



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 16, 2011

MS. JENNIFER LYNCH  
STAFF ATTORNEY  
ELECTRONIC FRONTIER FOUNDATION  
454 SHOTWELL STREET  
SAN FRANCISCO, CA 94110

Request No.: 1169286- 000  
Subject: COMMUNICATIONS COMPLIANCE WITH  
FBI ELECTRONIC SURVEILLANCE

Dear Ms. Lynch:

While processing your Freedom of Information-Privacy Acts (FOIPA) request, **Drug Enforcement Administration** located FBI information in their records. This material was referred to the FBI for direct response to you.

Enclosed are copies of the referred material. Deletions have been made pursuant to Title 5, United States Code, Section(s) 552/552a as noted below. See the enclosed form for an explanation of these exemptions.

**Section 552**

**Section 552a**

- |  |   |                                 |
|--|---|---------------------------------|
| <input type="checkbox"/> (b)(1)                              | <input type="checkbox"/> (b)(7)(A)            | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2)                              | <input type="checkbox"/> (b)(7)(B)            | <input type="checkbox"/> (j)(2) |
| <input checked="" type="checkbox"/> (b)(3) <u>Rule 6(e),</u> | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| <u>Federal Rules of</u>                                      | <input type="checkbox"/> (b)(7)(D)            | <input type="checkbox"/> (k)(2) |
| <u>Criminal Procedure</u>                                    | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
|  | <input type="checkbox"/> (b)(7)(F)            | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4)                              | <input type="checkbox"/> (b)(8)               | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(5)                              | <input type="checkbox"/> (b)(9)               | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6)                   |   | <input type="checkbox"/> (k)(7) |

6 pages were reviewed and 5 pages are being released.

Documents were located which originated with, or contained information concerning other Government agency(ies) {OGA}. This information has been referred to the OGA for review and direct response to you.

You may appeal any denials by writing to the Director, Office of Information and Privacy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C., 20530-0001, within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may easily be identified.

Sincerely yours,

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

## EXPLANATION OF EXEMPTIONS

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could be reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could be reasonably expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

Total Deleted Page(s) ~ 1  
Page 6 ~ Referral/Direct

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X for this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

(b)(2),(b)(6),(b)(7)(C),(b)(7)(E)

PROCESSED BY DEA

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, October 06, 2010 3:56 PM  
To: [REDACTED] [USA]; (b)(6),(b)(7)(C) Per DEA  
Subject: RE: [REDACTED]

b3  
b6  
b7C  
b7E

I just got a call from [REDACTED] they are giving up.

[REDACTED]

[Redacted]

I know this was not going to be an easy battle, but I appreciate the efforts you have provided.

b3  
b6  
b7C  
b7E

I guess another one walks.

thanks,

[Redacted]

From: [Redacted] [USA] [Redacted]

Sent: Wednesday, October 06, 2010 3:32 PM

To: [Redacted] (b)(6),(b)(7)(C) Per DEA

Subject: RE: [Redacted]

Agreed - I would love to discuss further to make sure I understand. [Redacted]

[Redacted]

b3  
b6  
b7C  
b7E

[Redacted]

Associate  
Booz Allen Hamilton

[Redacted]

From: [Redacted]

Sent: Wednesday, October 06, 2010 8:56 AM

To: [Redacted] [USA]; (b)(6),(b)(7)(C) Per DEA

Subject: RE: [Redacted]

I've got some good leads [Redacted]

[Redacted]

[Redacted]

[Redacted]

b3  
b6  
b7C  
b7E

[Redacted]

I've got to deal with some other cases today and tomorrow, and as you have seen my e-mails [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

b6  
b7C  
b7E

thanks,

[Redacted]

From: [Redacted] [USA] [Redacted]  
Sent: Monday, October 04, 2010 3:08 PM  
To: [Redacted]  
Subject: RE: [Redacted]

b3  
b6  
b7C  
b7E

You should have received answers on [Redacted] They are still working on that.

[Redacted]

Associate  
Booz Allen Hamilton

[Redacted]

From: [Redacted]  
Sent: Monday, October 04, 2010 11:28 AM  
To: [Redacted] [USA]  
Subject: RE: [Redacted]

b3  
b6  
b7C  
b7E

[Redacted]

From: [Redacted] [USA] [Redacted]  
Sent: Monday, October 04, 2010 11:20 AM  
To: [Redacted]  
Subject: RE: [Redacted]

b3  
b6  
b7C  
b7E

[Redacted]

[Redacted]

Associate  
Booz Allen Hamilton

[Redacted]

From: [Redacted]  
Sent: Monday, October 04, 2010 10:45 AM  
To: [Redacted] [USA]  
Subject: RE: [Redacted]

b3  
b6  
b7C  
b7E

Thank you.

From: [redacted] [USA] [redacted]  
Sent: Monday, October 04, 2010 10:43 AM  
To: [redacted]  
Subject: RE: [redacted]

b3  
b6  
b7C  
b7E

Just sent them an e-mail asking for it. You should receive it in your e-mail soon. Let me know if you don't get it.

[redacted]  
Associate  
Booz Allen Hamilton  
[redacted]

From: [redacted]  
Sent: Monday, October 04, 2010 10:27 AM  
To: [redacted] [USA]  
Subject: RE: [redacted]

b3  
b6  
b7C  
b7E

[redacted]

[redacted]

thanks,

[redacted]

From: [redacted] [USA] [redacted]  
Sent: Wednesday, September 29, 2010 12:37 PM  
To: [redacted]  
Subject: RE: [redacted]

b3  
b6  
b7C  
b7E

Forward to me and I'll forward. Normally, they will take e-mail but I want these to go to the people that are working on them.

[redacted]  
Associate  
Booz Allen Hamilton  
[redacted]

From: [redacted]  
Sent: Wednesday, September 29, 2010 12:23 PM  
To: [redacted] [USA]  
Subject: Re: [redacted]

b3  
b6  
b7C  
b7E

Will they take them by E-mail? I've just received them on my BB. They were faxed at 12:13 today.

----- Original Message -----

From: [redacted] [USA] <[redacted]>

To: [redacted]  
Sent: Wed Sep 29 12:00:06 2010  
Subject: RE: [redacted]

b3  
b6  
b7C  
b7E

[redacted] Call me if you have questions.

[redacted]  
Associate  
Booz Allen Hamilton  
[redacted]

From: [redacted]  
Sent: Wednesday, September 29, 2010 11:59 AM  
To: [redacted] [USA]  
Subject: Re: [redacted]

b3  
b6  
b7C  
b7E

Is there a special number it should go to?

----- Original Message -----

From: [redacted] [USA] <[redacted]>  
To: [redacted]  
Cc: (b)(6),(b)(7)(C) Per DEA  
Sent: Wed Sep 29 11:56:02 2010  
Subject: RE: [redacted]

b3  
b6  
b7C  
b7E

[redacted]

[redacted]  
Associate  
Booz Allen Hamilton  
[redacted]

From: [redacted]  
Sent: Wednesday, September 29, 2010 11:51 AM  
To: [redacted] [USA]  
Cc: (b)(6),(b)(7)(C) Per DEA  
Subject: Fw: [redacted]

b3  
b6  
b7C  
b7E

Please see [redacted]  
[redacted]

Referral/Direct

b6 Per FBI  
b7C