



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

Nathan Freed Wessler, Esq.
Speech, Privacy, and Technology Project
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004

APR 24 2013

Re: CRM-201200151F
KWC:NA

Dear Mr. Wessler:

Enclosed please find the final installment of the Criminal Division's rolling production in *ACLU v. DOJ, et al.*, No. 12-cv-4677 (SAS), in connection with the Stipulation and Order dated December 13, 2012. After carefully reviewing the enclosed records, this Office has determined that 209 pages may be released in full, 135 pages may be released in part, and 2,152 pages are being withheld in full pursuant to the following Freedom of Information Act exemptions:

5 U.S.C. § 552(b)(4), which concerns trade secrets and commercial or financial information obtained from a person that is privileged or confidential;

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the deliberative process privilege, attorney work-product privilege, and the attorney-client privilege;

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a

standard notification that is given to all requesters and should not be taken as an indication that excluded records do, or do not, exist.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to an administrative appeal of this determination. Your appeal must be in writing and addressed to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Rena Y. Kim
Chief
FOIA/PA Unit

Enclosure