

EXHIBIT D

Central Intelligence Agency Freedom of Information Act Annual Report

FISCAL YEAR 2020

I. Point of Contact for this report:

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The electronic link for access to the Report is:

<https://www.cia.gov/readingroom/foia-annual-report>

To obtain a copy of the Report in paper form write to the above address.

II. HOW TO MAKE A FOIA REQUEST

1. An individual may make a request for records under the Freedom of Information Act by sending a request to:

FOIA Requester Service Center
Central Intelligence Agency
Washington, D.C. 20505

Alternatively, one may send a request via facsimile to 703-613-3007, or by electronic mail at

https://www.cia.gov/readingroom/foia_request

2. The CIA consistently protects, among other things, classified national security information, information relating to intelligence sources and methods, and organizational information from release under the FOIA.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

CADRE – CIA Automated Declassification and Release Environment. A case management system, deployed in early 2008, used to process FOIA and PA cases.

Administrative Appeal – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.

Average Number – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

Backlog – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

Component – for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

Consultation – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency or component within the same agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency or component within the same agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

Exemption 3 Statute – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

FOIA Request – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

Full Grant – an agency decision to disclose all records in full in response to a FOIA request.

Full Denial – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

Median Number – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

Multi-Track Processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

Expedited Processing – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

Simple Request – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

Complex Request – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

Partial Grant/Partial Denial – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

Pending Request or Pending Administrative Appeal – a request or administrative appeal for which an agency has not taken final action in all respects.

Perfect Request – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

Processed Request or Processed Administrative Appeal – a request or administrative appeal for which an agency has taken final action in all respects.

Range in Number of Days – the lowest and highest number of days to process requests or administrative appeals.

Time Limits – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

The nine FOIA exemptions are:

Exemption 1: classified national defense and foreign relations information

Exemption 2: information that is related solely to the internal personnel rules and practices of an agency

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records (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, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

3. Agency Component Abbreviations

Component Abbreviation	Component Name
CIA	Central Intelligence Agency

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
50 U.S.C § 3507 (formerly at 50 U.S.C § 403g) (Central Intelligence Agency Act of 1949)	Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency"	Assassination Archives & Rsch. Ctr. v. CIA, No. 18-5280, 2019 WL 691517 (D.C. Cir. Feb. 15, 2019) (per curiam); ACLU v. DOJ, 681 F.3d 61, 72-75 (2d Cir. 2012); Berman v. CIA, 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); Makky v. Chertoff, 489 F. Supp. 2d 421, 442 (D.N.J. 2007), aff'd on other grounds, 541 F. 3d 205 (3d Cir. 2008).	CIA	1281	1281
10 U.S.C § 424	Organization or any function of an	Hamdan v. DOJ, 797 F.3d 759, 776 (9th Cir. 2015); Freedom	CIA	2	2

	organization, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial Intelligence Agency	Watch, Inc. v. NSA, 197 F. Supp. 3d 165, 174 (D.D.C. 2016); Wickwire Gavin, P.C. v. Def. Intel. Agency, 330 F. Supp. 2d 592, 602 (E.D. Va. 2004).			
50 U.S.C § 3605 (formerly at 50 U.S.C. § 402 note) (National Security Agency Act of 1959)	Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees	ACLU v. DOJ, 681 F.3d 61, 72-75 (2d Cir. 2012); Elec. Priv. Info. Ctr. v. NSA, 678 F.3d 926, 931 (D.C. Cir. 2012); Houghton v. NSA, 378 F. App'x 235, 238-39 (3d Cir. 2010) (per curiam); Lahr v. NTSB, 569 F.3d 964, 985 (9th Cir. 2009).	CIA	1	1

V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
CIA	2628	2896	2622	2902
AGENCY OVERALL	2628	2896	2622	2902

After reviewing its database, CIA adjusted the number of requests pending as of the start of the Fiscal Year.

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
CIA	163	365	923	193	21	27	2	26	653	5	77	167	2622
AGENCY OVERALL	163	365	923	193	21	27	2	26	653	5	77	167	2622

V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
CIA	Litigation	82	167
	Request Opened in Error	63	
	Unable to Locate or Contact Requester	22	
AGENCY OVERALL			167

V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CIA	1224	6	1281	3	31	203	2	2	28	19	16	4	0	0
AGENCY OVERALL	1224	6	1281	3	31	203	2	2	28	19	16	4	0	0

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
CIA	256	178	113	321
AGENCY OVERALL	256	178	113	321

VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
CIA	0	0	0	0	0	0	0	0	80	0	2
AGENCY OVERALL	0	0	0	0	0	0	0	0	80	0	2

VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
CIA	Appeal Opened in Error	2	2
AGENCY OVERALL			2

