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March 28, 2012

VIA FACSIMILE: 703-874-8910

FOIA Officer
Office of the Director of National Intelligence
Washington, DC 20511

Re: Freedom of Information Act Request

Dear FOIA Officer,

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (“EPIC”) to the Office of the Director of National Intelligence (“ODNI”).

EPIC seeks that National Counterterrorism Center’s (“NCTC”) “priority list” of databases that the Center intends to copy in their entirety.

Background

On March 22, 2012, the New York Times reported that Attorney General Eric Holder had signed new guidelines for the NCTC which would relax restrictions on how counterterrorism analysts may retrieve, store, and search information about Americans.¹ The Washington Post corroborated this.²

These new guidelines allow the NCTC to make more copies of entire databases then data mine those copies using complex algorithms.³

This article referenced a “priority list” that was developed by the NCTC. This document sets forth a list of databases that the Center plans to copy in their entirety.⁴ However, officials declined to say which databases were included on this list.⁵

¹ Charlie Savage, *U.S. Relaxes Limits on Use of Data in Terror Analysis*, New York Times, Mar. 22, 2012, http://www.nytimes.com/2012/03/23/us/politics/us-moves-to-relax-some-restrictions-for-counterterrorism-analysis.html?_r=1

² Sari Horwitz and Ellen Nakashima, *New Counterterrorism Guidelines Permit Data on U.S. Citizens to be Held Longer*, Mar. 22, 2012, http://www.washingtonpost.com/world/national-security/new-counterterrorism-guidelines-would-permit-data-on-us-citizens-to-be-held-longer/2012/03/21/g1QAFLm7TS_story.html?wprss=

³ Charlie Savage, *U.S. Relaxes Limits on Use of Data in Terror Analysis*, New York Times, Mar. 22, 2012, http://www.nytimes.com/2012/03/23/us/politics/us-moves-to-relax-some-restrictions-for-counterterrorism-analysis.html?_r=1

⁴ *Id.*

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EPIC now requests the priority list discussed in the article. Because the ODNI is the parent agency if the NCTC, we direct this request to you.⁶

Documents Requested

EPIC requests the following document:

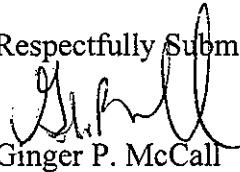
1. The “priority list” of databases that the National Counterterrorism Center plans to copy.

Request for “News Media” Fee Status

EPIC is a “representative of the news media” for fee waiver purposes.⁷ Based on our status as a “news media” requester, we are entitled to receive the requested record with only duplication fees assessed. Further, because disclosure of this information will “contribute significantly to public understanding of the operations or activities of the government,” any duplication fees should be waived.

Thank you for your consideration of this request. As provided in 6 C.F.R. § 5.5(d)(4), I will anticipate your determination on our request within twenty (20) business days. For questions regarding this request I can be contacted at 202-483-1140 ext. 102 or FOIA@epic.org.

Respectfully Submitted,



Ginger P. McCall
Director, EPIC Open Government Project

⁵ *Id.*

⁶ Office of the Director of National Intelligence, homepage, <http://www.dni.gov/index.html>

⁷ *EPIC v. Department of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003).