



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

February 24, 2014

David Brody
EPIC Appellate Advocacy Fellow
Electronic Privacy Information Center
1718 Connecticut Avenue, NW, Suite 200
Washington, DC 20009

Re: FOIA Tracking No. FY13-055

Dear Mr. Brody:

This letter responds to your Freedom of Information Act ("FOIA") request to the Office of Legal Counsel ("OLC"), dated June 6, 2013, and seeking all OLC "final legal analyses, memoranda, and opinions regarding the PRISM program." We understand the term "PRISM" to refer to the National Security Agency's acquisition of "electronic communications ... directly from compelled U.S.-based providers" under section 702 of the Foreign Intelligence Surveillance Act (codified at 50 U.S.C. § 1881a). Unclassified Declaration of Frances J. Fleisch, National Security Agency, ¶ 29, *Jewel v. National Security Agency*, No. 08-4373 (N.D. Cal. Dec. 20, 2013), ECF No. 169; *see also* Foreign Intelligence Surveillance Court Mem. Op. at 5 n.3 (Oct. 3, 2011) (declassified). A search of OLC's files has located no records responsive to your request.

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). 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 have the right to file an administrative appeal. You must submit any administrative appeal within 60 days of the date of this letter by mail to the Office of Information Policy, United States Department of Justice, 1425 New York Avenue, N.W., Suite 11050, Washington, D.C. 20530; by fax at (202) 514-1009; or through OIP's e-portal at <http://www.justice.gov/oip/oip-request.html>. Both the letter and the envelope, or the fax, should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink that reads "Paul P. Colborn".

Paul P. Colborn
Special Counsel

cc: Jacqueline Snead, Esq.