



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

28 JUL 2009
Ref: 09-F-0890

Ms. Melissa Goodman
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Dear Ms. Goodman:

This is a partial response to your Freedom of Information Act (FOIA) request dated April 23, 2009. Your request seeks records "pertaining to the detention and treatment of prisoners held at the Bagram Theater Internment Facility at Bagram Airfield in Afghanistan ("Bagram"), including records concerning the process afforded these prisoners to challenge their detention and designation as 'enemy combatants.'"

Upon review of your request, it was determined that a report, or list, containing the names, citizenship, capture date, days detained, capture location and circumstances of capture would be responsive to items 1-5 of your request. The National Detainee Reporting Center (NDRC) provided a 12-page classified report, current as of June 22, 2009, containing these elements of information. Mr. Steve Dalbey, an Initial Denial Authority for the Office of the Deputy Assistant Secretary of Defense for Detainee Policy, has determined that this report is exempt from release pursuant to 5 U.S.C. § 552(b)(1), which pertains to information that is properly classified in the interest of national security pursuant to Executive Order 12958, as amended, section 1.4 (a) which pertains to military plans, weapons, or operations, and (c) which pertains to intelligence activities, and intelligence sources or methods; 5 U.S.C. § 552(b)(6) which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of individuals; and 5 U.S.C. § 552(b)(7)(c) which pertains to records or information compiled for law enforcement proceedings that could reasonably be expected to constitute an unwarranted invasion of privacy.


Please note that we are still processing your request as your 2 free hours of search have not yet been exhausted. In addition, we have requested that the U.S. Central Command provide this Office with an estimate of the time and fees required to fully comply with the remaining items of your request. We will contact you when we receive that estimate.

If you are not satisfied with this action, you may appeal to the appellate authority, the Director of Administration and Management, Office of the Secretary of Defense, by writing directly to the Defense Freedom of Information Policy Office, Attn: Mr. James

Hogan, 1155 Defense Pentagon, Washington, DC 20301-1155. Your appeal should be postmarked within 60 calendar days of the date of this letter, should cite to case number 09-F-0890, and should be clearly marked "Freedom of Information Act Appeal."

Although you have the right to file an administrative appeal at this time, I suggest that you wait until the processing of this request has been completed

Sincerely,



Paul J. Jacobsmeyer
Chief