Central Intelligence Agency



29 September 2010

Mr. John Young Cryptome.org 251 West 89th Street New York, NY 10024

Reference: F-2010-01835

Dear Mr. Young:

This is a final response to your 11 September 2010 Freedom of Information Act (FOIA) request, received in the office of the Information and Privacy Coordinator on 14 September 2010, for information regarding copies of records about you and records indexed to your website Cryptome.org. We have assigned your request the reference number above. Please use this number when corresponding with us so that we can identify it easily. That portion of your request for records on yourself falls under the purview of the Privacy Act and will be addressed via separate correspondence under P-2010-01093.

With regard for records on your website Cryptome, in accordance with section 3.6(a) of Executive Order 13526, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of requested records is currently and properly classified and is intelligence sources and methods information that is protected from disclosure by section 6 of the CIA Act of 1949, as amended, and section 102A(i)(l) of the National Security Act of 1947, as amended. Therefore, your request is denied pursuant to FOIA exemptions (b)(1) and (b)(3). I have enclosed an explanation of these exemptions for your reference and retention. As the Acting CIA Information and Privacy Coordinator, I am the CIA official responsible for this determination. You have the right to appeal this response to the Agency Release Panel, in my care, within 45 days from the date of this letter. Please include the basis of your appeal.

Sincerely,

Scott Koch Acting Information and Privacy Coordinator

Enclosure

Explanation of Exemptions

Freedom of Information Act:

- (b)(1) exempts from disclosure information currently and properly classified, pursuant to an Executive Order;
- (b)(2) exempts from disclosure information, which pertains solely to the internal personnel rules and practices of the Agency;
- (b)(3) exempts from disclosure information that another federal statute protects, provided that the other federal statute either requires that the matters be withheld, or establishes particular criteria for withholding or refers to particular types of matters to be withheld. The (b)(3) statutes upon which the CIA relies include, but are not limited to, the CIA Act of 1949;
- (b)(4) exempts from disclosure trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential;
- (b)(5) exempts from disclosure inter-and intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) exempts from disclosure information from personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;
- (b)(7) exempts from disclosure information compiled for law enforcement purposes to the extent that the production of the information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source or, in the case of information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger any individual's life or physical safety;
- (b)(8) exempts from disclosure information contained in reports or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for regulating or supervising financial institutions; and
- (b)(9) exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

Central Intelligence Agency



September 27, 2010

Mr. John L. Young Cryptome.org 251 West 89th Street New York, NY 10024

Reference: P-2010-01093

Dear Mr. Young:

The office of the Information and Privacy Coordinator received your 11 September 2010 facsimile requesting information pertaining to you. You also requested information on your website Cryptome.org. That part of your request falls under the purview of the Freedom of Information Act (FOIA) and will be addressed via separate correspondence (F-2010-01835).

We processed your request for information pertaining to you under the Privacy Act and the FOIA. We assigned this part of your request the reference number above, and it will addressed in this letter. Please use this number when corresponding so that we can identify it easily.

We searched for CIA-originated responsive records that might reflect an open or otherwise acknowledged Agency affiliation existing through 14 September 2010, the date we received and accepted your request. We were unable to locate any such information or records.

With respect to responsive records that would reveal a classified connection to the CIA, in accordance with section 3.6(a) of Executive Order 13526, as amended, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of requested records is currently and properly classified and relates to intelligence sources and methods information that is protected from disclosure by section 6 of the CIA Act of 1949, as amended and section 102A(i)(1) of the National Security Act of 1947, as amended. Therefore, you may consider this portion of the response a denial of your request pursuant to FOIA exemptions (b)(1) and (b)(3), and PA exemptions (j)(1) and (k)(1). I have enclosed an explanation of these exemptions for your reference and retention.

You have the right to appeal this response within 45 days of the date of this letter. You may address your appeal to the Agency Release Panel, in my care. Please explain the basis of your appeal.

We appreciate your patience while we were processing this request.

Sincerely,

Scott Koch Acting Information and Privacy Coordinator

Enclosure

Explanation of Exemptions Under the Freedom of Information Act

- (b)(1) exempts from disclosure information currently and properly classified, pursuant to an Executive Order;
- (b)(2) exempts from disclosure information, which pertains solely to the internal personnel rules and practices of the Agency;
- (b)(3) exempts from disclosure information that another federal statute protects, provided that the other federal statute either requires that the matters be withheld, or establishes particular criteria for withholding or refers to particular types of matters to be withheld. The (b)(3) statutes upon which the CIA relies include, but are not limited to, the CIA Act of 1949;
- (b)(4) exempts from disclosure trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential;
- (b)(5) exempts from disclosure inter-and intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) exempts from disclosure information from personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;
- (b)(7) exempts from disclosure information compiled for law enforcement purposes to the extent that the production of the information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source or, in the case of information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger any individual's life or physical safety;
- (b)(8) exempts from disclosure information contained in reports or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for regulating or supervising financial institutions; and
- (b)(9) exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

[Central Intelligence Agency, Jan 2007]

Exemptions Under the Privacy Act

- (d)(5) exempts from disclosure information compiled in reasonable anticipation of a civil action or proceeding;
- (j)(1) exempts from disclosure certain information maintained by the Central Intelligence Agency;
- (j)(2) exempts from disclosure certain information maintained by law enforcement agencies;
- (k)(1) exempts from disclosure information properly classified, pursuant to an Executive Order;
- (k)(2) exempts from disclosure material compiled for criminal investigative law enforcement purposes, by nonprincipal function criminal law enforcement entities and material compiled for other investigative law enforcement purposes, by any agency;
- (k)(3) exempts from disclosure information pertaining to the protective services afforded the President of the United States and others;
- (k)(4) exempts from disclosure information that statutes require to be maintained and used solely as statistical records;
- (k)(5) exempts from disclosure investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, or access to classified information, but only to the extent the disclosure of which would reveal the identity of a confidential source who furnished information after the government's express promise to keep that source's identity confidential;
- (k)(6) exempts from disclosure testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process; and
- (k)(7) exempts from disclosure evaluation material the armed forces use to determine an individual's potential for promotion, but only if disclosure would reveal the identity of a source who furnished information after the government's express promise to keep that source's identity confidential.