

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

Ty Clevenger
P.O. Box 20753
Brooklyn, NY 11202

August 3, 2020

Mr. Clevenger:

This letter acknowledges receipt of your Freedom of Information Act (“FOIA”) request dated 22 June 2020 and received by the Information Management Division on 23 July 2020, in which you seek,

1. *“For each instance of surveillance described in Ms. Attkisson's complaint, I wish to view all documents, records, communications, and other tangible evidence (e.g., audio, video, or metadata) identifying or revealing (1) the government contractor(s), employee(s), or representative(s) who authorized, conducted, and/or assisted the surveillance; and (2) the factual and/or legal rationale, if any, for conducting such surveillance. If, for example, the government sent a contractor or employee to Ms. Attkisson's home disguised as a Verizon employee, then documents reflecting that person's identity should be revealed. As used in this letter, "surveillance" includes, but is not limited to, efforts to wiretap or hack into the electronic devices or accounts of the targeted person or persons. This request further includes, but is not limited to, documents, records, or communications identifying (1) the government affiliates, agents, employees or contractors involved in such activities, and (2) the targets of any such activities.*
2. *For the period from January 20, 2009 until the present, I wish to view all documents, records, communications, and other tangible evidence (e.g., audio, video, or metadata) revealing or describing surveillance of any and all journalists, journalism/media companies, and/or executives at journalism/media companies in the United States by any and all government employees, agents, affiliates, or contractors. I For each such instance of surveillance, I wish to view all documents, records, communications, and/or other tangible identifying or revealing (1) the government contractor(s), employee(s), or representative(s) who authorized, conducted, and/or assisted the surveillance; and (2) the factual and/or legal rationale, if any, for conducting the surveillance.*
3. *If any instances of surveillance described by the foregoing paragraphs were permitted by court order, I request the opportunity to view all such orders as well as any and all applications, affidavits, or motions seeking each respective order.”*

Your request has been assigned ODNI tracking number DF-2020-00304.

In accordance with Section 3.6(a) of Executive Order 13526, ODNI can neither confirm nor deny the existence or non- existence of the requested records. The fact of the existence or non-existence of the requested records is itself currently and properly classified, and could reveal intelligence sources and methods information that is protected from disclosure pursuant to Section 102A(i)(1) of the National Security Act of 1947, as

amended, 50 U.S.C. § 3024(i)(1). Therefore, pursuant to FOIA exemptions (b)(1) and (b)(3), the ODNI can neither confirm nor deny the existence or nonexistence of records responsive to your request.

You may contact me, the FOIA Public Liaison, at dni-foia-liaison@dni.gov or (301) 243-2025 for any further assistance or to discuss any aspect of your request. You may also contact the Office of Government Information Services (“OGIS”) of the National Archives and Records Administration to inquire about the mediation services they provide. OGIS can be reached by mail at 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; telephone (202) 741-5770; facsimile (202) 741-5769; Toll-free (877) 684-6448; or email at ogis@nara.gov.

If you are not satisfied with my response to your request, you may administratively appeal by submitting a written request to the Chief FOIA Officer, c/o Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511 or dni-foia@dni.gov. The request letter and envelope or subject line of the email should be marked “Freedom of Information Act Appeal.” Your appeal must be postmarked or electronically transmitted within 90 days of the date of this letter.

If you have any questions, please feel free to contact our Requester Service Center at dni-foia@dni.gov or (301) 243-1499.

Sincerely,



Sally A. Nicholson
Chief FOIA Branch
FOIA Public Liaison
Information Management Division