





October 17, 2007

VIA FACSIMILE — (202) 324-3752

David M. Hardy, Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
Department of Justice  
935 Pennsylvania Avenue NW  
Washington, DC 20535-0001

RE: Freedom of Information Act Request

Dear Mr. Hardy:

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted to the Federal Bureau of Investigation ("FBI") on behalf of the Electronic Frontier Foundation's client, Sophia Helena In 't Veld, a citizen of the Netherlands and member of the European Parliament.

We are seeking all records concerning Ms. In 't Veld (including but not limited to electronic records) in the consolidated and integrated terrorist watch list maintained by the Terrorist Screening Center.

Enclosed is a statement executed by Ms. In 't Veld authorizing the FBI to release information maintained under her name to EFF as required by Department of Justice regulation 28 C.F.R. § 16.3(a). To assist the FBI in its search for responsive records, Ms. In 't Veld has also provided such verification of her identity as would be required for a Privacy Act request under 28 C.F.R. § 16.41(d) (even though we recognize that Ms. In 't Veld, is a foreign national, is not legally entitled to access her records under the Privacy Act).<sup>1</sup> In accordance with 28 U.S.C. § 1746, she has made her statement under penalty of perjury in lieu of notarization.

For purposes of fee assessments, Ms. In 't Veld is an individual requester who is not seeking the requested records for commercial use. She agrees to pay up to \$25 for the processing of this request; however, should the FBI estimate that this request will be assessed a greater amount, please let me know before you impose any such fee.

<sup>1</sup> Such verification is, however, not required under the FOIA or Justice Department regulations governing FOIA requests.

454 Shotwell Street, San Francisco, CA 94110 USA  
+1 415 436 8333 (v) +1 415 436 9993 (f) [www.off.org](http://www.off.org)

Freedom of Information Act Request  
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Thank you for your consideration of this request. If you have any questions or concerns, please do not hesitate to contact me at (415) 436-9333 x. 116. As the FOIA provides, I will anticipate a determination on this request from your office within 20 working days.

Sincerely,

A handwritten signature in black ink that reads "Marcia Hofmann". The signature is written in a cursive style with a long horizontal flourish at the end.

Marcia Hofmann  
Staff Attorney

Enclosure

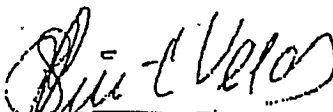
**VERIFICATION OF IDENTIFICATION AND  
AUTHORIZATION TO DISCLOSE INFORMATION**

I, Sophia Helena In 't Veld, hereby authorize this agency to disclose records concerning me to the Electronic Frontier Foundation (EFF), which has submitted the accompanying Freedom of Information Act request on my behalf. In order to verify my identity and assist you in locating responsive information, I am providing the following identifying data:

Full name: Sophia Helena In 't Veld  
Current address: 72, Avenue Jules de Trooz, B-1150 Brussels, Belgium  
Date of birth: September 13, 1963  
Place of birth: Vollenhove (The Netherlands)

In accordance with 28 U.S.C. § 1746, I hereby affirm under penalty of perjury that the foregoing is true and correct.

17-10-2007  
Date

  
\_\_\_\_\_  
Sophia Helena In 't Veld





U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

December 18, 2007

MARCIA HOFMANN ESQ.  
ELECTRONIC FRONTIER FOUNDATION  
454 SHOTWELL STREET  
SAN FRANCISCO, CA 94110

Request No.: 1103554- 000  
Subject: IN 'T VELD, SOPHIA HELENA

Dear Requester:

This is in response to your Freedom of Information-Privacy Acts (FOIPA) request noted above.

To promptly respond to requests, we concentrate on identifying main files in the central records system at FBI Headquarters. No records responsive to your FOIPA request were located by a search of the automated indices.

You may file an administrative appeal by writing to the Director, Office of Information and Privacy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

Enclosed for your information is a copy of the FBI File Fact Sheet.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned below the "Sincerely yours," text.

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

Enclosure





January 22, 2008

BY FACSIMILE - (202) 514-1009

Director  
Office of Information and Privacy  
Department of Justice  
Suite 11050  
1425 New York Ave, NW  
Washington, DC 20530-0001

RECEIVED

JAN 23 2008

Office of Information and Privacy

RE: Freedom of Information Appeal, No. 1103554-000

Dear Sir or Madam:

This letter constitutes an appeal under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted by the Electronic Frontier Foundation ("EFF") on behalf of its client, Sophia Helena In 't Veld, a citizen of the Netherlands and member of the European Parliament. Ms. In 't Veld appeals an initial determination rendered by the Federal Bureau of Investigation ("FBI") on December 18, 2007 (attached hereto) in response to a request for records submitted on October 17, 2007 (also attached hereto).

In her request, Ms. In 't Veld sought all records about herself within the consolidated and integrated terrorist watch list maintained by the Terrorist Screening Center ("TSC"). According to the Bureau's determination letter, however, "to promptly respond to requests, we concentrate on identifying main files in the central records system at FBI Headquarters. No records responsive to your FOIPA request were located by a search of the automated indices." Ms. In 't Veld appeals this determination on the grounds that the FBI has not searched the system of records most likely to contain the requested information.

