

EXHIBIT J

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

7500 GEOINT Drive
Springfield, Virginia 22150

U-201-21/OIG

14 October 2021

Ms. Stephanie Rice
Media Freedom and Information Access Clinic
Yale Law School
P.O. Box 208215
New Haven, CT 06520-8215
Transmitted via email: stephanie.rice@YLSClinics.org

RE: Freedom of Information Act (FOIA) Request 2020-FOI-00029 and
Referral 2020-REF-0002

Dear Ms. Rice:

This is in response to your 5 October 2021 email in which you requested:

Could you please identify the agency to which the NGA referred Mr. Kaplan's request? In addition, could you please provide any other information you might have about the referral [(2020-REF-0002)], such as the referral date, or any confirmation or FOIA tracking number that the receiving agency assigned it.

On 6 January 2020, the Office of Inspector General for the National Geospatial-intelligence Agency Office of Inspector General (NGA OIG) received the referral in which Mr. John Tye (on behalf of Mr. Kaplan) made a FOIA request for a copy of:

"Whistleblower Reprisal for Protected Disclosure to Congress" issued by the National Geospatial-intelligence Agency Office of Inspector General (NGA OIG) dated October 31, 2019. The document is a Report of Investigation for NGA-OIG case #18-069....

On 6 February 2020, NGA OIG informed Mr. Tye that it had referred the responsive report to another agency for its review and direct response. Subsequent to NGA OIG's letter to Mr. Tye, the agency NGA OIG referred the responsive material to declined the referral and is instead treating the referral as a consult.

On 25 March 2020, Mr. Tye made a FOIA request to NGA for the same material. That request was assigned FOIA request number 2020-FOI-00029.

Given the above, NGA OIG FOIA remains the FOIA office working the referral and for administrative purposes it is tracking both the 6 January 2020 referral (now consult) and the 25 March 2020 FOIA request under FOIA request 2020-FOI-00029.

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NGA OIG FOIA is closely monitoring the referral (consult); however, as of this writing, NGA OIG FOIA has not gotten a position on releasing the report from the agency NGA OIG FOIA is consulting with. Therefore, NGA OIG FOIA is unable to provide a final response to the FOIA request at this time.

Be advised, 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 is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
Email at ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

Should you have any questions, please contact our FOIA public liaison at 571-557-7729 for any further assistance.

Sincerely,



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DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=OSD,
cn=SHARRETT.KENNETH.R.1060951108
Date: 2021.10.14 09:36:23 -04'00'

Kenneth R. Sharrett
Counsel to the Inspector General
(NGA OIG FOIA Officer)

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