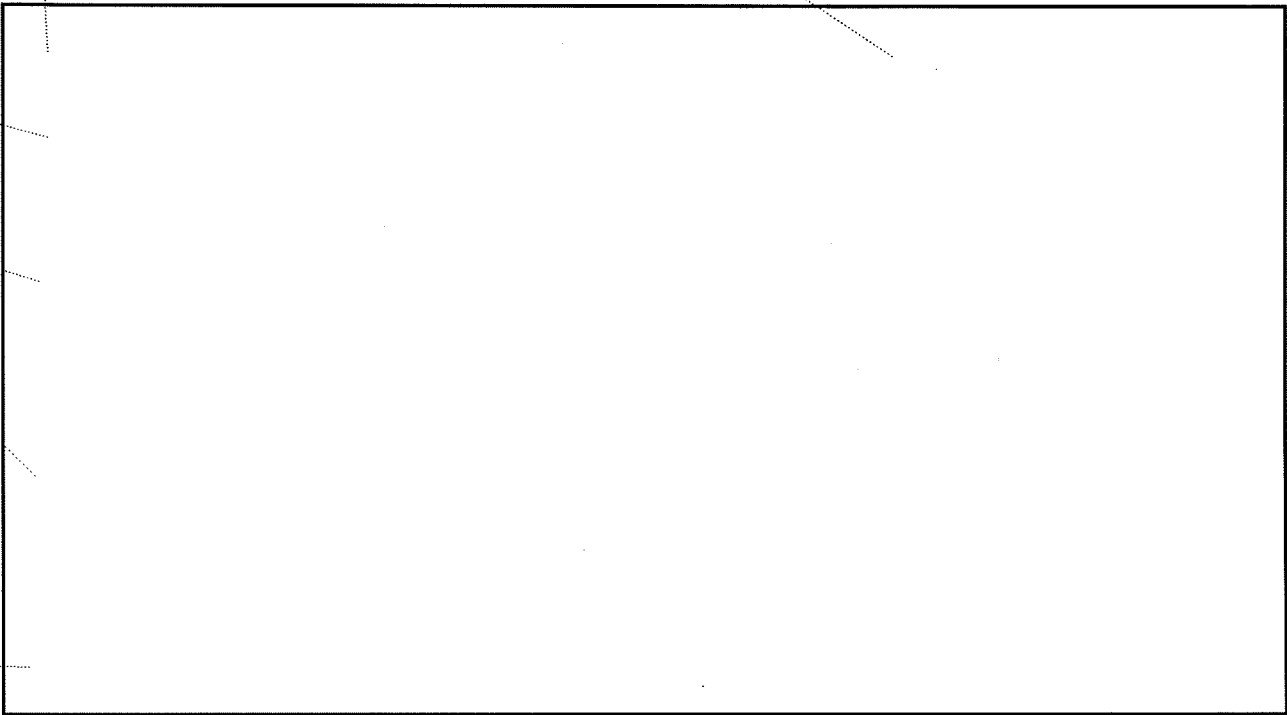
(S)

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Thanks,

Marcus

Marcus C. Thomas
Assistant Director .b6
Operational Technology Division b7C
[Redacted]

From: [Redacted] (DO)(OGA)
Sent: Tuesday, June 22, 2010 10:35 AM
To: THOMAS, MARCUS C. (OTD) (FBI); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI);
CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)
Subject: RE: [Redacted]

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RECORD 415

Ok, thanks.

(S)



EFF/Lynch-1105

(S)

[Redacted]

b5
b7E

Thanks.

From: THOMAS, MARCUS C. (OTD) (FBI)
Sent: Tuesday, June 22, 2010 8:00 AM
To: [Redacted] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)
Subject: RE: [Redacted]

~~SECRET//NOFORN~~
RECORD 415

Suggestion

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b7C

[Redacted]

Marcus C. Thomas
Assistant Director
Operational Technology Division

[Redacted]

From: [Redacted] (DO)(OGA)
Sent: Monday, June 21, 2010 11:52 PM
To: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)
Subject: [Redacted]

~~SECRET//NOFORN~~
RECORD 415

Thanks for your help [Redacted]

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If at all possible, please take a look first thing in the morning. We need to make changes before noon. This goes to the Director in the afternoon.

Thanks!

