

OIG Documents

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From/To:

Subject: Official record question regarding tapes

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FOIA Exemptions:

- ☐ (b) (1)
- ☐ (b) (2)
- ☒ (b) (3)
- ☐ (b) (4)
- ☒ (b) (5)
- ☒ (b) (6)
- ☐ (b) (7) (a)
- ☐ (b) (7) (c)
- ☐ (b) (7) (d)
- ☐ (b) (7) (e)
- ☐ (b) (7) (f)

Privacy Act Exemptions:

- ☐ (d) (5)
- ☐ (j) (1)
- ☐ (j) (2)
- ☐ (k) (1)
- ☐ (k) (2)
- ☐ (k) (5)

Disposition:

- ☒ Denied in Full
- ☐ Partial Release
- ☐ Released in Full
- ☐ Referred to Third Agency

Document Description:

This is a two-page email informing and reminding CIA officers of the question, what actions make the video tapes an official record. This document contains information relating to the organization of the CIA, as well as attorney-client, work product, pre-decisional, and deliberative information. The document also contains information relating to the identities of personnel engaged in counter-terrorism operations. This document is withheld in its entirety on the basis of FOIA exemption b(5), and in part on the basis of FOIA exemptions b(3) and b(6).

Exemption b(3) - This document contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2008), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating predecisional deliberations, including preliminary evaluations, opinions, and recommendations of government employees, as well as CIA attorney work product conveyed in connection with the provision of legal advice. The information is therefore protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose

privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH