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U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrissette Drive
Springfield, Virginia 22152

APR 14 2017

Case Number: [REDACTED] (REMANDED APPEAL)

Subject: INFORMATION ON THE WRITTEN DESCRIPTION(S) OF THE THREE TIER FOIA REVIEW PROCESS AND THE WRITTEN PRESENTATIONS FOR THE DEA IN-HOUSE TRAININGS ON A RANGE OF ISSUES CONCERNING FOIA'S PROCEDURAL REQUIREMENTS IN THE DOJ CHIEF FOIA OFFICER REPORT FOR 2016

[REDACTED]

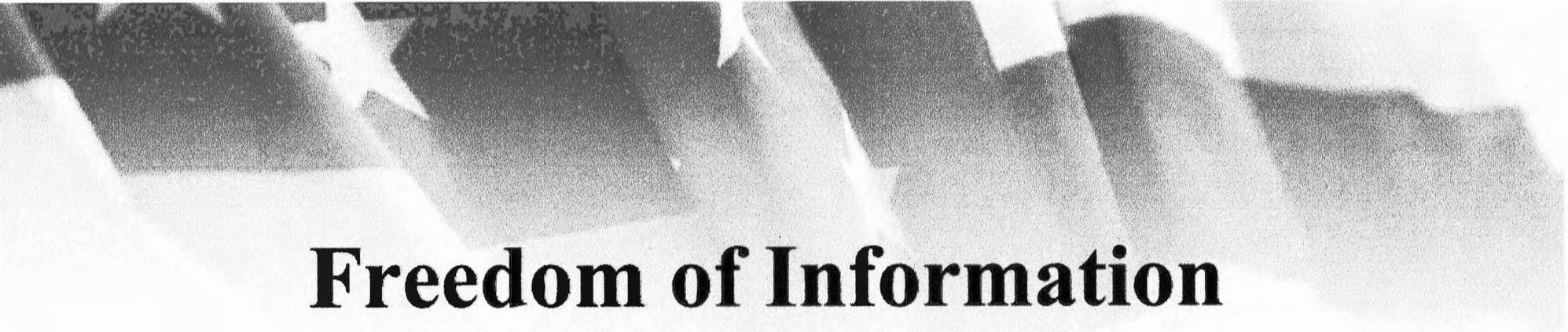
This is in further response to your correspondence dated November 9, 2016, forwarded to the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), by the Department of Justice (DOJ), Office of Information Policy (OIP), for further review and a direct reply to you. DEA received your correspondence on January 11, 2017.

The reprocessing of your request identified forty-one (41) pages that will be released to you. The documents are being forwarded to you with this letter.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison at 202-307-7596 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

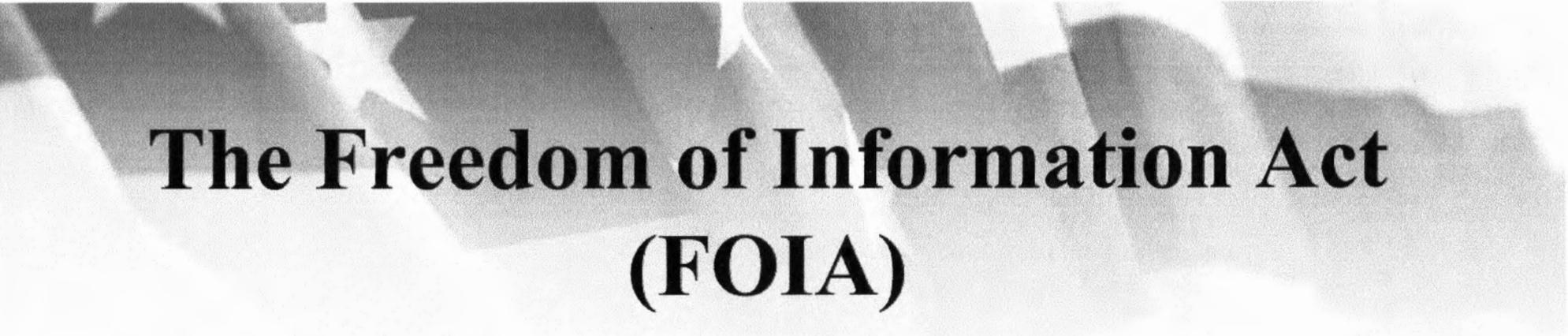
If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."



