



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Ms. Eleni Kyriakides  
Electronic Privacy Information Center  
Suite 200  
1718 Connecticut Avenue, NW  
Washington, DC 20009  
[foia@epic.org](mailto:foia@epic.org)

Re: Appeal No. DOJ-AP-2017-003383  
Request No. 17-097  
ADF:TAZ

**VIA: FOIAonline**

Dear Ms. Kyriakides:

You appealed from the action of the National Security Division of the United States Department of Justice on your Freedom of Information Act request for access to records concerning:

- 1) "Any and all applications made pursuant to 50 U.S.C. § 1804 where the target of electronic surveillance was 'Donald J. Trump,' 'Jefferson Beauregard Sessions III,' 'Michael T. Flynn,' 'Jared Corey Kushner,' 'Jeffrey D. Gordon,' 'Paul Manafort,' or 'Carter Page;'"
- 2) "Any and all applications made pursuant to 50 U.S.C. § 1823 where the premises or property to be searched were located in Trump Tower, 725 5th Avenue, New York, NY 10022;"
- 3) "Any and all applications made pursuant to 50 U.S.C. § 1842 where the 'person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied' was one of the aforementioned individuals in ¶ 1 above"
- 4) "Any and all applications made pursuant to 50 U.S.C. § 1861 where the 'tangible things sought' were located in Trump Tower, 725 5th Ave, New York, NY 10022;" and
- 5) "Any and all applications made pursuant to 50 U.S.C. § 1861 for call detail records of a specific selection term associated with one of the aforementioned individuals in ¶ 1 above." "All applications made pursuant to 50 U.S.C. § 1804 where the facilities or places at which the electronic surveillance was directed included facilities located in Trump Tower, 725 5th Avenue, New York, NY 10022."

After carefully considering your appeal, I am affirming the National Security Division's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for

important interests such as personal privacy, privileged communications, and certain law enforcement activities.

I have determined that the National Security Division properly refused to confirm or deny the existence of any records responsive to your request because the existence or nonexistence of any responsive records is currently and properly classified. See 5 U.S.C. § 552(b)(1). However, I am referring this matter to the Department of Justice's Department Review Committee so that it may determine if the existence or nonexistence of any responsive records should remain classified under Executive Order No. 13,526. You will be informed of the Department's final decision on this matter. This referral does not affect your right to pursue litigation.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the National Security Division in response to your request. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

4/13/2017

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: OIP