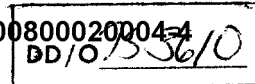


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OGC 75-2390
6/26/75

25 JUN 1975

MEMORANDUM FOR: Deputy Director for Administration
FROM : Director of Security
SUBJECT : Handling of Documents from Other Agencies
Under the Freedom of Information Act

1. Action Requested: This memorandum concerns a problem related to the handling of Third Agency documents under the Freedom of Information Act, and requests your approval of an Agency position to resolve the problem.

2. Basic Data:

a. On 12 June 1975, a meeting was held with representatives from the Federal Bureau of Investigation, the Operations Directorate, and other components of the Administration Directorate to discuss handling procedures regarding Freedom of Information Act requests involving documents from other agencies. During the meeting, it was agreed by the Agency and Bureau attendees that both organizations would prefer that no other agency advise an FOIA requester that it has FBI or CIA material in its files. The FBI representatives were advised that materials from other agencies have been defined out of our files and are not acknowledged in our response to the requester.

b. The Bureau representatives agreed with our position but noted that they are in conflict with the Department of Justice on this matter, and are admitting the existence of Third Agency information upon instructions from the Department of Justice. The Bureau representatives feel that if we could discuss the matter with responsible Department of Justice officials and explain our position, the Department of Justice may modify their position. At the conclusion of the meeting, it was agreed that the best course of action would be to define our position, both a

OS 5 3831

primary one and a secondary backup position, and then discuss the matter with appropriate Department of Justice officials after our problems have been explained to them. It was further agreed that the Agency's position should be:

(1) We continue to adhere to our present system of handling Third Agency documents until this position is overturned by the court or formally rejected in writing by the Department of Justice.

(2) If our primary position is rejected either by the court or the Department of Justice, we would treat FOIA requests where Third Agency information is in our files (from the FBI) in the following manner. We would answer the requester that we have information in the same name as the requester emanating from another government agency which may or may not be identical with the requester. The requester would be told that the information would be referred to the other government agency for identification, and if identical that agency would respond to the request.

3. Recommendation: It is recommended that you approve the primary and secondary positions regarding our handling of Third Agency documents. If approved, I will then arrange for another meeting with Federal Bureau of Investigation personnel, which would include their legal counsel and a Department of Justice representative, to formulate a policy position regarding the Third Agency Rule in Freedom of Information Act matters.

STATINTL

[Redacted Signature Box]

Charles W. Kane
Director of Security

Administrative - Internal Use Only

SUBJECT: Handling of Documents from Other Agencies
Under the Freedom of Information Act

CONCUR:

STATINTL

[Redacted signature box]

Deputy Director for Operations

27 June 1975
Date

STATINTL

[Redacted signature box]

John S. Warner
General Counsel

30 June 75
Date

STATINTL

[Redacted signature box]

X APPROVED :

28 June 1975
Date

DISAPPROVED: _____

Date

Distribution:

- Original - Return to OS
- 2 - DD/A
- 1 - DD/O
- 1 - General Counsel

X Subject to change in recommendation to have OGC
represent Agency position with Justice with either Kane
or [Redacted] in attendance.

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Handling of Documents from Other Agencies
Under the Freedom of Information Act

FROM: Charles W. Kane
Director of Security

EXTENSION
6777

NO.

75-3163
DD/A ~~3163~~

DATE

25 JUN 1975

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. Deputy Director for Operations
Room 7E 26, HQS

6/27 6/27 CW

2.

3. General Counsel
Room 7D 01, HQS

6/30/75 7/1 RHL

Meeting with Justice + FBI yesterday. RHL 7/22

4.

5. Deputy Director for Administration
Room 7D 26, HQS

✓

6.

7. Return to D/Security
Room 4E 60, HQS

✓

8.

9.

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11.

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15.

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