



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 79617
17 December 2014

MUCKROCK
DEPT MR 14061
PO BOX 55819
Boston MA 02205-5819

Dear Mr. Eaton:

This is an interim response to your Freedom of Information Act (FOIA) request of 1 November 2014, which was received by this office on 3 November 2014, for the following records:

FOIA logs for FY2014,
FOIA logs for the period from Oct. 1, 2014 to Oct. 31, 2014, inclusive.

Your request has been assigned Case Number 79617. This letter indicates that we have begun to process your request. 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. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. As such, you are allowed 2 hours of search and the duplication of 100 pages at no cost.

We have completed our search for records responsive to your request. Please be advised that we generate our FOIA logs on a quarterly basis at the end of each calendar quarter. The FOIA logs for the first and second quarters of fiscal year 2014, covering the periods from 1 October 2013 through 31 December 2013 and 1 January 2014 through 31 March 2014, are currently in our processing backlog queue waiting for review. We will generate the remaining FOIA logs for the third and fourth quarters of fiscal year 2014 covering the periods 1 April 2014 through 30 June 2014, and 1 July 2014 through 30 September 2014. These logs will be placed in the first-in, first-out processing queue with the other fiscal year 2014 FOIA logs. The FOIA log responsive to the second portion of your request, covering the period 1 October 2014 through 31 December 2014, will not be generated until this calendar year is completed. This document will also be placed in our first-in, first-out processing queue for release review. Because there are a significant number of cases ahead of yours in the backlog queue, we are unable to respond to your request within 20 days. We appreciate your patience with our efforts to treat all requesters fairly by responding to each on a first-in, first-out basis. We will respond to you again once all processing is complete. At that time, we will provide you with the FOIA logs, a document that explains the final case dispositions, and a request for duplication fees,

if any. We are not providing a fee estimate at this time since we are not yet able to determine the number of pages that will be responsive to your request.

You also requested a fee waiver for this request. There is a two-pronged test a requester must satisfy to qualify for a fee waiver. First, the requested information must be in the public interest. Second, the request must not be primarily in the requester's commercial interest. The following six factors further define the two-pronged waiver test, and a requester must meet all of the first four factors to qualify under the public interest prong:

1. The subject of the request must concern the "operations and activities of the government."
2. The disclosure of information is "likely to contribute to an understanding of government operations and activities."
3. The disclosure of the requested information will "contribute to public understanding."
4. The disclosure is likely to contribute "significantly" to public understanding of government operations and activities.
5. The requester has a commercial interest that would be furthered by the requested disclosure.
6. Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, thereby rendering the disclosure "primarily in the commercial interest of the requester."

I have carefully reviewed your request and the information you provided and determined the following regarding the public interest:

1. The information would not contribute to public understanding because it would not inform the public about specific government activity, since it is a list of requests. Thus, the second requirement for a fee waiver is not met.
2. The disclosure of the requested information will not increase the understanding of the public at large because you have not demonstrated that you have the intent and ability to effectively convey the information to a broad segment of the public. This factor generally means that a requester can disseminate the information to the general public. You do not describe the purpose for which you intend to use the requested information. You do not demonstrate with particularity that the information will be communicated to the public in a way to increase the public's understanding of NSA activities. Posting or publishing the list of FOIA cases will not increase the public's understanding of government activities, but will merely demonstrate what types of requests the public is making.

3. The information would not likely contribute significantly to public understanding. As explained above, the release of the FOIA Logs would only demonstrate to the public the topics that have been requested, but it does not increase the public's understanding of NSA's activities. The public's understanding of the information, as compared to the level of public understanding that exists prior to release of the Logs, must be significantly enhanced. Moreover, without demonstration of an expertise in the subject area, an ability to disseminate the information, and an ability to increase the public's understanding in a meaningful way, a "significant" contribution to public understanding is not likely. Thus, the fourth requirement for a fee waiver is not met.

In analyzing these four criteria, I have determined that you do not meet three of the factors required to meet the public interest prong. Since you have not provided evidence to sufficiently meet the standards of the factors of the public interest prong, you do not qualify for a fee waiver, because you have not satisfied the public interest requirement of the FOIA. Your request for a waiver of fees is denied.

The Initial Denial Authority for NSA information is the Associate Director for Policy and Records, David J. Sherman. If you disagree with the decision regarding fee waiver denial, you may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the initial denial. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the fee waiver denial and shall contain, in sufficient detail and particularity, the grounds upon which you believe waiver of fees is warranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Correspondence related to your request should include the case number assigned to your request, which is included in the first paragraph of this letter. Your letter should be addressed to National Security Agency, FOIA Office (DJ4), 9800 Savage Road STE 6248, Ft. George G. Meade, MD 20755-6248 or may be sent by facsimile to 443-479-3612. If sent by fax, it should be marked for the attention of the FOIA office. The telephone number of the FOIA office is 301-688-6527.

Sincerely,



PAUL J. BLASKOWSKI
Chief
FOIA/PA Office