



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Cases: 77721,
77722, 77949, & 77951
6 June 2014

MUCKROCK NEWS
DEPT MR 11510
PO BOX 55819
BOSTON MA 02205-5819

Dear Ms. Akers-Healy:

We are in receipt of your Freedom of Information Act (FOIA) requests of 29 April and 15 May 2014, which were received by this office on 30 April and 16 May 2014, respectively, as follows with their corresponding assigned case numbers:

- 77721 - Copies of the INFOSEC Product Endorsement File from the last 5 years, if available. This file is mentioned in the recently declassified Information Assurance Records Disposition Schedule dated October 29, 2013 (p.10) and is associated with the CCEP program. CLARIFIED: All documents marked as either 428-02 or 405-04.
- 77722 - Copies of the INFOSEC Special Test File from the last 5 years, if available. This file is mentioned in the recently released Information Assurance Records Disposition Schedule dated October 29, 2013 (p.32). If there are issues with releasing the whole of the file, I am seeking in particular the documents relating to contract data and correspondence. CLARIFIED: All documents marked as either 428-02 or 405-04.
- 77949 - Any and all Risk Analysis reports marked with RDS No. 312-54C (as referred to on page 46 of the NSA/CSS Administrative & Management (A&M) Records Disposition Schedule (RDS), dated 28 October 2013)

- 77951 - All interservice support agreements contained in the database marked with RDS No. 301-11, from the last six years (2009-2014), as referred to on page 8 of the NSA/CSS Administrative & Management (A&M) Records Disposition Schedule (RDS), dated 28 October 2013).

For the purposes of this request, and based on the information you provided in your letter, you are considered an “all other” requester. Since there are no assessable fees for this request, your request for a fee waiver was not addressed. There is certain information relating to this processing about which the FOIA and applicable Department of Defense (DoD) and NSA/CSS regulations require we inform you.

Two requirements must be met in order for a FOIA request to be proper: (1) the request must “reasonably” describe the records sought; and (2) it must be made in accordance with an Agency’s published policies or regulations stating the procedures to be followed. Your request does not satisfy the first requirement because agency employees would be unable to search for records which do not exist in the format you indicate. The rationale for this rule is that FOIA was not intended to reduce Government agencies to full-time investigators on behalf of requesters, or to allow requesters to conduct “fishing expeditions” through agency files.

Ms. Blacker of the NSA/CSS FOIA Requester Service Center contacted you on 8 May 2014 and 19 May 2014 to explain how the Records Disposition Schedule (RDS) is used at NSA. The RDS describes the records of an agency and provides guidance for proper disposition of those records. It is a list of record types (or file series) followed by information on how long each record type should be kept for business and legal purposes. For example, if an employee was unsure if a document containing technical information to support the COMSEC Endorsement Program could be disposed of or not, s/he would refer to the RDS to find that the document fell under RDS file series (or record type) 405-04 and, consequently, the document must be preserved for two years but could thereafter be destroyed if no longer needed. The individual document would not be marked with an RDS file series number, nor would a physical “405-05 file” be created to house the document, nor would a database be created to do so; the RDS file series/record type is for the employee’s reference in order to guide the employee in handling, maintaining, or disposing of any given record. More specifically, documents that fall under a certain RDS series number are not marked as such.

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Department of Defense (DoD) Regulation 5400.7-R states that the requester must provide a description of the desired record so that the Government is able to locate the record with a reasonable amount of effort. You have not stated your requests in such a manner that we could reasonably determine the appropriate files to search. Furthermore, your attempt to clarify only repeats your requests, substituting the file series numbers for the file series names. As such, your requests do not meet the requirements of the FOIA and are not valid requests; therefore we are administratively closing your cases as invalid FOIA requests with no further processing.

You may wish to browse the introductory pages of each of the RDS booklets we have posted on www.nsa.gov, along with the Records Management Handbook in the event you wish submit future requests for specific NSA records.

In addition, as we have explained to you in the past, if you can describe in detail the specific information you are seeking, we would be able to assist you better.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pamela N. Phillips".

PAMELA N. PHILLIPS
Chief
FOIA/PA Office