

## DEPARTMENT OF THE ARMY

## UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND FREEDOM OF INFORMATION/PRIVACY OFFICE FORT GEORGE G. MEADE, MARYLAND 20755-5995

REPLY TO ATTENTION OF:

FEB 2 7 2007

Freedom of Information/ Privacy Office

Mr. John Young CRYPTOME 251 West 89<sup>th</sup> Street Suite 6E New York, New York 10024

Dear Mr. Young:

## References:

- a. Your Freedom of Information Act request of March 29, 2001, for information pertaining to the Internal Counterintelligence Program (ICIP), ZF011946W (#123F-06).
- b. Our letter of December 20, 2005, informing you we needed additional time to review the records, and informing you we were unable to comply with the statutory 20-day time limit in processing your request.
- c. Our letters of March 22, 2006 and January 30, 2007, informing you we were still reviewing the records you have requested and will respond to you once the review has been completed.

We have conducted checks of the automated Defense Central Index of Investigations and a search of the Investigative Records Repository to determine the existence of Army intelligence investigative records responsive to your request. We have located records pertaining to your request on ICIP, ZF011946W.

We have completed a mandatory declassification review in accordance with Executive Order (EO) 12958, as amended. As a result of our review, information has been sanitized and nine pages of records are denied in their entirety as the information is currently and properly classified SECRET and CONFIDENTIAL according to Sections 1.2(a)(2), 1.2(a)(3) and 1.4(c) of EO 12958, as amended. This information is exempt from the public disclosure provisions of the FOIA pursuant to Title 5 U.S. Code 552(b)(1). On March 9, 1999, the President exempted the file series in which these records are maintained from the automatic declassification provisions of EO 12958, Section 3.4, as amended, pertaining to classified records more than 25 years old. It is not possible to reasonably segregate meaningful portions of the withheld pages for release. The records are enclosed for your use. A brief explanation of the applicable sections follows:

Section 1.2(a)(2) of EO 12958, as amended, provides that information shall be classified SECRET if its unauthorized disclosure reasonably could be expected to cause serious damage to the national security.

Section 1.2(a)(3) of EO 12958, as amended, provides that information shall be classified CONFIDENTIAL if its unauthorized disclosure reasonably could be expected to cause damage to the national security.

Section 1.4(c) of EO 12958, as amended, provides that information pertaining to intelligence activities, intelligence sources or methods, and cryptologic information shall be considered for classification protection.

Since the release of the information would result in an unwarranted invasion of the privacy rights of the individuals concerned, this information is exempt from the public disclosure provisions of the FOIA per Title 5 U.S. Code 552 (b)(6).

In addition, we have sanitized information that would reveal the identity of confidential sources. This information is exempt from public disclosure pursuant to Title 5 U.S. Code 552 (b)(7)(D) of the FOIA. The significant and legitimate governmental purpose to be served by withholding is that a viable and effective intelligence investigative capability is dependent upon protection of confidential sources.

The withholding of the information described above is a partial denial of your request. This denial is made on behalf of Major General John Defreitas, III, the Commanding General, U.S. Army Intelligence and Security Command, who is the Initial Denial Authority for Army intelligence investigative and security records under the FOIA. You have the right to appeal this decision to the Secretary of the Army. If you wish to file an appeal, you should forward it to this office. Your appeal must be postmarked no later than 60 calendar days from the date of this letter. After the 60-day period, the case may be considered closed; however, such closure does not preclude you from filing litigation in the courts.

We have been informed by the FBI that their information is exempt from public disclosure pursuant to Title 5 U.S. Code 552 (b)(1) of the FOIA.

The withholding of the information by the FBI constitutes a partial denial of your request and you have the right to appeal this decision. If you decide to file an appeal, it should be sent to the Co-Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Avenue, Northwest, Suite 11050, Washington, DC 20530-0001 within 60 days from the receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or Information Appeal." Please cite FBI FOI/PA #429014 assigned to your request so that it may be easily identified.

We are forwarding a copy of this letter to the FBI (FOI/PA #429014).

During the processing of your request, information was disclosed which is under the purview of another government agency. This office has no authority to release this record and it is being referred, along with your request, for appropriate action under the FOIA, and direct reply to you.

Additionally, we are coordinating with other government agencies concerning the releasability of their information contained in the records. We will inform you as to the releasability of the information upon completion of our coordination.

If you have any questions concerning this action, please feel free to contact this office at (301) 677-6410. Please refer to case #123F-06.

Sincerely,

Susan J. Butterfield

Director

Freedom of Information/Privacy Office Investigative Records Repository

Enclosure