Dear Mr. Hoofnagle:

This is in further reference to your June 22, 2001, Freedom of Information Act request for access to all records "relating to transactions, communications, and contracts concerning businesses that sell individuals' personal information." By letter dated October 22, 2002, this Office advised you that a search of pertinent files and record systems had been conducted and no responsive records had been located. However, in response to your access request to the FBI, that agency located one document which originated with the Office of Intelligence Policy & Review (OIPR) and referred it to us for review.

Upon receiving this document, which had not been located in our initial computerized database search, we conducted a manual search of our offices and located one file responsive to your request that contains twenty documents, including the memorandum referred by the FBI. We have completed our review of this material which is categorized as follows:

1. Requests for Legal Opinion (RLO) - three documents (#1 - 3)
2. OIPR responses (including drafts) to RLO - six documents (#4 - 9)
3. Electronic mail - five documents (#10 - 14)
4. Handwritten notes - five documents (#15 - 19)
5. Reference material - one document (#20)

Within category #1, portions of document #2 are being released to you. The names of OIPR staff have been redacted from this document pursuant to Exemptions 6 and 7(C) of the Freedom of Information Act, 5 U.S.C. §§52 (b)(6) and (b)(7)(C). Documents #1 and 3 originated with the FBI and have been referred to that agency for review and direct response to you. Within category #2, portions of documents #5, 6, 7, 8, and 9 are being released to you.
The remaining material is exempt from disclosure pursuant to Exemptions 1, 5, 6 and 7(C) of the Freedom of Information Act, 5 U.S.C. §552 (b)(1), (b)(5), (b)(6) and (b)(7)(C). Within category #3, portions of each of these documents are being released to you. The redacted portions are exempt from disclosure pursuant to Exemptions 1, 5, 6 and 7(C). Within category #4, portions of document #15 are being released to you. The remaining material is exempt from disclosure pursuant to Exemptions 1, 5, 6 and 7(C). Within category #5, this document originated with the Criminal Division and has been referred to that office for review and direct response to you.

Exemption 1 pertains to information which is properly classified in the interest of national security pursuant to Executive Order 12958, as amended. The applicable section in this instance is 1.5(c) intelligence activities. Exemption 6 pertains to certain inter- and intragovernment communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

If you are not satisfied with this response you may administratively appeal by writing to the Co-Director, Office of Information and Privacy, United States Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001, within sixty days from the date of this letter. Both the letter and envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

James A. Baker
Counsel for Intelligence Policy

Enclosures (12)
Referred to FBI
<table>
<thead>
<tr>
<th>ROUTING AND TRANSMIT SLIP</th>
<th>TO (Name, office symbol, more number, Agency/Post)</th>
<th>Initials</th>
<th>Date</th>
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<td>1. Rob Davis</td>
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**REMARKS:**

Please review and then let's discuss. Thanks.

---

**FROM:**

James A. Baker  
Deputy Counsel for Intelligence Operations  
Office of Intelligence Policy and Review

4-2882

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This routing and transmittal sheet is unclassified when separated from the attachments.

**SECRET**

**SEGREGATE**
Referral to FBI
WITHHOLD

(6w), (6s), (6e), (6ye)
FOR CIPR INTERNAL USE ONLY

Date: 1/11/01

TO: FRANCES FRAGOS TOWNSEND

cc:

NOTE: Enclosed please find a short and, I believe, self-explanatory memo from Jim to Spike Bowman on an issue that Jim and I have been handling. Jim thought you might wish to take a look at this before he signs it out. If you could let me know whether you have any comments on this, Jim and I would appreciate it.

FROM:

INTERCOM #: 96

RETURN TO:

SEGREGATE

0000005
WITHHOLD

Attachment

(1A), (2B), (4C), (6D)
<table>
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</tr>
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<td>SIGNATURE:</td>
<td>John Doe</td>
</tr>
<tr>
<td>ON:</td>
<td>12/3/2023</td>
</tr>
</tbody>
</table>

**Notes:**
- Enclosed please find a short add I believe self explanatory. The attachment and I have been cancelling for quite some time. I must ask you now whether you have any comments on this. I am I would appreciate it.
- I just got the check but you can see from the add above, as you can.
WITHOLD
Attachment
(x, y), (z, a), (b, c), (d, e)
ALL INDIVIDUALS HANDLING THIS INFORMATION ARE REQUIRED TO PROTECT IT FROM UNAUTHORIZED DISCLOSURE IN THE INTEREST OF THE NATIONAL SECURITY OF THE UNITED STATES.

HANDLING, STORAGE, REPRODUCTION AND DISPOSITION OF THE ATTACHED DOCUMENT MUST BE IN ACCORDANCE WITH APPLICABLE EXECUTIVE ORDER(S), STATUTE(S) AND AGENCY IMPLEMENTING REGULATIONS.

Jim, 12-19-66

Here is draft

Ch. 99 1st or 2nd

for your review

Please advise me

next step.

SEGREGATE

0000097

SECRET

STANDARD FORM 724 (4-85)
10-24-85

RECEIVED 7445-01-213-7662

BEST AVAILABLE COPY
WITHHOLD

Attachment

(XX, XX, XX, XX)
12-4-00

Enclosed is revised version of memo to Spith on Checkpoint. Enclosed also are prior version with your handwritten changes.

