



December 7, 2018

SENT VIA EMAIL TO: FOIA@epic.org

Eleni Kyriakides
1718 Connecticut Ave. N.W. Ste. 200
Washington, DC 20009

Re: **EPIC v. DHS, 1:17-cv-02047 (D.D.C.)**
NPPD FOIA Case Number 2017-NPFO-00430-2018-IALI-00002

Dear Ms. Kyruajudes:

This letter is a response to the Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated March 31, 2017, from Electronic Privacy Information Center (EPIC). The requesters are seeking information pertaining to the interference with the elections for Federal office held in 2016 by or at the direction of the Russian Government and is currently the subject of litigation in EPIC v. DHS, 1:17-cv-02047 (D.D.C.).

DHS I&A's Production

For this production, DHS Office of Intelligence and Analysis (I&A) reviewed 17 pages referred by DHS National Protection and Programs Directorate, 6 of which I&A had previously referred to NPPD for release. After review of those pages, I&A has determined that 9 pages were unresponsive, and pursuant to FOIA exemptions, 2 pages are being released in full, and 6 pages are withheld in part and released in part.

Redactions have been made to protect information exempted as follows:

Freedom of Information Act, 5 U.S.C. § 552			Privacy Act, 5 U.S.C. § 552a
<input type="checkbox"/> 552(b)(1)	<input checked="" type="checkbox"/> 552(b)(5)	<input type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input checked="" type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

Exemption 3 protects “information specifically exempted from disclosure by [another] statute.” See 5 U.S.C. § 552 (b)(3). In this instance 50 U.S.C. § 3024(i) and 6 U.S.C. § 121(d)(11) exempts information regarding intelligence sources and methods from unauthorized disclosure.

Exemption 5 enables an agency to withhold “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.” See 5 U.S.C. § 552(b)(5). Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-

product, attorney-client, and commercial information privileges. I&A is withholding this information that if released, would reveal the deliberative processes of the Agency.

Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Exemption 7(E) protects all law enforcement information that “would disclose techniques and procedures for law enforcement investigation or prosecution, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law.” *See* 5 U.S.C. § 552(b)(7)(E).

If you have any questions regarding this litigation, please contact Marcia Sowles, United States Department of Justice, Federal Programs Branch by email at 202-514-4960.

Sincerely,

Priscilla Waters

Priscilla Waters
Assistant FOIA Officer