## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ELECTRONIC FRONTIER FOUNDATION,	
Plaintiff, vs.	, , , , , ,
DEPARTMENT OF JUSTICE,	, , ,
Defendant.	) \ \ \

Civil Action No. 06-cv-1773 (RBW)

## **DEFENDANT'S STATUS REPORT**

On September 27, 2007, this Court issued an order denying the plaintiff's motion for a preliminary injunction and requiring the defendant, the Department of Justice, to submit reports at 120-day intervals to advise the Court and the plaintiff, Electronic Frontier Foundation ("EFF"), of the defendant's progress in responding to the Freedom of Information Act (FOIA) requests at issue in this case. See Order Denying Mot. for Prelim. Inj. at 11, Elec. Frontier Found. v. Dep't of Justice, No. 06-cv-1773 (RBW) (Sept. 27, 2007) (dkt. no. 16). EFF's FOIA requests, submitted on August 25, 2006, and September 1, 2006, seek disclosure of records pertaining to the Federal Bureau of Investigation (FBI)'s Investigative Data Warehouse (IDW), a law enforcement database "that holds hundreds of millions of records containing personal information." See Compl. for Injunctive Relief ¶¶ 11–18 (dkt. no. 1); Answer ¶¶ 11–18 (dkt. no. 3); Defs.' Supplemental Answer (dkt. no. 5).

In accordance with the Court's order, defendant Department of Justice submits this status report. As explained in greater detail in the attached Third Declaration of David M. Hardy, the FBI made interim releases of documents on September 28, 2007; November 26, 2007; and December 19, 2007. Decl. ¶¶ 8–10. These three interim releases together accounted for a total

of 544 pages of documents reviewed and 448 pages of documents released to EFF. Decl. ¶¶ 8–10. The FBI anticipates making a fourth interim release on or before March 1, 2008, representing approximately 193 pages of documents reviewed.<sup>1</sup> Decl. ¶ 16.

The FBI is continuing the process of reviewing potentially responsive documents to determine whether they are in fact responsive to EFF's FOIA requests; approximately 49,928 pages of potentially responsive documents remain to be reviewed. Decl. ¶¶ 13–15. Although the FBI earlier anticipated that it would be able to complete this initial scoping review process by December 2007, several intervening factors, described more fully in the declaration, have prevented the FBI from completing the scoping review process according to the schedule anticipated earlier. Decl. ¶ 13.

<sup>&</sup>lt;sup>1</sup> The estimate of 193 pages represents the total number of pages to be reviewed and does not necessarily reflect the total number of pages that will be released to EFF.

Dated: January 25, 2008

Respectfully submitted,

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/s/ JAMES C. LUH

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