

Electronic Frontier Foundation v. Office of the Director of National Intelligence, et al.

Civil Action Nos. 08-1023, 08-2997
U.S. District Court
Northern District of California

Draft Vaughn Index

This index contains a description of the records withheld in full or in part by the ODNI. The disposition of the document(s) is noted with "PR" which means partial release and "DIF" which means denied in full. We have identified which request the particular documents are responsive to with either a "2" or a "3." A "2" indicates that the documents were located in response to the plaintiff's December 21, 2007 request, and a "3" indicates that the documents were located in response to plaintiff's April 24, 2008 request. In addition we have divided the records into seven categories, which are in bold here and will be explained more fully in our declarations.

Category Number	Request	Date	Description	Disposition	Exemption	Pages
1			Official correspondence between Congress and the ODNI			
	2	10/9/2007	1 page fax cover sheet from Senate Judiciary Committee (attached fax forwarding written questions following Sept. 25 hearing was released in full)	PR	2 - ODNI Fax number	1
	2	12/17/2007	1 page fax cover sheet from Senator Reid to ODNI (attached letter was released in full)	PR	2 - ODNI Fax number	1
	2	9/10/2007	Fax cover sheet from Senate Judiciary Committee (attached letter inviting the DNI to testify before SJC was released in full)	PR	2 - ODNI Fax number	1
	2	10/15/2007	Fax cover sheet from House Judiciary Committee (attached letter to DNI and Assistant AG Kenneth Wainstein was released in full)	PR	2 - ODNI Fax number	1

Category Number	Request	Date	Description	Disposition	Exemption	Pages
	2	9/24/2007	Letter from DNI to Senate Judiciary Committee accepting invitation to testify	PR	2 - ODNI phone number	2
	2	9/24/2007	Letter from DNI to Senator Whitehouse clarifying an issue regarding the FISA amendments	PR	2 - ODNI phone number	1
	2	11/15/2007	Letter from DNI to Senator Kennedy regarding liability protection and the FISA amendments	PR	2 - ODNI phone number	4
	2	9/7/2007	Letter from DNI to Senator Whitehouse clarifying an issue regarding the FISA amendments	PR	2 - ODNI phone number	1
	2	9/17/2007	Letter from DNI to House Permanent Select Committee on Intelligence (HPSCI) regarding the issuance of a public statement	PR	2 - ODNI phone number	1
	3	9/18/2007	Letter from DNI to House Judiciary Committee concerning <i>El Paso Times</i> interview	PR	2 - ODNI phone number	2
	3	2/1/2008	Letter from DNI to Senator Webb (attachments previously released)	PR	2 - ODNI phone number	2
	2	12/18/2007	Fax cover sheet (released in full) attaching letter from Senator Feingold to DNI regarding implementation of Protect America Act and the FISA	PR	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	Fax cover 1 page, letter 5 pages
	2	10/5/2007	Letter from Senate Select	PR	1 - classified	Letter 1

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			Committee on Intelligence (SSCI) to ODNI forwarding Questions for the Record (QFRs)		information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	page, attachment 6 pages
	2	10/16/2007	Letter from ODNI to House Permanent Select Committee on Intelligence (HPSCI) attaching responses to questions from 9/29/07 hearing	PR	1 - classified information 2 - ODNI phone number 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	letter 1 page, attachment 9 pages
	2	12/13/2007	Letter from DNI to Representative Hoekstra with attachment entitled "Suggestions on How to Avoid Classified Discussions on FISA Modernization in an Unclassified Hearing"	PR	1- classified information 2 - ODNI phone number 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	letter 2 pages; attachment 3 pages
2			Email communications between ODNI staff and Congressional staff			
	3	April 2007-May 2008	Unclassified emails between ODNI officials, DOJ officials and Congressional staff related to FISA amendments	DIF	2 - ODNI email addresses/phone numbers 3 - P.L. 86-36 5 - deliberative process, presidential communications, joint privilege	456