Spith: 2 memos to us.

SEGREGATE

0000008
WITHOLD

Attachment

(\text{redacted})
Jim,

Enclosed, for your review and approval, is a proposed memo to Spilie on the 
Segregate matter.

[signature]

SEGREGATE

0000009

(This cover sheet is unclassified.)

STANDARD FORM 794 (8-85)
FEDERAL REGISTRATION 11/29/85
21 FEB 2005

784-102
RSN: 7840-01-013-7802
WITHHOLD
Attachment
(b)(1), (b)(3), (b)(6), (b)(7)(C)
Jin,

FYI. I've learned that Dan Koffsky and Marty Lederman are the OLC people who participated in the preparation of that working group report, "Online Investigative Principles for Federal Law Enforcement Agents". However, he is swamped and won't be able to get to it till next week. He is going to get back to me with a date and time.

SEGREGATE

0000910
FYI, I spoke today with FBI OGC, who is staffing Spike on the Choicepoint matter. As you'll recall, this is the matter where FBI sent us a memo seeking our opinion as per the discussion you and I recently had. OIGR is still gathering information before we could proceed forward with an opinion. I agreed to come back to us with this information in writing by way of either a revised version of the memorandum they've already sent us or a new, supplemental memorandum. He also indicated that it would be at least 3 or 4 weeks before we receive anything from him, as he has an urgent matter to wrap up before departing on 2 weeks of leave.
Jim and Rob,

Whenever it is convenient for you, I’m prepared to discuss the FBI memo on the above subject. (Jim forwarded the memo to Rob and me on Aug. 10, asking that we review it and then all get together to discuss it.)

SEGREGATE
Yes, Dan and I were the OLC participants.

Original Message

From: Singaltsen, Jeffrey P
Sent: Tuesday, January 02, 2001 12:18 PM
To: Lederman, Marty; Koffsky, Daniel L
Cc: "Online Investigative Principles for Federal Law Enforcement Agents"
Subject: "Online Investigative Principles for Federal Law Enforcement Agents"

According to Appendix B to the Report, Marty Lederman was the OLC contact on this Working Group. I haven’t had a chance to confirm this independently with Marty or, maybe more to the point, to confirm the level at which he was involved. You may want to talk to him directly about your issue. Marty’s at 514-3711.

Original Message

From: Tuesday, January 02, 2001 10:30 AM
To: Koffsky, Daniel L; Colborn, Paul P; Singaltsen, Jeffrey P
Subject: "Online Investigative Principles for Federal Law Enforcement Agents"

Dan, Paul, and Jeff:

I am wondering whether any of you might know whom at OLC participated, during 1999, in the Department’s Online Investigations Working Group, which produced the above-captioned report in November of that year? The reason I ask is that the FBI has asked OPFR to render a legal opinion of whom I’ve worked most often, and I’m hoping you can at least point me in the right direction in identifying the individual I should approach. Thanks.

I’m inquiring of each of you only because you are the folks from OLC with whom I’ve worked most often, and I’m hoping you can at least point me in the right direction in identifying the individual I should approach. Thanks.

SEGREGATE

(6x3, 6x6),

(6x16)
Thanks, Jeff. The copy of the report that FBI provided to me did not include Appendix B. I will give Marty a call.

---Original Message---
From: Singsahlson, Jeffrey P
Sent: Tuesday, January 02, 2001 12:28 PM
To: Lederman, Marty; Kofsky, Daniel L
Cc: Lederman, Marty; Kofsky, Daniel L
Subject: RE: "Online Investigative Principles for Federal Law Enforcement Agents"

I am wondering whether any of you might know whom at OLC participated, during 1999, in the Department's Online Investigations Working Group, which produced the above-captioned report in November of that year? The reason I ask is that the FBI has asked OIPR to render a legal opinion on whom I've worked most often and I'm hoping you can at least point me in the right direction in identifying the individual I should approach. Thanks.

---Original Message---
From: Lederman, Marty
Sent: Tuesday, January 02, 2001 12:30 PM
To: Kofsky, Daniel L; Caborn, Paul P; Singsahlson, Jeffrey P
Cc: Lederman, Marty; Kofsky, Daniel L
Subject: "Online Investigative Principles for Federal Law Enforcement Agents"

I'm inquiring of each of you only because you are the folks from OLC with whom I've worked most often and I'm hoping you can at least point me in the right direction in identifying the individual I should approach. Thanks.

SEgregate

(5)(6), (5)(6), (6)(6)
Dear,

I just got the Chuck Point memo back from Fred. As you can see, he has no comment. So, once you sign it, feel free to give it to me. I will get it to Fred.

1/21/01

Please have a secretary take this memo, STU-III-4011, to Spivey Burton, and make copies for Jim’s chron file and OLIR’s chron file. Thanks.

1/22/01

SEGREGATE

0000015
WITHHOLD

(6)
WITHHOLD

(b1, b2, b3)
WITHHOLD

0000018
WITHHOLD

(0.5), (0.7)
Referred to
Criminal Division