

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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ELECTRONIC PRIVACY INFORMATION CENTER	)
1718 Connecticut Ave., N.W.	)
Washington, DC 20009	)
	)
Plaintiff,	)
	)
v.	)
	)
U.S. DEPARTMENT OF JUSTICE	)
NATIONAL SECURITY DIVISION	)
Washington, DC 20530	)
	)
Defendant.	)
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Civil Action No.  
1:17-cv-02274

**ANSWER**

Defendant United States Department of Justice (“DOJ”), through its undersigned counsel, responds to each numbered paragraph of the Complaint (ECF No. 1) as follows:

1. This paragraph contains plaintiff’s characterization of the nature of this action and its claims to which no response is required.
2. This paragraph contains plaintiff’s characterization of the nature of its claims to which no response is required.
3. This paragraph contains plaintiff’s allegations concerning jurisdiction, which are legal conclusions that do not require a response.
4. This paragraph contains plaintiff’s allegations concerning venue, which are legal conclusions that do not require a response.
5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first three sentences of this paragraph. The last sentence contains plaintiff’s conclusion of law to which no response is required.

6. Defendant admits that DOJ is a federal agency within the meaning of FOIA and is headquartered in Washington, D.C.

7. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

8. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

9. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph regarding plaintiff's reason for submitting its FOIA request.

10-22. The allegations in these paragraphs do not set forth a claim of relief or aver facts in support of a claim to which a response is required.

23. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation in this paragraph.

24. Defendant admits that Congress is currently considering measures to renew Section 702. The remaining allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

25. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

26. Defendant admits that the report contains information regarding certain FBI queries of Section 702 information. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

27. Admits.

28. The allegations in this paragraph contain plaintiff's characterization of its FOIA request to the DOJ's National Security Division. Defendant refers the Court to the request for a full and accurate statement of its contents.

29. Admits.

30. Admits.

31. Defendant admits that by a letter dated July 19, 2017, the National Security Division responded to the request by disclosing a record with portions redacted under FOIA exemptions (b)(1), (b)(3) based on 50 U.S.C. § 403-19i(1), (b)(6) and (b)(7)(C). Defendant refers the Court to that letter for a full and accurate statement of its contents.

32. Admits.

33. Admits.

34. Admits. Defendant refers the Court to the denial of the appeal for a full and accurate statement of its contents.

35. Admits.

36. The allegations in this paragraph contain plaintiff's conclusions of law to which no response is required.

37. This paragraph repeats and incorporates by references the allegations in paragraphs 1-36. Defendant respectfully refers the Court to its responses in the preceding paragraphs.

38. The allegations in this paragraph contain plaintiff's conclusions of law to which no response is required. To the extent a response may be required, defendant denies.

39. The allegations in this paragraph contain plaintiff's conclusions of law to which no response is required.

40. The allegations in this paragraph contain plaintiff's conclusions of law to which no response is required. To the extent a response may be required, defendant denies.

The remainder of the Complaint contains plaintiff's prayer for relief, to which no response is required. To the extent a response is deemed required, defendant denies that plaintiff is entitled to the relief requested, or to any relief whatsoever. Defendant also denies all allegations not expressly admitted or denied.

DEFENSE

Information plaintiff seeks in its FOIA request is exempt from production under FOIA, 5 U.S.C. § 552.

THEREFORE, having fully answered, defendant asserts that plaintiff is not entitled to the relief requested, or to any relief whatsoever, and requests that this action be dismissed with prejudice and that defendant be given such other relief as the Court deems just and proper.

Respectfully submitted,

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Acting Assistant Attorney General

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