



United States Department of State

Washington, D.C. 20520

Case No.: 201100648 DOD1

Ms. Katherine Gallagher
Staff Attorney
Center for Constitutional rights
666 Broadway, 6th Floor
New York, NY 10012

JUL 28 2011

Dear Ms. Gallagher:

I refer to your request dated June 30, 2010, to the Department of Defense, for the release of certain material under the Freedom of Information Act (Title 5 USC Section 552). One of the relevant documents retrieved in response to your request originated with the Department of State and was therefore referred to us for appropriate action.

We have determined that it must be withheld in full.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. For the one document withheld in full, we have cited exemptions B1 and B5.

Should you wish to appeal this decision, you may submit an administrative appeal to James Hogan, Chief, Defense Freedom of Information Policy Office, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301-1155. Your appeal should be postmarked within 60 days of the date of this letter, should cite case number 10-F-1242, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script, appearing to read "Alex Galovich".

for

Alex Galovich
Co-Director, Acting
Office of Information Programs and Services

Enclosure:
As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Withholding specifically authorized under an Executive Order in the interest of national defense or foreign policy, and properly classified. E.O. 12958, as amended, includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Information on weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- | | |
|--------|---|
| ARMEX | Arms Export Control Act, 22 USC 2778(e) |
| CIA | Central Intelligence Agency Act of 1949, 50 USC 403(g) |
| EXPORT | Export Administration Act of 1979, 50 App. USC 2411(c)(1) |
| FSA | Foreign Service Act of 1980, 22 USC 4003 & 4004 |
| INA | Immigration and Nationality Act, 8 USC 1202(f) |
| IRAN | Iran Claims Settlement Act, Sec 505, 50 USC 1701, note |
- (b)(4) Privileged/confidential trade secrets, commercial or financial information from a person
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Information that would constitute a clearly unwarranted invasion of personal privacy
- (b)(7) Information compiled for law enforcement purposes that would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

- NR Material not responsive to a FOIA request, excised with the agreement of the requester