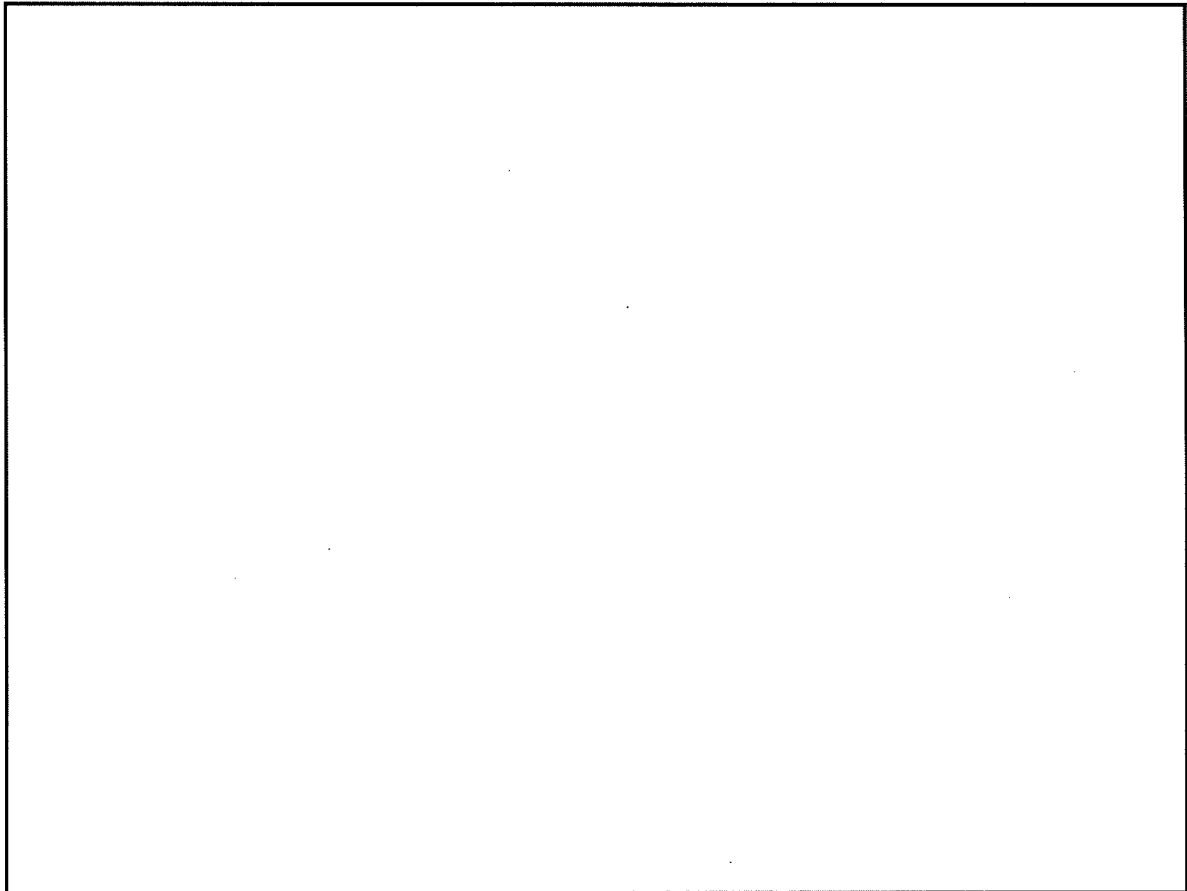
[Redacted]

<< File [Redacted] >>

EFF/Lynch-1106

From: PAGLINO, MARYBETH (OTD) (FBI)
Sent: Friday, December 11, 2009 12:29 PM
To: (DO)(OGA)
Subject:
UNCLASSIFIED
NON-RECORD

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UNCLASSIFIED

From: PAGLINO, MARYBETH (OTD) (FBI)
Sent: Wednesday, December 09, 2009 2:20 PM
To: [redacted] (DO)(OGA)
Cc: [redacted] (OTD) (CON)
Subject: [redacted]

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Attachments: [redacted] (OTD) (FBI).vcf

UNCLASSIFIED
NON-RECORD

[redacted]

From: [redacted] (OTD) (FBI)
Sent: Wednesday, December 09, 2009 1:51 PM
To: [redacted] (OTD) (FBI)
Subject: [redacted]

UNCLASSIFIED
NON-RECORD

[redacted]

Is this sufficient?

[redacted]

SSA [redacted]
Unit Chief
Data Intercept Technology Unit

[redacted]

From: [redacted] (OTD) (FBI)
Sent: Wednesday, December 09, 2009 1:34 PM
To: [redacted] (OTD) (FBI)
Subject: [redacted]

UNCLASSIFIED
NON-RECORD

[redacted]

EFF/Lynch-1139

[Redacted]

[Redacted]

[Redacted]

SSA [Redacted]
OTD/DITU
Des [Redacted]
Blackberry [Redacted]
STU [Redacted]
Help Desk [Redacted]



[Redacted]
(OTD) (FBI).vcf (...)

From: [Redacted] (OTD) (FBI)
Sent: Wednesday, December 09, 2009 11:07 AM
To: [Redacted] (OTD) (FBI)
Subject: [Redacted]

UNCLASSIFIED
NON-RECORD

SSA [Redacted]
Unit Chief
Data Intercent Technology Unit

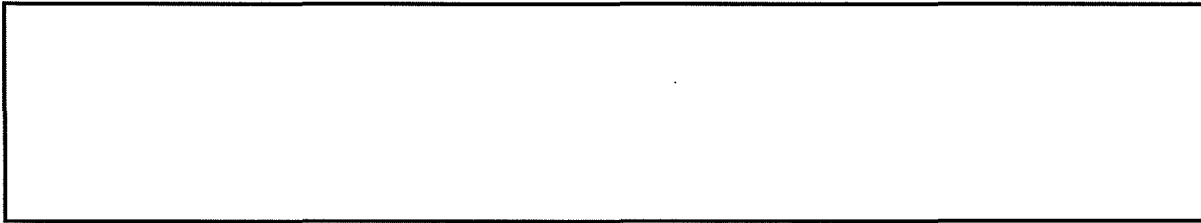
[Redacted]

From: [Redacted] (OTD) (FBI)
Sent: Wednesday, December 09, 2009 11:06 AM
To: [Redacted] (OTD) (FBI)
Subject: [Redacted]

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NON-RECORD



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b7C

Thanks,



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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-1141