



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 29, 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
TO PRESENT

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:

Table with 3 columns: Section 552, Section 552a, and checkboxes for exemptions (b)(1)-(6) and (d)(5), (j)(2), (k)(1)-(7).

77 pages were reviewed and 7 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

Enclosures

Enclosed is the second interim release of documents.

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
DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

Total Deleted Page(s) ~ 47
Page 30 ~ b5, b7E *EFF/Lynch* 302
Page 31 ~ b5, b7E 303
Page 32 ~ b2, b5, b6, b7C, b7E 304
Page 34 ~ b5, b7E 305
Page 49 ~ b5, b6, b7C 308
Page 52 ~ b5, b7E 310
Page 54 ~ b5, b7E 312
Page 56 ~ Referral/Direct 314
Page 57 ~ Referral/Direct 315
Page 58 ~ Referral/Direct 316
Page 59 ~ Referral/Direct 317
Page 60 ~ Referral/Direct 318
Page 61 ~ Referral/Direct 319
Page 62 ~ Referral/Direct 320
Page 63 ~ Referral/Direct 321
Page 64 ~ Referral/Direct 322
Page 65 ~ Referral/Direct 323
Page 66 ~ Referral/Direct 324
Page 67 ~ Referral/Direct 325
Page 68 ~ Referral/Direct 326
Page 69 ~ Referral/Direct 327
Page 165 ~ Duplicate 333
Page 166 ~ Duplicate 334
Page 187 ~ b5, b6, b7C 335
Page 188 ~ b5, b6, b7C 336
Page 189 ~ b5, b6, b7C 337
Page 190 ~ b5, b6, b7C 338
Page 192 ~ b5 339
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Page 214 ~ Duplicate 343
Page 215 ~ Duplicate 344
Page 218 ~ b5, b7E 347
Page 219 ~ b1, b5, b7E 348
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Page 225 ~ b1, b5, b7E 354
Page 226 ~ b1, b5, b7E 355
Page 227 ~ b1, b5, b7E 356
Page 228 ~ b1, b5, b7E 357
Page 229 ~ b5, b7E 358
Page 230 ~ b5, b7E 359

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X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Page 231 ~ b5 360
Page 246 ~ Duplicate 361
Page 247 ~ Duplicate 362

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
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FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

Total Deleted Page(s) ~ 23
Page 2 ~ b5, b7E *EFF/Lynch* 290
Page 3 ~ b5, b6, b7C, b7E 291
Page 4 ~ b5, b6, b7C 292
Page 5 ~ b5, b7E 293
Page 6 ~ b5, b6, b7C, b7E 294
Page 7 ~ b5, b6, b7C 295
Page 8 ~ b5, b7E 296
Page 9 ~ b5, b7E 297
Page 10 ~ b5, b7E 298
Page 11 ~ b5, b7E 299
Page 12 ~ b5, b7E 300
Page 13 ~ b5, b7E 301
Page 14 ~ b5, b7E 305
Page 17 ~ b5, b7E 311
Page 19 ~ b5, b6, b7C, b7E 328
Page 20 ~ b5, b7E 329
Page 21 ~ b5, b7E 330
Page 22 ~ b5, b7E 331
Page 24 ~ b5, b6, b7C, b7E 341
Page 28 ~ Referral/Direct 363
Page 29 ~ Referral/Direct 364
Page 30 ~ Referral/Direct 365
Page 31 ~ Referral/Direct 366

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X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX



Congressional Affairs Office Congressional Contacts

Classification Level: _____

Date Entered: 05/28/2009 2009-154 Proactive Reactive

Briefing Hearing SAC CV HQ CV FOC Other # of SAC CV Visits: _____

Event Date: 5/28/2009 Entered By: _____ Unit: _____

Subject: HAC-SIOP briefing Division: _____

OCA Contact Person: _____

DOJ Notification: _____ Date: _____ Attended: _____

FBI Participants: See narrative

b6
b7C

Other Participants:

Committees /Subcommittees: House Select Intelligence Oversight Panel

Members/Staff: Staff: _____

Outside the Scope

Summary of Event:

[Redacted Summary of Event]

b7E

Advanced Electronic Surveillance - EAD Grever discussed the success with CALEA and future gaps we must overcome in these areas.

