



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

March 25, 2008

BY FACSIMILE AND FIRST-CLASS MAIL

Marcia Hoffmann
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

Dear Ms. Hoffmann:

I write to provide an interim response to your Freedom of Information Act ("FOIA" or the "Act") request dated December 21, 2007. We have completed searching the files of the Office of Legal Counsel, and we have identified nine unclassified records (totaling twenty-one pages) and four classified records (totaling fourteen pages) that are responsive to the request. We enclose copies of two of the unclassified documents (totaling two pages), with non-responsive information redacted. We are also withholding in full two of the unclassified records (totaling four pages) under FOIA Exemption Five, 5 U.S.C. § 552(b)(5), because they are protected by the deliberative process privilege and other privileges and are not appropriate for discretionary release. We will respond on the remaining records—both classified and unclassified—as soon as we complete consultations with other agencies and other components of the Department.

Although I understand that your request is in litigation, I am required by statute and regulation to inform you that you have the right to file an administrative appeal. You must submit any administrative appeal within 60 days of the date of this letter to the Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001. Both the appeal letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Paul P. Colborn".

Paul P. Colborn
Special Counsel

Enclosures

December 13, 2007

Thursday

December 2007

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January 2008

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Weekend

Notes

Updated: Senate FISA Briefing