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CIA	<1	94.33	<1	1569.00
AGENCY OVERALL	<1	94.33	<1	1569

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CIA	Date of Appeal	2013-07-19	2013-04-30	2013-04-10	2013-03-07	2012-11-19	2012-10-09	2012-09-10	2012-01-06	2011-01-06	2007-04-16
	Number of Days Pending	1808	1864	1878	1902	1975	2003	2023	2194	2269	3380
AGENCY OVERALL	Date of Appeal	2013-07-19	2013-04-30	2013-04-10	2013-03-07	2012-11-19	2012-10-09	2012-09-10	2012-01-06	2011-01-06	2007-04-16
	Number of Days Pending	1808	1864	1878	1902	1975	2003	2023	2194	2269	3380

VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CIA	4	6.9	<1	75	158	331.68	<1	3043	36	41.56	6	94
AGENCY OVERALL	4	6.9	<1	75	158	331.68	<1	3043	36	41.56	6	94

VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CIA	4.5	8.42	<1	75	373	584.57	<1	3043	N/A	N/A	N/A	N/A
AGENCY OVERALL	4.5	8.42	<1	75	373	584.57	<1	3043	N/A	N/A	N/A	N/A

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CIA	479	15	2	1	0	0	0	0	0	0	0	0	0	497
AGENCY OVERALL	479	15	2	1	0	0	0	0	0	0	0	0	0	497

VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CIA	6	114	71	92	88	119	54	91	40	27	169	70	308	1249
AGENCY OVERALL	6	114	71	92	88	119	54	91	40	27	169	70	308	1249

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CIA	3	2	0	3	1	0	0	0	0	0	0	0	0	9
AGENCY OVERALL	3	2	0	3	1	0	0	0	0	0	0	0	0	9

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
CIA	701	144	241.98	2128	479	580.61	9	130	237.67
AGENCY OVERALL	701	144	241.98	2128	479	580.61	9	130	237.67

VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CIA	Date of Receipt	2011-04-13	2011-04-11	2010-12-01	2011-01-20	2011-01-14	2011-01-04	2010-11-03	2009-01-28	2009-04-15	2009-01-28
	Number of Days Pending	2378	2380	2424	2436	2439	2447	2470	2830	2878	2932
AGENCY OVERALL	Date of Receipt	2011-04-13	2011-04-11	2010-12-01	2011-01-20	2011-01-14	2011-01-04	2010-11-03	2009-01-28	2009-04-15	2009-01-28
	Number of Days Pending	2378	2380	2424	2436	2439	2447	2470	2830	2878	2932

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
CIA	17	23	3	5.17	21
AGENCY OVERALL	17	23	3	5.17	21

VIII.B. Requests for Fee Waiver

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
CIA	15	0	N/A	N/A
AGENCY OVERALL	15	0	N/A	N/A

IX. FOIA Personnel and Costs

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
CIA	31	30.00	61.00	6498687.00	998631.00	7497318.00
AGENCY OVERALL	31	30.00	61.00	6498687.00	998631.00	7497318.00

X. Fees Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
CIA	447.00	0.0100
AGENCY OVERALL	447.00	0.0100

XI.A. Number of Times Subsection (C) Used

Agency / Component	Number of Times Subsection Used
CIA	0
AGENCY OVERALL	0

XI.B. Number of Subsection (A)(2) Postings

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
CIA	0	2196
AGENCY OVERALL	0	2196

XII.A. Backlogs of FOIA Requests and Administrative Appeals

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
CIA	2736	315
AGENCY OVERALL	2736	315

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
CIA	709	298	517	490
AGENCY OVERALL	709	298	517	490

After reviewing its database, CIA adjusted the number of consultations received from other agencies pending at the start of the Fiscal Year.

XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
CIA	Date	2016-06-22	2016-06-08	2016-06-03	2016-05-25	2015-12-22	2015-12-15	2015-12-14	2015-11-25	2015-11-04	2015-02-12
	Number of Days	1074	1084	1087	1093	1200	1205	1206	1218	1232	1416
AGENCY OVERALL	Date	2016-06-22	2016-06-08	2016-06-03	2016-05-25	2015-12-22	2015-12-15	2015-12-14	2015-11-25	2015-11-04	2015-02-12
	Number of Days	1074	1084	1087	1093	1200	1205	1206	1218	1232	1416

XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
CIA	2563	2896	2261	2622
AGENCY OVERALL	2563	2896	2261	2622

XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
CIA	2384	2736
AGENCY OVERALL	2384	2736

XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
CIA	249	178	173	113
AGENCY OVERALL	249	178	173	113

XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
CIA	237	315
AGENCY OVERALL	237	315