**Freedom of Information
&
Privacy Act Unit
SARF**

**FOIA Briefing
FY 2017**

Page 1



The Freedom of Information Act (FOIA)

Congress enacted the FOIA in July 4, 1966

5 U.S.C. § 552

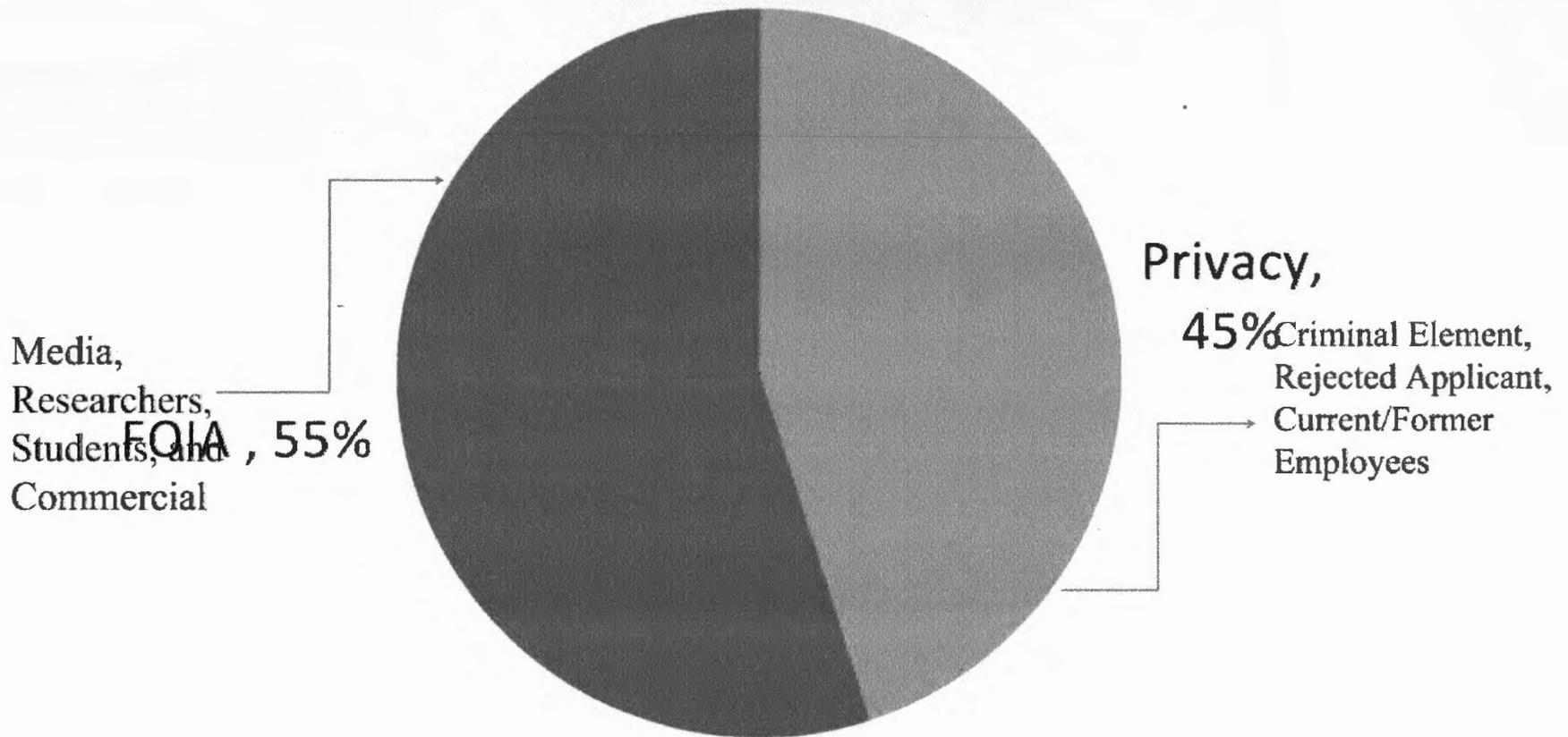
Most recently amended

FOIA Improvement Act of June 2016

(Public Law No. 114 – 185)

What Type of Request are Received by DEA?

Page 3



What Records Are Subject to the FOIA?

- Records created or obtained by an agency
- Under agency control when request is received.

***Under the FOIA, an agency is not required to create records in response to a request.**

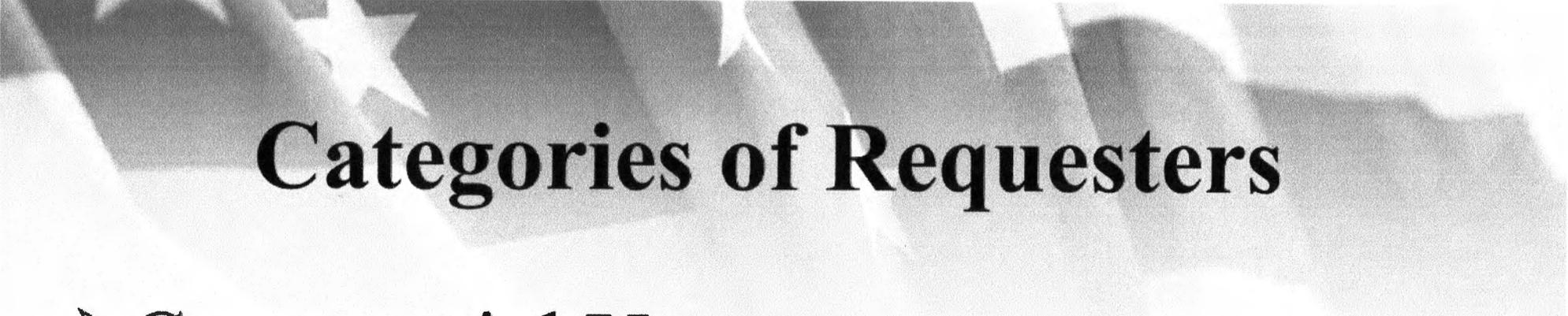


What are the Time Limits for Responding to a FOIA Request?

