



U.S. Department of Justice

Office of Intelligence Policy and Review

Washington, D.C. 20530

OCT 8 2003

Chris Hoofnagle
Electronic Privacy Information Center
1718 Connecticut Avenue, NW, Suite 200
Washington, DC 20009

Re: FOIA/PA #03-003

Dear Mr. Hoofnagle:

This is in further reference to your June 22, 2001, Freedom of Information Act request for access to all records "relating to transactions, communications, and contracts concerning businesses that sell individuals' personal information." By letter dated October 22, 2002, this Office advised you that a search of pertinent files and record systems had been conducted and no responsive records had been located. However, in response to your access request to the FBI, that agency located one document which originated with the Office of Intelligence Policy & Review (OIPR) and referred it to us for review.

Upon receiving this document, which had not been located in our initial computerized database search, we conducted a manual search of our offices and located one file responsive to your request that contains twenty documents, including the memorandum referred by the FBI. We have completed our review of this material which is categorized as follows:

1. Requests for Legal Opinion (RLO) - three documents (#1 - 3)
2. OIPR responses (including drafts) to RLO - six documents (#4 - 9)
3. Electronic mail - five documents (#10 - 14)
4. Handwritten notes - five documents (#15 - 19)
5. Reference material - one document (#20)

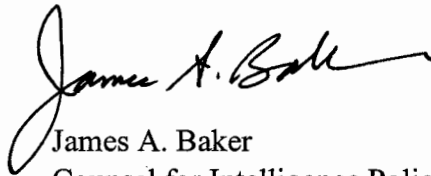
Within category #1, portions of document #2 are being released to you. The names of OIPR staff have been redacted from this document pursuant to Exemptions 6 and 7(C) of the Freedom of Information Act, 5 U.S.C. §552 (b)(6) and (b)(7)(C). Documents #1 and 3 originated with the FBI and have been referred to that agency for review and direct response to you. Within category #2, portions of documents #5, 6, 7, 8, and 9 are being released to you.

The remaining material is exempt from disclosure pursuant to Exemptions 1, 5, 6 and 7(C) of the Freedom of Information Act, 5 U.S.C. §552 (b)(1), (b)(5), (b)(6) and (b)(7)(C). Within category #3, portions of each of these documents are being released to you. The redacted portions are exempt from disclosure pursuant to Exemptions 1, 5, 6 and 7(C). Within category #4, portions of document #15 are being released to you. The remaining material is exempt from disclosure pursuant to Exemptions 1, 5, 6 and 7(C). Within category #5, this document originated with the Criminal Division and has been referred to that office for review and direct response to you.

Exemption 1 pertains to information which is properly classified in the interest of national security pursuant to Executive Order 12958, as amended. The applicable section in this instance is 1.5(c) intelligence activities. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

If you are not satisfied with this response you may administratively appeal by writing to the Co-Director, Office of Information and Privacy, United States Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001, within sixty days from the date of this letter. Both the letter and envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Baker". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James A. Baker
Counsel for Intelligence Policy

Enclosures (12)

Referred to FBI

000001

~~SECRET~~

Circ-1

| ROUTING AND TRANSMITTAL SLIP | | DATE |
|------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------|
| | | August 10, 2000 |
| TO: (Name, office symbol, room number, Agency/Post) | | Initials Date |
| 1. | Rob Davis | |
| 2. | [] ✓ | |
| 3. | | |
| 4. | | |
| 5. | | |
| - Action | - File | - Note & Return |
| - Approval | - For Clearance | - Per Conversation |
| - As Required | - For Correction | - Prepare Reply |
| - Circulate | - FYI | - See Me |
| - Comment | - Investigate | -X Signature |
| - Coordination | - Justify | - |
| REMARKS: | | |
| ✓ Rob and [] Please review and then let's discuss. Thanks. | | |
| <small>DO NOT use this form as a RECORD of approvals, concurrences, disosals, clearances, and similar actions.</small> | | |
| FROM: (Name, org, symbol, Agency/Post) | | Room No. -Bldg. |
| James A. Baker Deputy Counsel for Intelligence Operations Office of Intelligence Policy and Review | | DO NOT use this form as a RECORD of approvals, concurrences, disosals, clearances, and similar actions. |
| | | Phone No. |
| | | 4-2882 |

~~SECRET~~

This routing and transmittal sheet is unclassified when separated from the attachments.

0000002

SEGREGATE

(b)(6), (b)(7)(C)

Referred to FBI

0000003

WITHHOLD

(b)(1), (b)(5), (b)(6), (b)(7)(c)

0000004

FOR OIPR INTERNAL USE ONLY

1/15/01

Date:
1/11/01

TO: FRANCES FRAGOS TOWNSEND

cc:

no comments
FF

| | | | | |
|-------------------------------------|------------------|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | APPROVAL | | SIGNATURE | |
| | AS REQUESTED | | | |
| <input checked="" type="checkbox"/> | COMMENT/EDIT | | | |
| | FYI | | UNCLASSIFIED | |
| | INITIAL | <input checked="" type="checkbox"/> | CLASSIFIED | |
| | PER CONVERSATION | | | |

NOTE: Enclosed please find a short and, I believe, self-explanatory memo from Jim to Spike Bowman on an issue that Jim and I have been handling. Jim thought you might wish to take a look at this before he signs it out. If you could let me know whether you have any comments on this, Jim and I would appreciate it.