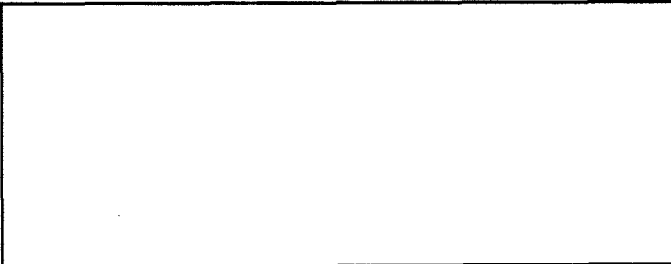
[Redacted Follow Up Action]

Follow Up Action:

Outside the Scope

EFF/Lynch-307

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-07-2011 BY 65179/DMH/BAW/STP/bls

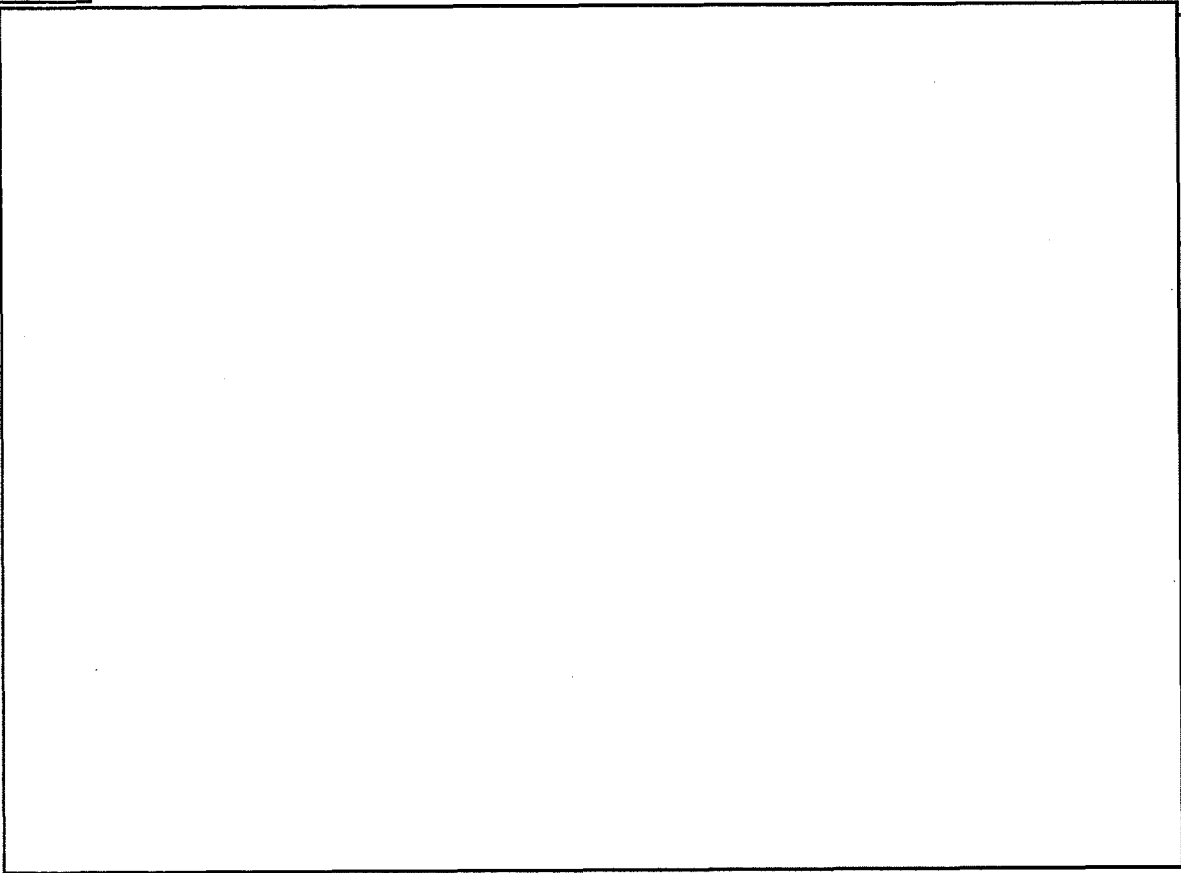


Outside the Scope

From: [redacted]
Sent: Tuesday, September 28, 2010 1:04 PM
To: [redacted]
Cc: [redacted]
Subject: [redacted]
Importance: High

[redacted]
[redacted] I believe they give you a good overview of the situation.

