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APPROVED FOR  
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9 November 2009

2009

Delores M. Nelson  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, DC 20505

Re: FOIA Request #F-2010-00075

Dear Ms. Nelson:

I have received your letter dated 4 November 2009 responding to our 8 October 2009 request. In it, you state your intention to send NSC "the same CIA-originated records" as you are compiling for a previous request (presumably the request submitted by the James Madison Project ("JMP") on 26 May 2008 with FOIA Request #F-2008-01309). However, this course of action is insufficient for two reasons, both elucidated in the request letter. As the letter indicated,

Please also consider this letter an affirmative rejection of any limitation of your search to CIA-originated records or to records created prior to the date of this request. To the contrary, we stipulate that this search should be restricted to records created prior to the date of the first substantive review of this request by CIA FOIA personnel (as opposed to the date that receipt of the request was acknowledged by the CIA).

For this reason, the CIA is not allowed to limit its response to CIA-originated records (the JMP request contained similar language, and I have notified them of your error). Similarly, the CIA is not allowed to limit its response to records created prior to receipt of the JMP request. The JMP request was submitted to CIA on 26 May 2008, and our request was submitted to CIA on 8 October 2009, more than sixteen months later.

In short, this time frame for responsive records for this request is broader than the JMP request, and both requests explicitly rejected any limitation to CIA-originated records. Therefore, the CIA is directed to process this request accordingly. We are willing consider your forwarding of the records responsive to the JMP request as an acceptable interim response, but that will not constitute a sufficient final response. The date on which you send this interim response will serve as an acceptable end-date for the CIA's search for remaining responsive records that are more recent than those responsive to the JMP request.

Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact me.

Sincerely,



Kel McClanahan  
Executive Director