Thanks

FROM:

INTERCOM #: 96

RETURN TO:

[Handwritten signatures and initials]

SEGREGATE

(b)(6), (b)(7)(C)

0000005

WITHHOLD

Attachment

(b)(2), (b)(5), (b)(6), (b)(7)(C)

FOR OIPR INTERNAL USE ONLY

1/15/01

Date:
1/11/01

TO: FRANCES FRAGOS TOWNSEND

CC:

no comments
[initials]

1/15/01

Jim,
I just got the
ChoicePoint memo back
from Fran. As you can
see, she has no comments
So, once you sign it,
feel free to give it to me
& I'll get it to FBI

| | | | | |
|-------------------------------------|------------------|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | APPROVAL | | SIGNATURE | |
| | AS REQUESTED | | | |
| <input checked="" type="checkbox"/> | COMMENT/EDIT | | | |
| | FYI | | UNCLASSIFIED | |
| | INITIAL | <input checked="" type="checkbox"/> | CLASSIFIED | |
| | PER CONVERSATION | | | |

NOTE: Enclosed please find a short and, I believe, self-explanatory memo from Jim to Spike Bowman on an issue that Jim and I have been handling. Jim thought you might wish to take a look at this before he signs it out. If you could let me know whether you have any comments on this, Jim and I would appreciate it.

Thanks.

FROM: [initials]

RETURN TO: [initials]

INTERCOM #: 96

SEGREGATE

(b)(6), (b)(7)(C)

0000006

WITHHOLD

Attachment

(b)(1), (b)(5), (b)(6), (b)(7)(C)

12/18/00

[Redacted]

- ① Minor changes. Nice job.
 - ② I think Bob was part of the working group for the command "online" project. Can you identify them upon the project and then discuss the matter with them? Make sure they have clearance.
 - ③ For the next draft, please give copies for comments to Fran and Bob.
- Thanks. Jim

ALL INDIVIDUALS HANDLING THIS INFORMATION ARE REQUIRED TO PROTECT IT FROM UNAUTHORIZED DISCLOSURE IN THE INTEREST OF THE NATIONAL SECURITY OF THE UNITED STATES.

HANDLING, STORAGE, REPRODUCTION AND DISPOSITION OF THE ATTACHED DOCUMENT MUST BE IN ACCORDANCE WITH APPLICABLE EXECUTIVE ORDER(S), STATUTE(S) AND AGENCY IMPLEMENTING REGULATIONS.

BEST AVAILABLE COPY

Jim, 12-19-00

Here is draft
The report memo
for your review
Please advise as to
next steps.

SEGREGATE

0000007

(b)(6)(b)(7)(c)

~~**SECRET**~~

WITHHOLD

Attachment

(b)(1), (b)(3), (b)(6), (b)(7)(C)

12-4-00

Jim,
Enclosed is revised version of memo to
Spitzer on Choicepoint. Enclosed also are
prior version with your handwritten changes,
+ Spitzer's 2 memos to us.

[] ✓

SEGREGATE

0000008

(b)(6), (b)(7)(C)

WITHHOLD

Attachment

(b)(1), (b)(5), (b)(6), (b)(7)(C)

~~SECRET~~

THIS IS A COVER SHEET

10-2-d

Jim,

Enclosed, for your review and approval,
is a proposed memo to Spitte on the
~~one~~ Point matter.

T
L

2 memos. Also are copies of Spitte's ✓

D
E

[] ✓

SEGREGATE

0000009

(b)(6), (b)(7)(C)

(This cover sheet is unclassified.)

~~SECRET~~

WITHHOLD

Attachment

(b)(1), (b)(5), (b)(6), (b)(7)(C)

[]
From: []
Sent: Wednesday, January 03, 2001 12:27 PM
To: James Baker
Subject: Choicepoint -- Status

Jim,
FYI, I've learned that Dan Koffsky and Marty Lederman are the OLC people who participated in the preparation of that working group report, "Online Investigative Principles for Federal Law Enforcement Agents." [] S
[] However, he is swamped and won't be able to get to it till next week. He is going to get
back to me with a date and time [] S

S

J

S

SEGREGATE

(b)(5), (b)(6), (b)(7)(C)

0000010

~~SECRET~~

From: []
Sent: Tuesday, September 05, 2000 10:28 AM
To: James Baker
Subject: Choicepoint -- Update

Jim,
FYI, I spoke today with [] of FBI OGC, who is staffing Spike on the Choicepoint matter. As you'll recall, this is the matter where FBI sent us a memo seeking our opinion [] I explained to [] as per the discussion you and I recently had, that OIPR needed more information [] before we could proceed forward with an opinion. [] I agreed to come back to us with this information in writing by way of either a revised version of the memorandum they've already sent us or a new, supplemental memorandum. He also indicated that it would be at least 3 or 4 weeks before we receive anything from him, as he has an urgent matter to wrap up before departing on 2 weeks of leave. []

