

Referred to another gov't agency

Central Intelligence Agency



Washington, D.C. 20505

Alexander J. Segal, Esquire
Grinberg & Segal
111 Broadway, Suite 1306
New York, NY 10006

DEC 28 2007

Reference: F-2008-00354

Dear Mr. Segal:

This is a final response concerning your 1 November 2007 Freedom of Information Act (FOIA) request, received on 14 November 2007, for **all records regarding Aleksandr Zheleznyy**.

In accordance with section 3.6(a) of Executive Order 12958, as amended, the CIA can neither confirm nor deny the existence of records responsive to your request. The fact of the existence or nonexistence of requested records is 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. Therefore, the Agency has denied your request pursuant to FOIA exemptions (b)(1) and (b)(3). I have enclosed an explanation of these exemptions for your reference and retention.

CIA Information and Privacy Coordinator Scott Koch made this decision, which you may appeal to the Agency Release Panel, in my care, within 45 days from the date of this letter. You may include any additional information supporting your position or explaining why you think our initial decision is wrong.

Sincerely,

A handwritten signature in black ink that reads "Scott Koch".

Scott Koch
Information and Privacy Coordinator

Enclosure

APPROVED
FOR
RELEASE
DATE:
09-Dec-2009

Explanation of Exemptions

Freedom of Information Act:

- (b)(1) applies to material which is properly classified pursuant to an Executive order in the interest of national defense or foreign policy;
- (b)(2) applies to information which pertains solely to the internal personnel rules and practices of the Agency;
- (b)(3) applies to information pertaining to the CIA Director's statutory obligations to protect from disclosure intelligence sources and methods, as well as the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency, in accordance with the National Security Act of 1947 and/or the CIA Act of 1949;
- (b)(4) applies to information such as trade secrets and commercial or financial information obtained from a person on a privileged or confidential basis;
- (b)(5) applies to inter- and intra-agency memoranda or letters which are predecisional and deliberative in nature, or consist of attorney work-product or attorney-client information;
- (b)(6) applies to information, the release of which would constitute an unwarranted invasion of the personal privacy of other individuals; and
- (b)(7) applies to investigatory records, the release of which could: (A) interfere with enforcement proceedings, (C) constitute an unwarranted invasion of the personal privacy of others, (D) disclose the identity of a confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of an individual.

Privacy Act:

- (d)(5) applies to information compiled in reasonable anticipation of a civil action or proceeding;
- (j)(1) applies to polygraph records; documents or segregable portions of documents, the release of which would disclose intelligence sources and methods, including names of certain Agency employees and organizational components; and documents or information provided by foreign governments;
- (k)(1) applies to material properly classified pursuant to an Executive order in the interest of national defense or foreign policy;
- (k)(2) applies to investigatory material compiled for law enforcement purposes;
- (k)(5) applies to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, or access to classified information, the release of which would disclose a confidential source; and
- (k)(6) applies to testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service, the release of which would compromise the testing or examination process.

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The Law Offices of

**GRINBERG
& SEGAL**

Professional Limited Liability Company

111 Broadway, Suite 1306 New York, New York 10006 212-202-0342 fax: 212-964-0440; 718-228-9601 info@myattorneyusa.com

November 1, 2007

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: **Freedom of Information Act Request
Aleksandr Zheleznyy**

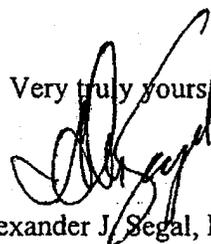
To Whom It May Concern:

Our office represents Mr. Zheleznyy in his Removal Proceedings before the Immigration Court in New York, NY. We are respectfully requesting that your organization produce copies of any and all records regarding the above-referenced individual. These records are needed to determine Mr. Zheleznyy's eligibility for relief from removal. Enclosed herein please find a written request executed by Mr. Aleksandr Zheleznyy a/k/a "Cobalt" seeking the production of said records and authorizing their release to our office.

If there are any fees for searching for, reviewing, or copying the records, please let our office know before you prepare the request.

Thank you for your prompt attention to this matter. Should you have any questions, please do not hesitate to contact our office.

Very truly yours,


Alexander J. Segal, Esq.



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Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

October 31, 2007

Dear Coordinator:

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I am requesting information or records on Aleksandr Zhelenznyy a/k/a Cobalt. I am specifically seeking any information your organization has regarding my service in the Ministry of the Interior in the former U.S.S.R. as well as my service to the United States Government. I further request that the information be sent to my attorney, Alexander J. Segal, at the contact information provided below.

If there are any fees for searching for, reviewing, or copying the records, please let me know before you task my request.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

If you have any questions about handling this request, you may contact my attorney, Alexander J. Segal, at The Law Offices of Grinberg & Segal, P.L.L.C., 111 Broadway, Suite 1306, New York, NY 10006. His phone number is 212-202-0342.

Sincerely,

Aleksandr Zheleznyy
213 Bennett Avenue, Apt. 6C
New York, NY 10040



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Street, Apt. No., or PO Box No.: *Central Intel. Agency*
City, State, ZIP: *Washington DC 20505*

PS Form 3800, June 2002 See Reverse for Instructions

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Scott Koch
Information and Privacy Coordinator

Enclosure

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- (k)(6) applies to testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service, the release of which would compromise the testing or examination process.