

**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

**PLAINTIFF’S STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE**

Pursuant to Local Civil Rule 7(h) and section 14 of this Court’s Standing Order, Plaintiff Electronic Privacy Information Center (“EPIC”) hereby submits this Statement of Material Facts as to Which There is No Genuine Dispute.

1. Eric Schmidt is the Chairman of the National Security Commission on Artificial Intelligence (“AI Commission”). Ex. A at 2.
2. Ylli Bajraktari is the Executive Director of the AI Commission. Compl., ECF No. 1, ¶ 20; Answer, ECF No. 29, ¶ 20 (admitting to ¶ 20 of EPIC’s Complaint).
3. The members of the AI Commission are employed on an intermittent basis. Compl. ¶ 43; Answer ¶¶ 40–43 (failing to deny, and thereby admitting to, the allegations in ¶ 43 of EPIC’s Complaint).
4. The AI Commission held its first plenary meeting on March 11, 2019, in Washington, DC. Ex. A at 1.

5. The AI Commission did not publish notice of the March 11, 2019 plenary meeting in the Federal Register. Compl. ¶ 63; Answer ¶ 63 (admitting to the second sentence in ¶ 63 of EPIC's Complaint).
6. The AI Commission did not provide the public with an opportunity to participate in the March 11, 2019 plenary meeting. Compl. ¶ 63; Answer ¶ 63 (admitting to the second sentence in ¶ 63 of EPIC's Complaint).
7. The AI Commission held its second plenary meeting on May 20, 2019, in Cupertino, California. Ex. B at 2.
8. The AI Commission did not publish notice of the May 20, 2019 plenary meeting in the Federal Register. Compl. ¶ 67; Answer ¶ 67 (admitting to the second sentence in ¶ 67 of EPIC's Complaint).
9. The AI Commission did not publicly announce the May 20, 2019 plenary meeting in advance. Compl. ¶ 67; Answer ¶ 67 (admitting to the second sentence in ¶ 67 of EPIC's Complaint).
10. The AI Commission held its third plenary meeting on July 11, 2019, in Cupertino, California. Ex. C at 2.
11. The AI Commission did not publish notice of the July 11, 2019 plenary meeting in the Federal Register. Compl. ¶ 69; Answer ¶ 69 (admitting to the second sentence in ¶ 69 of EPIC's Complaint).
12. The AI Commission did not publicly announce the July 11, 2019 plenary meeting in advance. Compl. ¶ 69; Answer ¶ 69 (admitting to the second sentence in ¶ 67 of EPIC's Complaint).
13. The AI Commission submitted its Initial Report to Congress on July 31, 2019. Ex. D.

14. On September 11, 2019, EPIC submitted a Freedom of Information Act and Federal Advisory Committee Act request (“EPIC’s FOIA-FACA Request”) to the AI Commission. Ex. E.
15. In EPIC’s FOIA-FACA Request, EPIC sought “Copies of all ‘records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by’ the National Security Commission on Artificial Intelligence and/or any subcomponent thereof[.]” Ex. E at 11.
16. In EPIC’s FOIA-FACA Request, EPIC sought “Contemporaneous access to, and advance Federal Register notice of, all meetings of the National Security Commission on Artificial Intelligence and any subcomponent thereof, including but not limited to the Commission’s September 2019 and November 2019 plenary meetings.” Ex. E at 11.
17. The AI Commission acknowledged receipt of EPIC’s FOIA-FACA Request by email dated September 12, 2019. Ex. F.
18. The AI Commission held its fourth plenary meeting on October 24, 2019, in Washington, DC. Ex. H at 2.
19. The AI Commission did not publish advance notice of the October 24, 2019 plenary meeting in the Federal Register. Ex. K (listing zero notices for meetings of the “National Security Commission on Artificial Intelligence”).
20. The AI Commission has not made the agenda or minutes of the October 24, 2019 plenary meeting available to the public. Ex. L (listing no information for the October 24, 2019 plenary meeting).
21. The Commission published its Interim Report on November 4, 2019. Ex. I at 1.

22. The AI Commission held a plenary meeting on January 16, 2020, in Washington, DC.
Ex. J.
23. The AI Commission did not publish advance notice of the January 16, 2020 plenary meeting in the Federal Register. Ex. K (listing zero notices for meetings of the “National Security Commission on Artificial Intelligence”).
24. The AI Commission has not made the agenda or minutes of the January 16, 2020 plenary meeting available to the public. Ex. L (listing no information for the January 16, 2020 plenary meeting).

Respectfully Submitted,

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