

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY INFORMATION CENTER)	
)	
Plaintiff,)	
v.)	No. 1:12-cv-01282 (JEB)
)	
OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE)	
)	
Defendant.)	

JOINT STATUS REPORT AND PROPOSED SCHEDULE

Pursuant to the Court’s Minute Order on October 2, 2012, Plaintiff Electronic Privacy Information Center (“EPIC”) and Defendant United States Office of the Director of National Intelligence (“ODNI”) have conferred and hereby jointly submit the following status report and proposed schedule to govern this action.

1. Plaintiff filed this Freedom of Information Act (“FOIA”) action on August 1, 2012. Defendant filed its answer on October 1, 2012. This action concerns one FOIA request (“EPIC’s First FOIA Request”) made by EPIC on March 28, 2012 and three additional FOIA requests made by EPIC on June 15, 2012 (“EPIC’s Second FOIA Request,” “EPIC’s Third FOIA Request,” and “EPIC’s Fourth FOIA Request”) concerning the revised National Counterterrorism Center (“NCTC”) Guidelines.

EPIC’s First FOIA Request asked for the following agency records:

- a. The “priority list” of databases that the National Counterterrorism Center plans to copy.

EPIC’s Second FOIA Request asked for the following agency records:

- a. The guidelines and mechanisms for the correction or documentation of “inaccuracy or unreliability of [] information, and supplement incomplete information to the extent additional information becomes available;”
- b. Training materials used to “ensure that [] personnel use the datasets only for authorized NCTC purposes and understand the baseline and enhanced safeguards, dissemination restrictions, and other privacy and civil liberties protections they must apply to each such dataset;”
- c. Any information or documentation related to abuse, misuse, or unauthorized access of datasets acquired by NCTC (as indicated by the monitoring, recording, and auditing described in Section (C)(3)(d)(3));
- d. Written determinations by the Director of NCTC or designee regarding “whether enhanced safeguards, procedures, and oversight mechanisms are needed.”

EPIC’s Third Request asked for the following agency records:

- a. Terms and Conditions and related documents, as described in Section (B)(2)(a) of the NCTC Guidelines;
- b. All documents related to disputes between department and agency heads and DNI, as described under Section (B)(2)(d) of the NCTC Guidelines.

EPIC’s Fourth Request asked for the following agency records:

- a. Any guidelines or legal memoranda discussing NCTC’s understanding and interpretation of the following standards used in the NCTC Guidelines discussed above: “reasonably believed to constitute terrorism information,” “reasonably believed to contain terrorism information,” and “likely to contain significant terrorism information

2. To date there has been no production of documents in response to these requests.

3. Because this matter arises under FOIA, Local Rule 16.3(b)(9) exempts this suit from the requirements of Local Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure.

4. The parties agree that after Defendant has issued its final document production, any issues remaining will be resolved by motions. The parties accordingly

propose the following schedule:

Defendant's First Production of Documents:	No later than December 14, 2012
Defendant's Final Production of Documents:	No later than February 12, 2013
Defendant's Motion for Summary Judgment:	No later than March 14, 2013
Plaintiff's Opposition and Cross-Motion:	No later than April 17, 2013
Defendant's Reply and Opposition:	No later than May 1, 2013
Plaintiff's Reply:	No later than May 15, 2013

5. In the event that the parties are able to resolve or further limit the issues before the Court, the parties will promptly inform the Court and propose any appropriate modifications to the schedule.

Date: October 3, 2012

Respectfully submitted,

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