- An agency has 20 working days to respond.
- In “unusual circumstances” an agency may extend the time limit by giving written notice to the requester.
- If the time period is extended beyond 10 working days, an agency must provide the requester with the opportunity to narrow the scope of request.

Can an Agency Charge Fees to a FOIA Requester?

- FOIA provides for the charging of certain fees.
- Fees to be assessed differ depending on the category of the requester.
- FOIA also provides for a waiver of fees if statutory criterion are met.

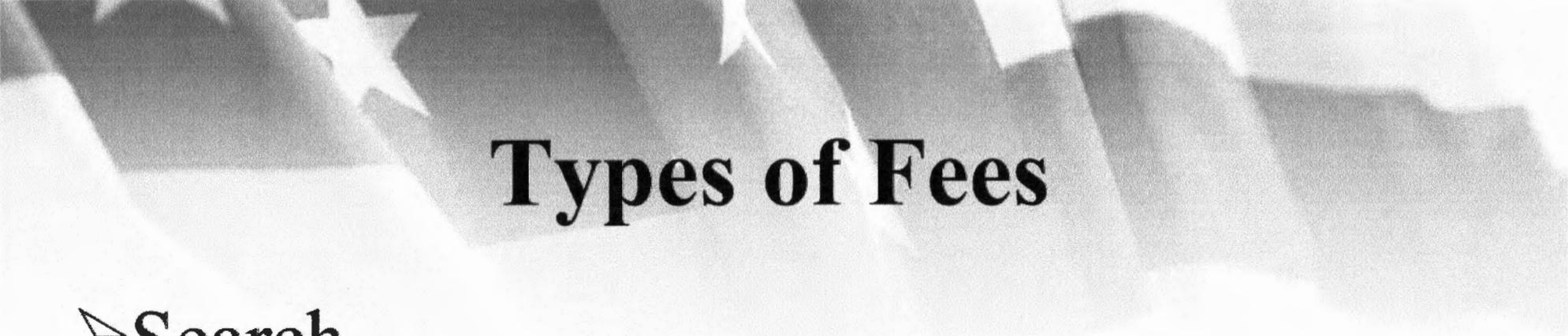


Categories of Requesters

➤ Commercial Use

➤ Favored

➤ All Others



Types of Fees

➤ Search

➤ Review

➤ Duplication

Page 8

Current Fee Structure in Department of Justice FOIA Regulations

➤ Search and Review

- Clerical/Administration Personnel - \$4.75 per quarter hour
- Professional Personnel - \$10.00 per quarter hour

➤ Duplication

- Five cents per page released to the requester
- Actual cost for other media (CD, DVD)

Fees

Requester Category	Search	Review	Duplication
Commercial Use	Yes	Yes	Yes
Favored	No	No	Yes*
All Others	Yes*	No	Yes*

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*** All requesters, except commercial use requesters, are entitled to up to two hours of search time and up to 100 pages of responsive records at no cost**

Who is Responsible for Conducting a Search?

- SARF will forward a tasking memorandum to the office(s) it believes may maintain records responsive to a request.
- We request that the tasking be responded to within 5 business days.
- If you have questions, need more time to respond or feel that the request is not reasonably described, please contact the SARF representative listed on the tasking memorandum.

What are the Requirements for Conducting a Search

- An agency must conduct a reasonable search, one “reasonably calculated to uncover all relevant documents.”
- An agency must make reasonable efforts to search for records in multiple formats, including any electronic formats.

Exemptions 1 & 2

➤ Exemption 1

- Protects properly classified information.

➤ Exemption 2

- Protects records that are related solely to the internal personnel rules and practices of an agency.

Exemptions 3 & 4

➤ Exemption 3

- Protects information that has been specifically exempted from disclosure by statute.

➤ Exemption 4

- Commercial or financial information obtained from a person privileged or confidential.