It is clear that the FBI does not maintain the records requested by Ms. In 't Veld in its Central Records System. According to a 2005 Federal Register notice published by the FBI:

The TSC became operational on December 1, 2003 and is charged with consolidating and maintaining the U.S. government's terrorist watch list. In fulfilling its mission, the TSC collects and maintains records about individuals . . . that are subject to the requirements of the Privacy Act. *These records were previously covered by the FBI Central Records System (Justice/FBI-002) and upon the effective date of this notice they will be part of the Terrorist Screening Records System (TSRS), Justice/FBI-019.*<sup>1</sup>

<sup>1</sup> Department of Justice, Federal Bureau of Investigation, Notice to Establish System of Records, 70 Fed. Reg. 43715, 43715 (2005) (emphasis added).

454 Shotwell Street, San Francisco, CA 94110 USA  
+1 415 436 9333 (v) +1 415 436 9993 (f) www.eff.org




Freedom of Information Act Appeal No. 1085842  
January 22, 2008  
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The notice subsequently became effective on December 2, 2005,<sup>2</sup> and the FBI has maintained watch list records in the Terrorist Screening Records System ever since.<sup>3</sup> Thus, we believe that the Terrorist Screening Records System — and not the Central Records System — is the likely location of the records that Ms. In 't Veld seeks.

Thank you for your consideration of this appeal. As the FOIA provides, Ms. In 't Veld will anticipate your determination on this appeal within twenty (20) working days. Should you have any questions about this appeal, please feel free to call me at (415) 436-9333 ext. 116.

Sincerely,



Marcia Hofmann  
Staff Attorney

Enclosures

<sup>2</sup> Department of Justice, Federal Bureau of Investigation, Final Rule, 70 Fed. Reg. 72199 (2005).

<sup>3</sup> Indeed, there is no reason to believe that the records sought by Ms. In 't Veld are in any other system. Less than four months ago, the FBI published a notice indicating that the TSRS is still the records system in which the TSC maintains terrorist watch list information. See Department of Justice, Federal Bureau of Investigation, Notice to Amend System of Records, 72 Fed. Reg. 47073 (Aug. 22, 2007).





U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JAN 25 2008

Marcia Hofmann, Esq.  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110

Re: Request No. 1103554 - Sophia Helena

Dear Ms. Hofmann:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on January 23, 2008.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number 08-0844. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. We regret the necessity of this delay and appreciate your continued patience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Priscilla Jones".

Priscilla Jones  
Supervisory Administrative Specialist

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<hr/>		)	
SOPHIA HELENA IN'T VELD,		)	
		)	
Plaintiff,		)	
		)	
v.		)	Civ. A. No. 1:08-cv-01151 (RMC)
		)	
DEPARTMENT OF HOMELAND		)	
SECURITY, <u>et al.</u>		)	
		)	
Defendants.		)	
<hr/>		)	

**Exhibit E**



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 8, 2008

MARCIA C. HOFMANN, ESQ.  
ELECTRONIC FRONTIER FOUNDATION  
454 SHOTWELL STREET  
SAN FRANCISCO, CA 94110

Request No.: 1103554- 000  
Subject: IN 'T VELD, SOPHIA HELENA

Dear Ms. Hofmann:

This is in further response to your October 17, 2007 Freedom of Information Act (FOIA) request, Request No. 1103554, in which you have sought access to "all records concerning Ms. [Sophia Helena] In't Veld (including but not limited to electronic records) in the consolidated and integrated terrorist watch list maintained by the Terrorist Screening Center."

After reviewing the initial correspondence in this case, we have determined that due to an administrative misinterpretation of your request, the FBI's December 18, 2007 "no records" response was sent in error. In responding to your request, the FBI interpreted the request as a general first-party request rather than a specific request for records concerning Ms. In't Veld located in the Terrorist Screening Center Database ("TSDB"). To the extent that your October 17, 2007 FOIA request has sought records maintained by the FBI concerning Ms. In't Veld "in the consolidated and integrated terrorist watch list maintained by the Terrorist Screening Center," please be advised that the U.S. Government can neither confirm nor deny whether a particular person is on any terrorist watch list, including the TSDB. Maintaining the confidentiality of government watch lists is necessary to achieve the counterterrorism objectives of the U.S. Government. If the U.S. Government revealed who has or has not been listed on any government watch list, terrorists would be able to take actions to avoid detection by government authorities. Thus, pursuant to FOIA Exemptions 2 and 7(E), 5 U.S.C. §§ 552(b)(2) and (b)(7)(E), the FBI can neither confirm nor deny the existence of records which would tend to indicate whether a particular person is or ever was listed on any government terrorist watch list, including but not limited to, the TSDB. Please note that this is a standard notice which the FBI has issued in response to requests for documents concerning any individual on any government watch list. This response should not be taken as an indication that records do or do not exist with respect to your particular request.

You may file an administrative appeal by writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Avenue, N.W., Suite 11050, Washington, D.C., 20530-0001, "Freedom of Information Appeal." Please cite the FOIA Request Number assigned to your request so that it may be identified easily.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D Hardy", is written over the typed name.

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

cc: David L. Sobel, Esq.