



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

Case Number: 10-00892-F, Interim Release Four Processing

JUL 0 1 2011

Subject: ANY PROBLEMS, OBSTACLES OR LIMITATIONS THAT HAMPER THE DEA'S CURRENT ABILITY TO CONDUCT SURVEILLANCE ON COMMUNICATIONS SYSTEMS OR NETWORKS INCLUDING, BUT NOT LIMITED TO, ENCRYPTED SERVICE LIKE BLACKBERRY (RIM), SOCIAL NETWORKING SITES LIKE FACEBOOK, PEER-TO-PEER MESSAGING SERVICES OR VOICE OVER INTERNET PROTOCOL (VOIP) SERVICE LIKE SKYPE, ETC (JANUARY 1, 2006 TO PRESENT) (FOURTH RELEASE).

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

Dear Ms. Lynch:

This letter responds to your Freedom of Information/Privacy Act (FOI/PA) request dated September 28, 2010, addressed to the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), seeking access to information regarding the above subject. Below is the breakdown of pages processed and referred for release four. This round of processing includes 1 page referred to DEA by the DOJ Criminal Division.

Pages reviewed and released in full: 0
Pages reviewed and released in part: 1
Pages withheld in full: 1
Pages reviewed and referred to other agencies/components: 293
Pages reviewed and determined to be non-responsive: 488
Pages reviewed and identified as duplicates: 240

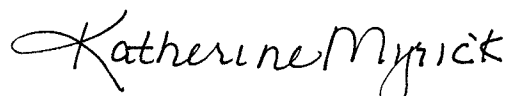
Grand Total pages processed: 1,023

Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552. Information withheld in part is indicated by the FOIA Exemptions recorded on the documents attached herein. Information is withheld in full or in part under the following Exemptions: (b)(2)(low), (b)(5), (b)(6), (b)(7)(c), (b)(7)(e). An additional enclosure with this letter explains these exemptions in more detail. Below is the breakdown of what pages were processed and referred. These numbers are already included in the grand total of pages processed reflected above.

Pages reviewed and referred to FBI: 33
Pages reviewed and referred to OIP: 260

Refer any questions to Mr. Cartier, counsel for the Department of Justice in this matter.

Sincerely,

A handwritten signature in black ink that reads "Katherine Myrick". The signature is written in a cursive style with a large, prominent initial "K".

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

Enclosure

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.

Ellis, Kristin

A

CEM/NR

B

From: Grubbs, Preston L. [mailto:(b)(6),(b)(7)(C)]
Sent: Tuesday, June 16, 2009 1:46 PM
To: Weinstein, Jason
Subject: Electronic Surveillance Reform Initiative

DEA

Jason: It was good to see you again. As I think we stated during the meeting with the AAG, one of the foremost challenges confronting DEA and U.S. law enforcement is (b)(7)(E)

(b)(7)(E) If you ever need additional information or wish to have a more extensive briefing on how DEA has been successful (b)(7)(E)

(b)(7)(E) Thanks Preston