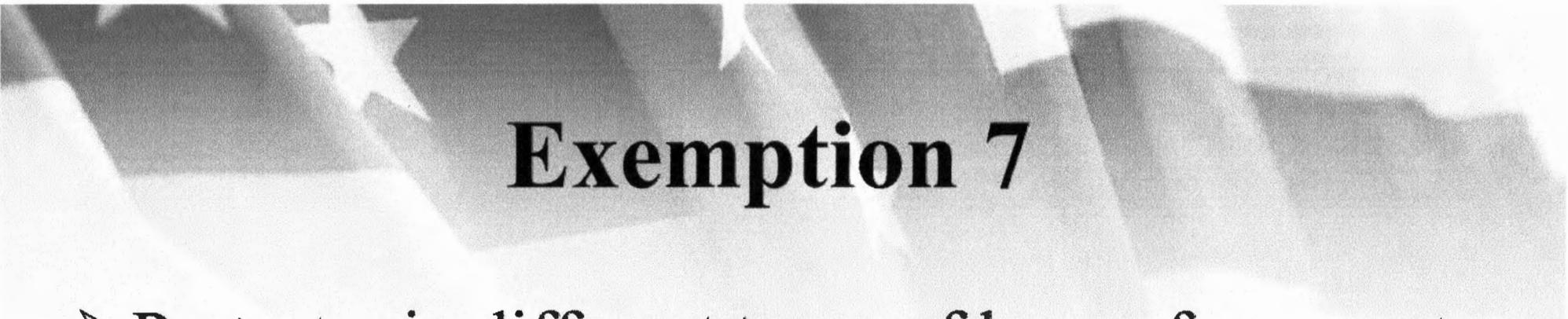
Exemptions 5 & 6

➤ Exemption 5

- Protects inter-agency or intra-agency memorandums which would not be available by law to a party other than an agency in litigation with the agency.

➤ Exemption 6

- Protects information in personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy.



Exemption 7

- Protects six different types of law enforcement information
 - On-going proceedings
 - Personal Privacy
 - Confidential sources
 - Techniques and procedures

***Threshold: Records or information compiled for law enforcement purposes.**

Exemptions 8 & 9

➤ Exemption 8

- Protects matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

➤ Exemption 9

- Protects geological information and data, including maps, concerning wells.

*Exemptions 8 and 9 are not utilized by DEA

**EXPLANATION OF EXEMPTIONS
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552h of this title), if that statute (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

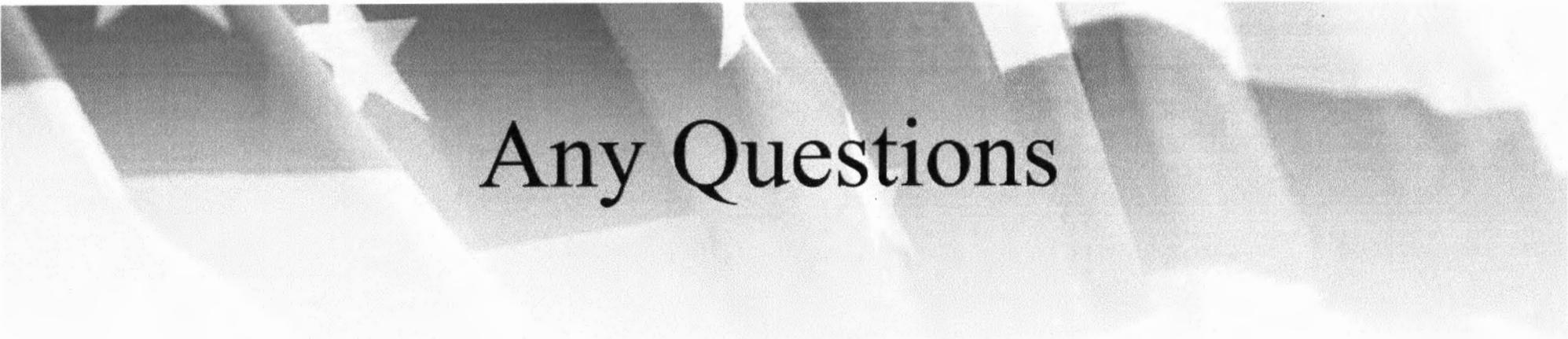
- (d)(5) information compiled in reasonable anticipation of a civil action proceeding.
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



Contact Information

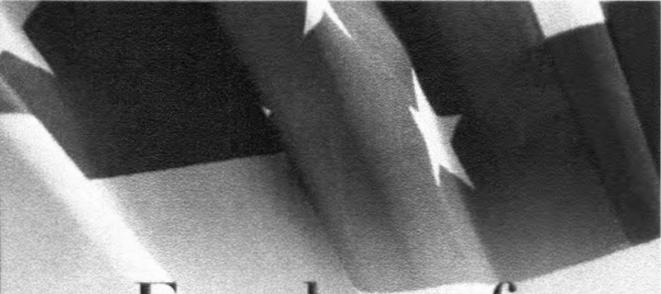
- 202-307-8556 – Customer Service Hotline
- DEA.FOIA@usdoj.gov
- <https://www.dea.gov/FOIA/FOIA.shtml>

Stay connected. Stay informed.

A grayscale image of the American flag, showing the stars and stripes, positioned at the top of the page.

Any Questions





Freedom of
Information
&
Privacy Laws

**Guidebook for
DEA Employees**

Created by SARF



Department of Justice
Drug Enforcement Administration



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Answers to Some Important Questions

The Privacy Act (PA) and the Freedom of Information Act (FOI) affect every government employee in some way. They *require* Federal employees to provide certain information and under penalty of law to withhold certain information. Although they are administered by the same element in most federal agencies, they are separate laws with very different purposes.

