

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY INFORMATION CENTER

Plaintiff,

v.

NATIONAL SECURITY COMMISSION ON
ARTIFICIAL INTELLIGENCE, et al.

Defendants.

Civ. Action No. 19-2906-TNM

NOTICE OF CLARIFICATION

Plaintiff Electronic Privacy Information Center (“EPIC”) hereby files this Notice to clarify a sentence in the Reply in Support of Plaintiff’s Motion for Partial Summary Judgment, ECF No. 31. In addressing the compatibility of Federal Advisory Committee Act (“FACA”) § 10(b) and Freedom of Information Act (“FOIA”) Exemption 5, EPIC stated:

To be clear: the Court need not—indeed, cannot—determine at this point how Exemption 5 might apply to the AI Commission’s records because the Commission has not asserted any Exemption 5 claims.

Pl.’s Reply 3. In so stating, EPIC meant to convey that the Commission has not asserted any Exemption 5 claims to limit its release of records *pursuant to the FACA*. EPIC’s statement does not extend to the Commission’s production of records pursuant to the FOIA. EPIC made this meaning explicit at other points in the Reply. *See* Pl.’s Reply 3–4 (“And if the AI Commission someday asserts the deliberative process privilege to withhold records otherwise subject to disclosure under the FACA, it will be up to the Court—at that juncture—to decide precisely how Exemption 5 and FACA § 10(b) interact.”); Pl.’s Reply 6 n.6 (“The Court need not resolve this

question now, however, as the Government has yet to disclose (or withhold as exempt) any records pursuant to the FACA.”).

Respectfully Submitted,

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