Thanks



b5
b6
b7C
b7E

EFF/Lynch-309

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-07-2011 BY 65179/DMH/BAW/STP/bls-

[Redacted]

Outside the Scope

From: [Redacted]
Sent: Tuesday, September 28, 2010 1:08 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: [Redacted]
Importance: High

[Redacted]

b5
b6
b7C
b7E

But again, a good view of the issue.

EFF/Lynch-313

[Redacted]

Outside the Scope

From: [Redacted] (OCA) (FBI)
Sent: Tuesday, September 28, 2010 1:45 PM
To: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)
Subject: FW: [Redacted] Background Info

UNCLASSIFIED
NON-RECORD

[Redacted]

[Redacted]

Unit Chief
FB/IO, Office of Congressional Affairs

[Redacted]

b5
b6
b7C
b7E

From: [Redacted] (OCA) (FBI)
Sent: Monday, September 27, 2010 10:43 AM
To: [Redacted] (OCA) (FBI); [Redacted] (DO) (FBI)
Cc: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)
Subject: [Redacted] Background Info

UNCLASSIFIED
NON-RECORD

Following up on [Redacted]



[Redacted]

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-332

[Redacted]

From: [Redacted] (DO) (FBI)
Sent: Tuesday, January 26, 2010 5:54 PM
To: [Redacted] (OGC) (FBI); [Redacted] (DO)(OGA); [Redacted] (OGC)
(FBI)
Cc: [Redacted] (DO) (FBI)
Subject: [Redacted]
Importance: High
Attachments: [Redacted]

UNCLASSIFIED
NON-RECORD

[Redacted]

I have a hard deadline of tomorrow COB - which for the people this goes back to, is 6pm

Would appreciate your thoughts, if you have a moment to share them.

[Redacted]
FBI OGA
[Redacted]



[Redacted]

UNCLASSIFIED

EFF/Lynch-342

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-08-2011 BY 65179/DMH/BAW/STP/bls

[Redacted]

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, January 27, 2010 9:41 AM
To: [Redacted] (DO) (FBI); [Redacted] (OGC) (FBI); [Redacted]
Subject: (DO)(OGA); THOMAS, MARCUS C. (OTD) (FBI); [Redacted] (OGC) (FBI)
RE: [Redacted]

UNCLASSIFIED
NON-RECORD

[Redacted]

Marcus - have you looked at this since Friday's meeting?

From: [Redacted] (DO) (FBI)
Sent: Tuesday, January 26, 2010 5:54 PM
To: [Redacted] (OGC) (FBI); [Redacted] (DO)(OGA); [Redacted] (OGC) (FBI)
Cc: [Redacted] (DO) (FBI)
Subject: [Redacted]
Importance: High

UNCLASSIFIED
NON-RECORD

[Redacted]

I have a hard deadline of tomorrow COB - which for the people this goes back to, is 5pm.

Would appreciate your thoughts, if you have a moment to share them.

[Redacted]
FBI OCA
[Redacted]

<< File: [Redacted]

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-345

[Redacted]

From: [Redacted] (DO) (FBI)
Sent: Tuesday, January 26, 2010 5:56 PM
To: [Redacted] (SF) (FBI)
Cc: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)
Subject: RE: [Redacted]

b5
b6
b7C

UNCLASSIFIED
NON-RECORD

[Redacted]

I will do my very best to get it back to you by COB Wed. I'm on the Hill much of the day, but will work as fast as I can.

[Redacted]

But I'll see what I can get you all.

Thanks

[Redacted]

From: [Redacted] (DO) (FBI)
Sent: Tuesday, January 26, 2010 2:51 PM
To: [Redacted] (DO) (FBI)
Subject: [Redacted]
Importance: High

UNCLASSIFIED
NON-RECORD

Hello again,

[Redacted]

Could you update and send it back our way by COB

tomorrow (Wednesday, January 27th)?

<< File [Redacted] >>

THANKS!

[Redacted]

[Redacted]

Legislative Affairs Specialist
Office of Congressional Affairs

[Redacted]

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-346