The Privacy Act imposes *individual* liability on DEA employees. Criminal penalties are specified for (1) knowingly disclosing material to persons not entitled to it, (2) maintaining a system of records without meeting the notice requirements, and (3) requesting a person's record under false pretenses. The Statutory fine can be up to \$ 5,000 (misdemeanors can be up to 1 year in jail). If you maintain a system of records by which a person can be identified by name and/or number and information on that person retrieved, it must be described in the Federal Register or the Agency has violated the law.

Civil remedies are available through federal courts by requesters on requests under the Freedom of Information Act and the Privacy Act.

What is the Privacy Act?

Congress in 1974 passed the Privacy Act to accomplish 4 goals:

1. To restrict disclosure of personally identifiable records maintained by federal agencies.
2. To give individuals increased access to their own records.

3. To permit individuals to amend inaccurate records maintained on themselves by agencies.
4. To require a “fair information practices” code with which agencies must comply.

If you work for a federal agency you will certainly be affected by the Privacy Act. DEA has centralized administration of the PA in the Office of Administration (SA), FOI/Records Management Section (SAR), Freedom of Information/Privacy Act Unit (SARF). Any questions or inquiries about it should be directed to the Requester Service Center at 202-307-7596.

What is the Freedom of Information Act?

Originally passed in 1966 and last amended in June 2016, the FOIA also has four goals:

1. To establish that disclosure of information by Federal agencies is the general rule, not the exception.
2. To provide all individuals (not merely citizens) with equal rights to access.
3. To establish that the government has the burden of justifying the withholding of a record.
4. To provide access to the courts for remedy of improper denial of access to records.

The FOIA requires that **RECORDS** in the **POSSESSION** of a Federal **AGENCY** be made available for inspection and copying upon **REQUEST** from any **PERSON**. (*These terms are defined in the Act*).

What Should an Employee Who Receives a Request Citing the FOI/PA Do?

Whenever the requester specifically identifies either the Privacy or FOI Act, or both, please forward the *original* correspondence/inquiry to:

Drug Enforcement Administration
FOI/Records Management Section
Freedom of Information/Privacy Act Unit (SARF)
West Bldg., 6th Floor
8701 Morrissette Drive
Springfield, Virginia 22152

Again, SARF is the DEA centralized office for receipt and processing of all FOI/PA requests. If it is a telephone inquiry, please provide the above address and tell the requester to write, specifically citing the FOI/PA and spelling out in detail the information requested. Or refer them to the Requester Service Center. *Do not confirm or deny the existence of the record requested!*

Each Division and/or field office should have a FOI/PA Coordinator who will be the liaison with SARF. However, neither the FOI/PA Coordinator nor any other employee is authorized to provide information to requesters. ***ALL REQUESTS MUST BE REFERRED TO DEA/HQS/SARF.***

What is a FOI/PA Coordinator?

He/she is a person designated by the SAC, RAC, or Office Head to be the point of contact (POC) for the Freedom of Information/Privacy Act Unit (SARF) personnel. The law requires that agencies search their records for information asked

for by requesters. For instance, records can be in the form of correspondences, emails, data extracted from databases, hard drives, paper, retired files, etc. When records are maintained in the field, SARF personnel will directly contact FOI/PA Coordinators who will be asked to either send the original or copies of the un-redacted records requested. When forwarding un-redacted records, it is requested that recommendations/suggestions regarding the content of the records (i.e. status of case file(s), sensitivity of content of records, foreseeable harm to active/ongoing investigations, as well as documentation indicating whether a Federal plea agreement has been afforded to the subject of a criminal investigation, etc.) be submitted to SARF. The FOI/PA law requires that these records be processed by Government Information Specialists in SARF, and if not exempted from disclosure provided to the requester. Legal penalties can result from non-compliance.

The duties of a FOI/PA Coordinator are:

1. Be knowledgeable of his/her division in terms of who has responsibility for what area, investigations, programs, etc.
2. Respond to SARF's telephonic/written emails/communications and gather records responsive to the request.
3. Be familiar with an investigative file. Be able to determine who the case agent is, what is the status of the investigation, what are the different types of documents included in the investigative file, etc.
4. Become acquainted with administrative subpoenas, where they are maintained and where they are logged.

5. Serve as a focal point for inquiries about FOI/PA arising within the division and contact SARF for guidance on these inquiries, when necessary.
6. Transmit any written emails/communications from requesters directly to SARF. **No response of any kind is to be made.**
7. Consult with SARF whenever a new "**system of records**" is established in the Divisions/Field Operations to assure Federal Register notice is given.

How Does DEA Administer the FOI/PA Laws?

The Freedom of Information/Privacy Act Unit (SARF), in the Office Administration, coordinates and responds to all FOI/PA requests for DEA. However, be advised that both the field offices and the DEA/HQS program offices have legal responsibilities.

