

## PRESS RELEASE

### **EPIC Files Emergency Motion to Preserve Records in FBI Russian Interference FOIA Case**

#### *Civil Liberties Organization Cites Statements from Members of Congress About Risk of Record Destruction*

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**WASHINGTON, DC** – Today the Electronic Privacy Information Center (EPIC) filed an emergency motion in *EPIC v. FBI*, a Freedom of Information Act case launched by EPIC to obtain records concerning the Russian interference with the 2016 Presidential election.

The case began on December 22, 2017 when EPIC filed an urgent FOIA request with the FBI for records about the investigation. After the FBI failed to rule on EPIC’s request for expedited processing, EPIC filed a lawsuit in federal district court in Washington, DC.

Following a report from EPIC and the FBI, Judge Royce C. Lamberth issued an Order requiring the FBI to produce documents to EPIC beginning on May 11, 2017.

On May 12, 2017, two days after the President abruptly fired the FBI Director, apparently for reasons related to the FBI’s investigation, EPIC filed a motion to preserve records related to the Russian interference with the election and impose sanctions if any records are altered or destroyed.

In the motion EPIC cited Senator Kamala Harris who this week questioned the Acting FBI Director as to whether the records of the Russian investigation would be preserved, as well as members of Congress who wrote to the Deputy Attorney General, asking that “all files, . . . involving the Department’s and FBI’s criminal investigation into matters related to Russian interference . . . be preserved and placed off limits to any and all White House officials and staff and any other individuals, including Attorney General Sessions, who have recused themselves from the investigation.”

“This is the first time in our 25-year history of litigating FOIA cases that we have asked a federal court for a preservation order,” EPIC President Marc Rotenberg explained. “But these are very unusual circumstances. And we have a genuine concern that the records at issue in *EPIC v. FBI* could be altered or destroyed.”

The case is *EPIC v. FBI*, No. 17-721. EPIC President Marc Rotenberg and EPIC Senior Counsel Alan Butler represent EPIC in the case.

### About EPIC

The Electronic Privacy Information Center (EPIC) is a non-partisan organization, established in 1994, to focus public attention on emerging privacy and civil liberties issues. The EPIC Advisory Board includes distinguished experts in law, technology, public policy and cyber security.

In 2017, EPIC launched a new project on Democracy and Cybersecurity to determine the extent of Russian interference with the 2016 Presidential election and to prevent future attacks on democratic institutions. EPIC is currently pursuing three Freedom of Information Act lawsuits. In *EPIC v. ODNI*, EPIC is seeking the public release of the report of the Intelligence Community on the Russian interference with the 2016 election. In *EPIC v. FBI*, EPIC is seeking records concerning the Bureau's response to an attack by a foreign government on the political institutions of the United States. And in *EPIC v. IRS*, EPIC is seeking the release of Donald Trump's tax returns. On June 5, 2017, EPIC will honor former world chess champion, author, and human rights advocate Garry Kasparov at the 2017 EPIC Champion of Freedom Awards Dinner.

### Links

EPIC v. FBI (Russian Hacking)

<https://www.epic.org/foia/fbi/russian-hacking/>

EPIC FOIA Request (Dec. 22, 2016)

<https://www.epic.org/privacy/cybersecurity/EPIC-16-12-22-FBI-FOIA-20161222-Request.pdf>

EPIC v. FBI, No. 17-121 (Filed May 12, 2017) (Motion to Compel Preservation)

<https://epic.org/foia/fbi/russian-hacking/14-Motion-to-Compel-Preservation.pdf>

EPIC Democracy and Cybersecurity Project

<https://epic.org/democracy/>