~~SECRET~~

SEGREGATE

(b)(1)
(b)(5), (b)(6)
(b)(7)(C)

From: []
Sent: Tuesday, August 15, 2000 1:46 PM
To: James Baker; Robert Davis
Subject: FBI Memo re ChoicePoint

Jim and Rob,

Whenever it is convenient for you, I'm prepared to discuss the FBI memo on the above subject. (Jim forwarded the memo to Rob and me on Aug. 10, asking that we review it and then all get together to discuss it.) []

SEGREGATE

(b)(6), (b)(7)(C)

0000012

[]
From: Lederman, Marty
Sent: Tuesday, January 02, 2001 12:30 PM
To: Singdahlsen, Jeffrey P []
Cc: Koffsky, Daniel L
Subject: RE: "Online Investigative Principles for Federal Law Enforcement Agents"

Yes, Dan and I were the OLC participants. []

5

5

]]

-----Original Message-----

From: Singdahlsen, Jeffrey P
Sent: Tuesday, January 02, 2001 12:18 PM
To: []
Cc: Lederman, Marty; Koffsky, Daniel L
Subject: RE: "Online Investigative Principles for Federal Law Enforcement Agents"

[] according to Appendix B to the Report, Marty Lederman was the OLC contact on this Working Group. I haven't had a chance to confirm this independently with Marty or, maybe more to the point, to confirm the level at which he was involved. You may want to talk to him directly about your issue. Marty's at 514-3711.

-----Original Message-----

From: []
Sent: Tuesday, January 02, 2001 10:30 AM
To: Koffsky, Daniel L; Colborn, Paul P; Singdahlsen, Jeffrey P
Subject: "Online Investigative Principles for Federal Law Enforcement Agents"

Dan, Paul, and Jeff:

I am wondering whether any of you might know whom at OLC participated, during 1999, in the Department's Online Investigations Working Group, which produced the above-captioned report in November of that year? The reason I ask is that the FBI has asked OIPR to render a legal opinion on []

5

5

[] I'm inquiring of each of you only because you are the folks from OLC with whom I've worked most often, and I'm hoping you can at least point me in the right direction in identifying the individual I should approach. Thanks. []

SEGREGATE

(b)(5), (b)(6),
(b)(7)(C)

0000013

[]
[]
From: []
Sent: [] Tuesday, January 02, 2001 12:31 PM
To: Singdahlsen, Jeffrey P
Cc: Lederman, Marty; Koffsky, Daniel L
Subject: RE: "Online Investigative Principles for Federal Law Enforcement Agents"

Thanks, Jeff. The copy of the report that FBI provided to me did not include Appendix B. I will give Marty a call.

-----Original Message-----

From: Singdahlsen, Jeffrey P
Sent: Tuesday, January 02, 2001 12:18 PM
To: []
Cc: Lederman, Marty; Koffsky, Daniel L
Subject: RE: "Online Investigative Principles for Federal Law Enforcement Agents"

[] according to Appendix B to the Report, Marty Lederman was the OLC contact on this Working Group. I haven't had a chance to confirm this independently with Marty or, maybe more to the point, to confirm the level at which he was involved. You may want to talk to him directly about your issue. Marty's at 514-3711.

-----Original Message-----

From: []
Sent: Tuesday, January 02, 2001 10:30 AM
To: Koffsky, Daniel L; Colborn, Paul P; Singdahlsen, Jeffrey P
Subject: "Online Investigative Principles for Federal Law Enforcement Agents"

Dan, Paul, and Jeff:

I am wondering whether any of you might know whom at OLC participated, during 1999, in the Department's Online Investigations Working Group, which produced the above-captioned report in November of that year? The reason I ask is that the FBI has asked OIPR to render a legal opinion on []

5

5

[] I'm inquiring of each of you only because you are the folks from OLC with whom I've worked most often, and I'm hoping you can at least point me in the right direction in identifying the individual I should approach. Thanks. []

SEGREGATE

(b)(5), (b)(6), (b)(7)(C)

0000014

V45101

Jim

I just got the
checkPoint memo back
from Fran. As you can
see, she has no comment.
So, once you sign it,
feel free to give it to me
& I'll get it to FBI

[]

1/21/01

Please have a secretary date
memo, and make copies for my
chron and OIPR chron; then please
transmit to FBI. Thanks for
all your work on this.

Jim

[]

1/22/01

Please date this memo, STU-III fax it
to Spite Bowman, + make copies for
Jim's chron file + OIPR's chron
file. Thanks.

- []

SEGREGATE

(b)(6), (b)(7)(C)

0000015

WITHHOLD

(b)(5)

0000016

WITHHOLD

(b)(1), (b)(5), (b)(7)(C)

0000017

WITHHOLD

(b)(1), (b)(5), (b)(7)(C)

0000018

WITHHOLD

(b)(5), (b)(7)(C)

0000019

Referred to
Criminal Division

000020