Among them are:

1. Assuring that the records contained in field file(s) of criminal investigations are signed with written signatures or have the "/s/" appearing in the signature block(s).
2. Giving ***immediate priority*** to SARF requests for help in locating or duplicating documents or records. **The law requires this!**
3. Being aware that personnel performing FOIA duties will have complete access to any and all records in DEA files, databases, regardless of classification or origin. **The law requires this!**

4. Forwarding requested records as requested *without* adding notations, memoranda, synopses, etc. (in the margins) which would also be subject to possible release. Again, please provide **un-redacted records** along with any recommendations/suggestions, etc. to SARF for consideration when processing/applying FOI/PA exemptions for withholding information from requesters.
5. Responding clearly and specifically on status of cases and investigations. SARF relies on these recommendations to justify non-disclosures.
6. Forwarding all requests that include FOI/PA references to DEA/HQS/SARF. **Please do not answer or acknowledge!**
7. Referring requests about FOI/PA procedures to SARF at DEA/HQS/SARF.
8. Not acknowledging the existence or non-existence of any requested data by email/phone, correspondences/ letters or other means; again refer the request to SARF at DEA/HQS by mail or electronically.
9. Supervisors and FOI/PA Coordinators should emphasize the need for careful searching for records and that affidavits and testimony on employee actions may be required if cases are appealed or the requester files a FOIA law suit.
10. Understanding that the laws apply only to ***existing*** records (at the time that the FOI/PA search memorandums are sent to the FOI/PA Coordinators or DEA/HQS Program Offices); if no records exist, it need

NOT be created. (SARF personnel can explain this complex issue, on request.)

11. Understanding that **civil and criminal penalties** can be applied to both the agency and individuals for violations of FOI/PA statutes.

As always, when in doubt about what to do, please contact the Freedom of Information/Privacy Act Unit (SARF), at DEA Headquarters at 202-307-7596.

What is the Extent and Scope of FOI/PA in Government?

The diagram and infographic on the accompanying pages were developed by the Department of Justice's Office of Information Policy, DEA's SARF Unit, as well as the Graphic Arts Unit. They provide schematic overviews of how the FOI/PA affects federal agencies, and how the FOI/PA has generated a whole new field of law and litigation.

Most federal agencies do not receive the number of requests that are responded to each year by DEA or other law enforcement agencies. Public interest in activities of the Investigative agencies makes it necessary to coordinate and centralize responses for consistency and economy.

What Types of Requests are Received by DEA?

DEA receives approximately 1,500 FOI/PA requests per year. Roughly 45% of those requests received are Privacy Act requests from individuals seeking access to their own personal records for example, criminal element, rejected applicants, and current/former employees. The remaining 55% consist of requesters such as media, researchers, educational institutions, commercial and students.

What is DEA's General Policy on the FOI/PA?

DEA is required by law to provide certain information/ records; however it is, as an enforcement agency, exempt from certain provisions of the laws. DEA's policy (*See Administrative Manual, Section 0770, regarding administering specific FOI/PA policy*) is to adhere carefully to the requirements of the law, and to provide maximum protection of those laws to DEA personnel, for their security and safety. The Privacy Act is designed to protect individuals from unwarranted invasions of their privacy. DEA exerts every effort to support that objective. The Freedom of Information Act provides the public with access to information to which they have a right. DEA's policy is in every way consistent with that objective.

Requesting DEA Records

DEA records can be requested through both the Freedom of Information Act (FOIA) and the Privacy Act (PA). Please read this page carefully to ensure you are making the correct request.

Freedom of Information Act (FOIA) Request

The Freedom of Information Act allows any person— except fugitives, federal agencies, and foreign intelligence agencies—to request information about organizations, businesses, investigations, historical events, incidents, groups, or deceased persons.

To submit a Freedom of Information Act request, use one of the following options:

Option 1: Submit your request using the Sample FOIA Request Letter. The form includes instructions.

Note: you cannot use the eFOIA Form to submit a Privacy Act Request about yourself or another living person. Please use the U.S. Department of Justice Certification of Identity Form DOJ-361. If you have any questions about this process before submitting your FOIA request, please e-mail DEA.FOIA@usdoj.gov.

Option 2: Mail, fax, or e-mail your submission to:

Drug Enforcement Administration
Freedom of Information & Privacy Act Unit (SARF)
8701 Morrissette Drive
Springfield, Virginia 22152 – 1080
SARF Requester Service Center:
(202) 307- 7596
Fax: (202) 307- 8556
E-mail: DEA.FOIA@usdoj.gov

Option 3: Submit your request using eFOIA Form.

Letter and e-mail format:

Provide your complete name and mailing address. Telephone, fax, and e-mail addresses are optional.

Provide any identifying data that will help us locate information—for example, the subject's complete name, aliases, date and place of birth, social security number, former addresses, or localities.

If you are interested in records pertaining to a particular incident, please describe it in detail.

Another living person:

If your request is for information about another living

person, that information is usually not disclosed unless you have obtained the person's written consent or unless public disclosure is authorized by law. Requests for information about another living person should be accompanied by evidence of the subject's consent. Please use U.S. Department of Justice Certification of Identity Form DOJ-361 and complete the section identified as: **Authorization to Release Information to Another Person**. You may submit an attachment listing additional information that may aid in locating responsive records. Please place your name and contact information on the attachment.