Category Number	Request	Date	Description	Disposition	Exemption	Pages
	3	July 2007- May 2008	Unclassified emails between ODNI officials, DOJ officials, White House officials and Congressional staff related to FISA amendments	DIF	2 - ODNI email addresses/phone numbers 3 - P.L. 86-36 5 - deliberative process, presidential communications, joint privilege	77
	3	1/31/2008	Email from ODNI official to Congressional staff forwarding a letter and response to questions for the record (QFR) for hearing on implementation of Protect America Act and FISA Amendments	DIF	1 - classified information 2 - ODNI phone number 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36 5 - deliberative process, presidential communications, joint privilege	Email 1 page, letter 1 page, QFR response 20 pages
	3	7/10/2007	Email from ODNI official to Congressional staff forwarding paper entitled "FISA Issues"	DIF	1- classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36 5 - deliberative process, presidential communications, joint privilege	Email 1 page, paper 8 pages
	3	1/30/2008	Email from ODNI official to	DIF	1 - classified	1

Category Number	Request	Date	Description	Disposition	Exemption	Pages
			Congressional staff responding to question regarding proposed FISA amendments		information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36 5 - deliberative process, presidential communications, joint privilege	
	3	7/26/2007	Email from ODNI official to Congressional staff forwarding paper entitled "FISA Issues"	DIF	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36 5 - deliberative process, presidential communications, joint privilege	Email 1 page, paper 8 pages
	3	July 2007- June 2008	Unclassified logistical emails between ODNI, DOJ and White House officials and Congressional staff related to FISA amendments	PR	2 - ODNI email addresses/phone numbers 3 - P.L. 86-36 5 - deliberative process, presidential communications, joint privilege	49
3			Draft legislation			
	3		Drafts of FISA legislation attached to emails between ODNI and Congressional staff	DIF	5 - deliberative process, presidential communications, joint	1296

Category Number	Request	Date	Description	Disposition	Exemption	Pages
					privilege	
4			Classified portions of briefing slides used by ODNI officials to brief members of Congress			
	2	11/5/2007	Briefing slides on FISA modernization	PR	1 - classified information 3 - 50 USC 403-1(i)(1), 18 USC 798, P.L. 86-36	17
5			Calendar entries and database print-outs reflecting briefings or meetings with members of Congress or staff			
	2,3	March 2007- August 2008	Calendar pages	PR	2 - ODNI internal tracking codes, meeting room numbers	78
6			Internal ODNI emails and memos discussing meetings with Congress			
	2	12/18/2007	Internal email chain between ODNI and NSA officials discussing meeting with a Member of Congress and staff regarding FISA Amendments	DIF	1- classified information 2 - ODNI email addresses, phone numbers 3 - 50 USC 403 5 - deliberative process, joint privilege, presidential	3

Category Number	Request	Date	Description	Disposition	Exemption	Pages
					communications privilege	
	2, 3	March 2007-May 2008	Internal memoranda for the record written by ODNI Office of Legislative Affairs personnel discussing meetings with members of Congress and staff regarding the FISA amendments	DIF	1 – classified information 2 – internal tracking codes, meeting room numbers 3 - 50 USC 403-1(i)(1) 5 - deliberative process, joint privilege, presidential communications privilege	76
7			Communications between ODNI and representatives of telecommunication companies			
	2	10/12/2007	Fax cover sheets from ODNI staff to representatives of telecommunications companies (attachment previously disclosed)	DIF	2 - ODNI fax number 3 - 50 USC 403-1(i)(1) 5 - attorney work-product 6 - private sector individuals	3
	2	10/12/07	Fax cover sheet and attached letter from a representative of a telecommunication company to an ODNI official	DIF	2 - ODNI fax number 3 - 50 USC 403-1(i)(1) 5 - attorney work-product 6 - private sector individual	Fax cover sheet 1 page, letter 9 pages
	3	10/2/07	Email and attached letter from a	DIF	2 - ODNI email	Email, 1

Category Number	Request	Date	Description	Disposition	Exemption	Pages
			representative of a telecommunication company to ODNI, DOJ and White House officials		addresses 3 - 50 USC 403-1(i)(1) 5 - attorney work-product, presidential communications privilege 6 - private sector individual	page, letter 7 pages
	3	10/2/07-10/3/07	Internal executive branch email chain between ODNI, White House, and DOJ officials discussing above-described email from a representative of a telecommunication company	DIF	2 - ODNI email addresses 3 - 50 USC 403-1(i)(1) 5 - deliberative process, attorney work-product, presidential communications privilege	5 pages
	3	10/3/07	Email chain between DOJ and ODNI officials discussing a telephone call received from a telecommunication company	DIF	2 - ODNI email address 3 - 50 USC 403-1(i)(1) 5 - deliberative process, attorney work-product, presidential communications privilege	1 page