



Washington, D.C. 20505

25 February 2010

VIA FEDERAL EXPRESS

Mr. Nathan Cardozo
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

Reference: F-2009-01280 and F-2008-00918

Dear Mr. Cardozo:

This is a final response to the Electronic Frontier Foundation's (EFF) 25 February 2008 and 19 June 2009 Freedom of Information Act (FOIA) requests for, among other things, certain reports submitted to the Intelligence Oversight Board since January 1, 2001.

We completed a thorough search for records responsive to your request and located 90 documents which we can release in segregable form with deletions made on the basis of FOIA exemptions (b)(1), (b)(2), (b)(3), (b)(5), (b)(6) and/or (b)(7)(a). We have also enclosed one document (C05482796) that was referred to us by the Department of Justice for direct response to you and that can be released in segregable form with deletions made on the basis of FOIA exemptions (b)(1), (b)(3), and/or (b)(6). Additional material was determined to be currently and properly classified and must be withheld in its entirety on the basis of FOIA exemptions (b)(1), (b)(3), and/or (b)(5). An explanation of exemptions is enclosed.

Because the above-referenced request is a subject of pending litigation in federal court, in accordance with Agency regulations as set forth at Section 1900.42 of Title 32 of the Code of Federal Regulations, you are not entitled to appeal this determination administratively.

Sincerely,

A handwritten signature in cursive script that reads "Delores M. Nelson".

Delores M. Nelson
Information and Privacy Coordinator

Enclosures

Explanation of Exemptions

Freedom of Information Act:

- (b)(1) exempts from disclosure information currently and properly classified, pursuant to an Executive Order;
- (b)(2) exempts from disclosure information, which pertains solely to the internal personnel rules and practices of the Agency;
- (b)(3) exempts from disclosure information that another federal statute protects, provided that the other federal statute either requires that the matters be withheld, or establishes particular criteria for withholding or refers to particular types of matters to be withheld. The (b)(3) statutes upon which the CIA relies include, but are not limited to, the CIA Act of 1949;
- (b)(4) exempts from disclosure trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential;
- (b)(5) exempts from disclosure inter-and intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) exempts from disclosure information from personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;
- (b)(7) exempts from disclosure information compiled for law enforcement purposes to the extent that the production of the 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 or, in the case of 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 if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger any individual's life or physical safety;
- (b)(8) exempts from disclosure information contained in reports or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for regulating or supervising financial institutions; and
- (b)(9) exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

January 2007