A deceased individual:

If your request is for information concerning a deceased individual, you must provide proof of death. Acceptable forms of proof of death include: obituaries, death certificates, recognized sources that can be documented, written media, Who's Who in America, an FBI file that indicates a person is deceased, date of birth is 100 years or greater, or Social Security Death Index page.

State how much you are willing to pay for duplication fees if any are assessed. Refer to the U.S. Department of Justice FOIA Reference Guide.

Privacy Act Request

The Privacy Act allows anyone to make a request for information on themselves or another living person, regardless of citizenship.

If you are requesting information about yourself, you must use one of the following options:

Option 1:

Use the U.S. Department of Justice Certification of Identity Form DOJ-361. You may submit an attachment listing additional information that may aid in locating responsive records. **Please place your name and contact information on the attachment.**

Option 2:

Following the instructions in U.S. Department of Justice Certification of Identity Form DOJ-361, submit a letter to the DEA, sign your request (original signatures are required), and have it notarized or state, "Under penalty of perjury, I hereby declare that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of Title 18, United States Code (U.S.C.), Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both; and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of Title 5, U.S.C., Section 552a(i)(3) as a misdemeanor and by a fine of not more than \$5,000." If you have any questions about this process before submitting your FOIPA request, please e-mail DEA.FOIA@usdoj.gov.

Mail, fax, or e-mail this letter to the following:

Drug Enforcement Administration
Freedom of Information & Privacy Act Unit (SARF)
8701 Morrissette Drive
Springfield, Virginia 22152 – 1080
SARF Requester Service Center:
(202) 307- 7596
Fax: (202) 307- 8556
E-mail: DEA.FOIA@usdoj.gov

Forms & Diagrams



U.S. DEPARTMENT OF JUSTICE - DRUG ENFORCEMENT ADMINISTRATION

DEA FOIA REQUEST LETTER

Instructions

- Please provide a detailed description
- If your request is for information concerning a deceased individual, you must provide a proof of death. Acceptable forms of proof of death include obituaries, death certificates, recognized sources that can be documented, date of birth is 100 years or greater, or Social Security Death Index page.
- If you wish to include additional specific information, attach another sheet of paper to this letter
- Options for sending your request, mail to the address listed below, fax to (202) 307-8556, or e-mail to DEA.FOIA@usdoj.gov

Date: _____

DEA
FOI/Records Management Section
ATTN: FOI/PA Unit
8701 Morrisette Drive
Springfield, Virginia 22152

Dear FOIA Officer: _____

This is a request under the Freedom of Information Act.

Date range of request: _____

Description of request: _____

I am willing to pay up to \$_____ for the processing of the request. Please inform me if the estimated fee will exceed this limit before processing my request.

I am seeking information for personal use and not for commercial use.

Thank you for your consideration.

Name: _____

Title (Optional): _____

Business (if applicable) _____

Street Address: _____

City/State/ZIP Code _____

Country (if applicable) _____

Telephone (optional) _____

E-mail (optional) _____

U.S. Department of Justice

Certification of Identity



FORM APPROVED OMB NO. 1101-0016
EXPIRES 03/31/17

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ _____

Citizenship Status ² _____ Social Security Number ³ _____

Current Address _____

Date of Birth _____ Place of Birth _____

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ _____ Date _____

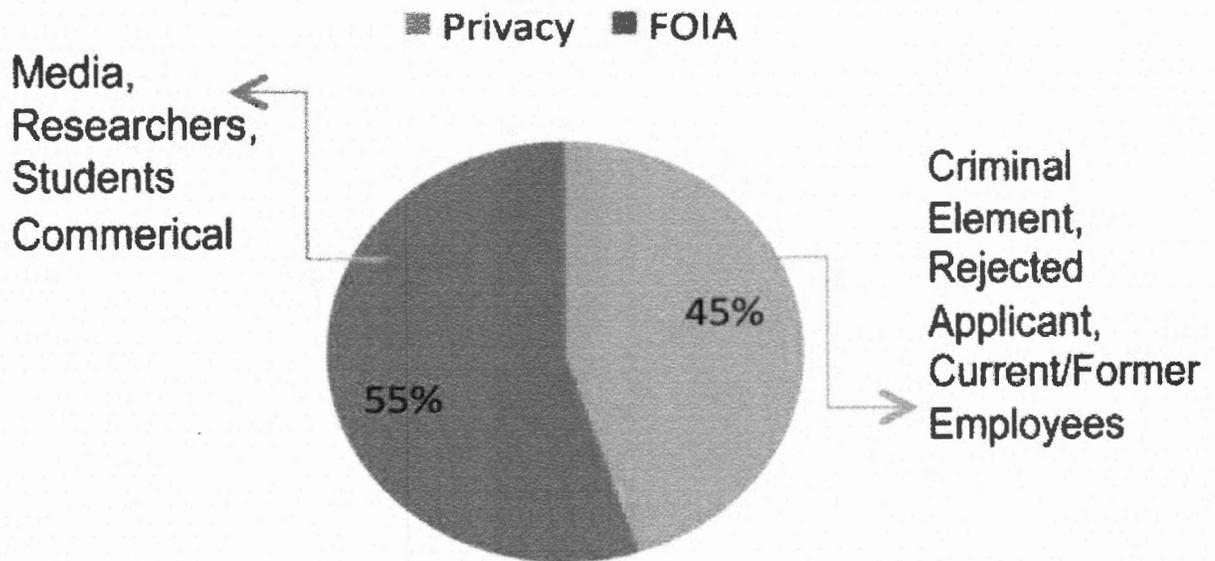
¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

