



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

June 21, 2004

VIA FAX & FIRST CLASS MAIL
(202) 483-1248

Ms. Marcia Hofmann,
Staff Counsel
Electronic Privacy Information Center
1718 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20009

RE: FOIA No. 997633

Dear Ms. Hofmann:

This is in further response to your letter dated May 6, 2004, in which you sought access to "any records concerning, involving or related to the FBI's acquisition of passenger data from any airline since September 11, 2001. . . ." as well as access to "any records discussing the legal requirements governing Bureau access to and use of air passenger data."

In your May 6, 2004 letter you requested expedited processing of your request. As you are aware, by letter dated May 19, 2004, the FBI considered and denied your request for expedited processing pursuant to 28 C.F.R. § 16.5(d)(ii) ("[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information"). Although your May 6, 2004 letter did not specifically cite to a specific subsection of § 16.5(d) on which your expedition request was based, we also forwarded your request to the U.S. Department of Justice, Office of Public Affairs ("OPA"), for consideration of your expedition request pursuant to 28 C.F.R. § 16.5(d)(iv) ("[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."). The FBI was notified on June 16, 2004, by the Director of OPA that your request for expedited processing based on § 16.5(d)(iv) was denied.

Following OPA's denial of your expedition request, the FBI reevaluated your May 6, 2004 request for expedition, and has decided to grant expedition pursuant to 28 C.F.R. § 16.5(d)(ii). Your FOIA request has been assigned and we are conducting a search for any potentially responsive records.

Sincerely yours,

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division