

PHONE SLIP

MadDog points out that the documents released through FOIA to EFF are available. These are documents, remember, relating to communications about the FISA amendment between DNI McConnell and Congress or representatives of telecom companies.

Declaration of what's included

Document dump one

Document dump two

I'm reading through things now. But one thing is immediately apparent. There is almost no trace of any conversations between telecom companies and ODNI employees—there's just one phone slip.

ODNI located one document that is potentially responsive to request number one. This document is a telephone message slip that contains the handwritten personal notes and mental impressions of an ODNI employee. This document is being withheld because it is not an agency record under FOIA. In addition, the documents qualifies to be withheld pursuant to FOIA exemptions 1,3,5 and 6.

Boy, those phone companies, they're pretty careful, huh?

In case you're wondering, here's what those exemptions refer to:

(b)(1) EXEMPTION – Protects Classified Matters of National Defense or Foreign Policy

This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements

of an executive order.

(b)(3) EXEMPTION – Information
Specifically Exempted by Other Statutes

This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information "specifically exempted from disclosure by statute." The new Exemption 3 statute prohibits agencies from releasing under the FOIA any proposal "submitted by a contractor in response to the requirements of a solicitation for a competitive proposals," unless that proposal "is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal."

(b)(5) EXEMPTION – Privileged
Interagency or Intra-Agency Memoranda or
Letters<

This exemption protects "inter-agency or intra-agency memorandums of letters which would not be available by law to a party ...in litigation with the agency." As such, it has been construed to "exempt those documents, and only those documents, normally privileged in the civil discovery context."

(b)(6) EXEMPTION – Personal Information
Affecting an Individual's Privacy

This exemption permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information " would constitute a clearly unwarranted invasion of personal privacy." This exemption cannot be invoked to withhold from a requester information pertaining to the requester.

I wonder whose "mental impressions" are
considered national defense information?