



May 5, 2014

VIA EMAIL

Los Angeles Regional Criminal Information Clearinghouse
helpdesk@laclea.org

RE: **California Public Records Act Request**

To Whom it May Concern:

This letter constitutes a request under the California Public Records Act (“PRA”) by the Electronic Frontier Foundation (“EFF”) for records related to the “Hemisphere” project. EFF seeks these records as part of its Transparency Project, which works to obtain government records and documents and make those records widely available to the public.

On September 1, 2013, the *New York Times* reported on the existence of a partnership between telecommunications provider AT&T and law enforcement officials known as “Hemisphere.”¹ Under the program, state and federal law enforcement officials are able to obtain information from phone calls passing through an AT&T switch, not just calls made by AT&T customers, includes call detail records and location information dating back 26 years. The program is funded by the White House’s Office of National Drug Control Policy (“ONDCP”) and the Drug Enforcement Administration (“DEA”), and is “coordinated” from the Los Angeles Regional Criminal Information Clearinghouse (“LA CLEAR”).

This request seeks all records dated between 2007 and the present that discuss or reference Hemisphere, including but not limited to:

- Training and promotional records and materials, including presentations, memorandums, policies and guidelines concerning “Hemisphere” whether produced or created by LA CLEAR itself, or produced, created or received from some other third party;
- Contracts, service agreements or memorandums of understandings concerning “Hemisphere” between LA CLEAR and
 - any federal, state or local law enforcement agency;
 - any national, regional or local fusion center; or
 - AT&T or any other telecommunications provider;
- Any and all reports, emails or other correspondence concerning LA-CLEAR’s use or knowledge of the “Hemisphere” program sent to or received from

¹ See Scott Shane and Colin Moynihan, “Drug Agents Use Vast Phone Trove, Eclipsing N.S.A.’s,” *New York Times*, September 1, 2013, available at <http://www.nytimes.com/2013/09/02/us/drug-agents-use-vast-phone-trove-eclipsing-nsas.html?pagewanted=all> (last visited February 4, 2014).

- any federal, state or local law enforcement agency, or any national, regional or local fusion center; or
- AT&T or any other telecommunications provider.

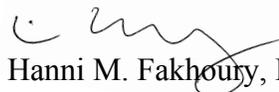
This request applies to all documents in LA-CLEAR's possession, including electronic records.² It also includes documents created by a member of another government agency or a member of the public, including private companies, manufacturers, or vendors.³ If any of the requested records or materials are located elsewhere, please provide in writing the location of these records or materials and the name, address and phone number of the custodian of the records or materials.⁴ If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions.⁵

Please respond to this request within ten days, either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document, as well as stating when documents will be made available.⁶ Please note that the PRA allows a member of the public to request records by describing their content instead of asking for specific documents by name, and that an agency that received such a request must "search of records based on criteria set forth in the search request."⁷

Because EFF is a nonprofit organization that makes all information it received through PRA and FOIA requests available to the public, I ask that you waive any fees. I also request that any records maintained in electronic format be provided in that same format, to avoid copying costs.⁸ However, should you be unable to do so, EFF will reimburse you for the direct costs of copying these records (if you elect to charge for copying) plus postage up to \$50.00. This letter does not authorize costs in excess of \$50.00. If you anticipate that these costs will exceed \$50.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the document or decide which documents I wish to have copied. Otherwise, please copy and send them as soon as possible, and we will promptly pay the required costs.

Thank you for your consideration of this request. If you have any questions or concerns, or if I can provide any clarification that will help identify responsive documents or focus this request, please do not hesitate to contact me at (415) 436-9333 x117 or hanni@eff.org.

Sincerely,



Hanni M. Fakhoury, Esq.
Staff Attorney

² Cal. Gov.'t Code § 6252(e).

³ See *Ca. State Univ. v. Super. Ct.*, 90 Cal.App.4th 810, 824-25 (1999).

⁴ Cal. Gov.'t Code § 6253.1(a).

⁵ Cal. Gov.'t Code § 6253(a).

⁶ Cal. Gov.'t Code §§ 6253(c), 6255.

⁷ *Cal. First Am. Coal. v. Super. Ct.*, 67 Cal.App.4th 159, 165-66 (1998).

⁸ Cal. Gov.'t Code § 6253.9