



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

October 27, 2016

Mr. Matt Ehling
President
Public Record Media, LLC
Suite 200
2375 University Avenue, West
Saint Paul, MN 55114
info@publicrecordmedia.com

Re: AG/13-04090 (F)
VRB:VAV:ND

Dear Mr. Ehling:

This responds to your Freedom of Information Act (FOIA) request dated June 21, 2013, and received in this Office on July 1, 2013, in which you requested (1) copies of legal opinions and/or memoranda that relate to the interaction of "mass collection" programs with the Privacy Act of 1974, the Electronic Communications Privacy Act of 1986, the Stored Communications Act, and the Fourth Amendment to the United States Constitution; (2) documents that relate to minimization procedures used in mass collection programs; and (3) correspondence between the Office of the Attorney General and any member of Congress regarding any of the above documents. This response is made on behalf of the Office of the Attorney General.

Your request has been processed on behalf of the Office of the Attorney General (OAG). Accordingly, we conducted records searches of the electronic database of the Departmental Executive Secretariat, which is the official records repository for OAG. This database also serves as the official records repository for the Offices of the Deputy Attorney General, Associate Attorney General, and it also maintains records for the Office of Legislative Affairs. As a result of searching this database, we could locate no records responsive to your request.

In an effort to be of further assistance, we also searched our office database for any FOIA requests we had processed related to the topics outlined in your letter. We located a few requests that sought similar information pertaining to "minimization" and reviewed those files. Although searches had been conducted of OAG working files as well as the retired files for OAG staff, no records were located in those files responsive to your request.

If you have not done so already, you may wish to contact the Federal Bureau of Investigation (FBI) and/or National Security Division (NSD) as possible repositories for information. Contact information for the FBI and NSD can be found online at the [DOJ FOIA Contact webpage](#).

Furthermore, I note that various minimization procedures which have been declassified are now publicly available online. In an effort to be of assistance, we are providing links to these records in the event they are useful to you:

- FBI Section 702 Minimization Procedures (2014)
<https://www.dni.gov/files/documents/0928/2014%20FBI%20702%20Minimization%20Procedures.pdf> (2014)
- National Counterterrorism Center from the FBI Section 702 Minimization Procedures (2014)
<https://www.dni.gov/files/documents/0928/2014%20NCTC%20702%20Minimization%20Procedures.pdf>
- CIA Section 702 Minimization Procedures (2014)
<https://www.dni.gov/files/documents/0928/2014%20CIA%20702%20Minimization%20Procedures.pdf>
- NSA Section 702 Minimization Procedures (2014)
<https://www.dni.gov/files/documents/0928/2014%20NSA%20702%20Minimization%20Procedures.pdf>
- NSA Section 702 Minimization Procedures (2011)
<https://www.dni.gov/files/documents/Minimization%20Procedures%20used%20by%20NSA%20in%20Connection%20with%20FISA%20SECT%20702.pdf>
- Minimization Procedures Applicable to the Retention of Bulk Metadata Produced as Part of the Section 215 Program (2014)
<https://icontherecord.tumblr.com/tagged/section-215>
- Minimization Procedures Used by the National Security Agency in Connection with the Production of Call Detail Records Pursuant to Section 501 of the Foreign Intelligence Surveillance Act, As Amended (2015)
https://www.nsa.gov/about/civil-liberties/reports/assets/files/UFA_SMPs_Nov_2015.pdf

I hope you find this information useful. At this time, I am closing the above-referenced request. However, if you have any questions or wish to discuss these requests, please feel free to call and speak with OIP's FOIA Public Liaison at (202) 514-3642.

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) (2012). 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 our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "Vanessa R. Brinkmann". The signature is written in a cursive style with a large initial "V".

Vanessa R. Brinkmann
Senior Counsel