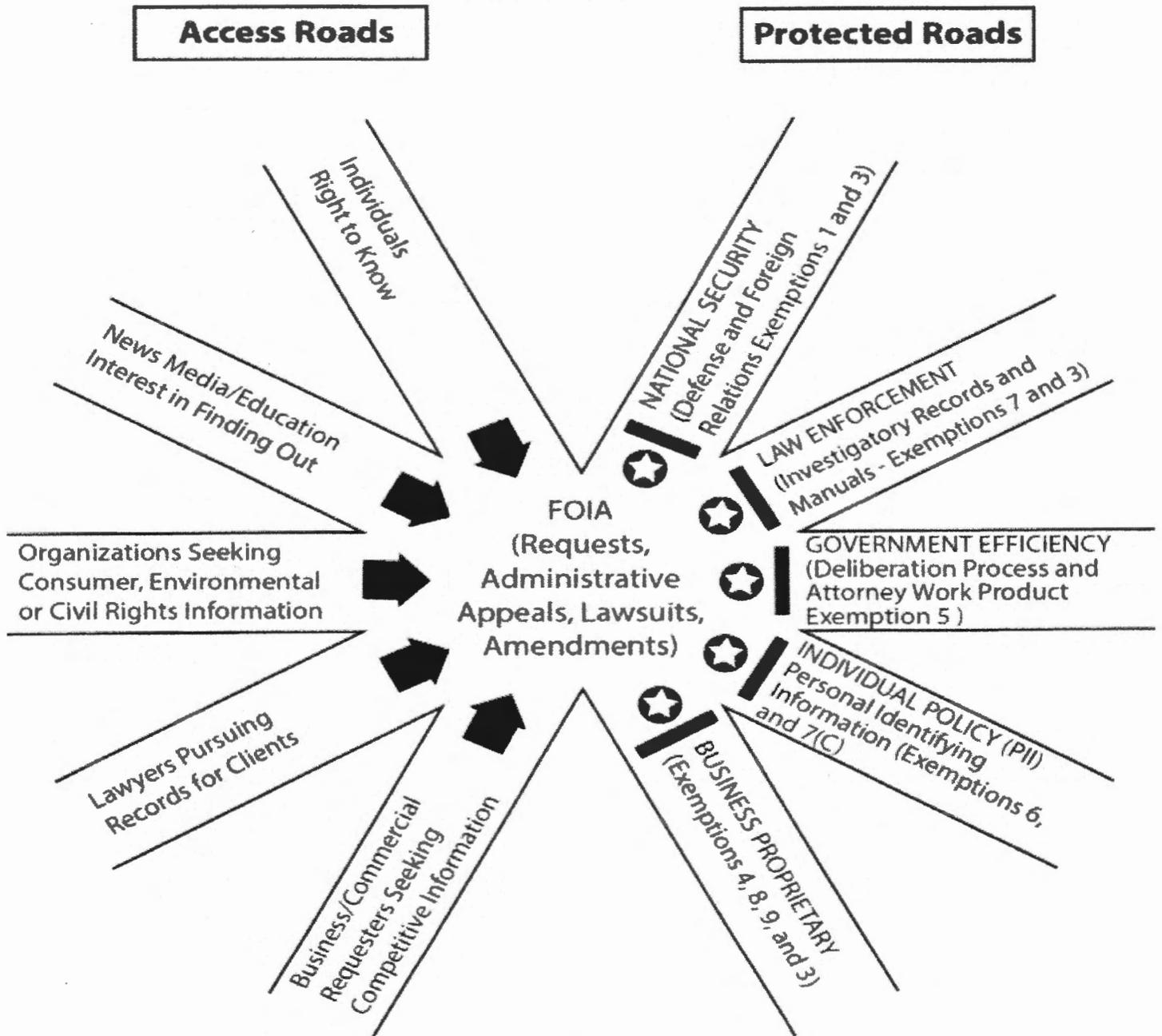
³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

What Type of Requests are Recieved by DEA?



The Freedom of Information Act (FOIA) A Major Intersection of Conflict on the Federal Legal Roadmap



NOTE:
This diagram is not intended to depict accurately the legal requirements of FOIA (5 U.S.C 552), which are complex.

EXPLANATION OF FOIA EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute-
- (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,

(E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

EXPLANATION OF PA EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE,

SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.