

# EXHIBIT A



May 17, 2021

FOIA/Privacy Act Office  
Office of the Director of National Intelligence (ODNI)  
Washington, D.C. 20511  
DNI-FOIA@dni.gov

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, regarding promises Director of National Intelligence Avril Haines made during her January 19, 2021 Senate confirmation hearing. This request is filed on behalf of the Project for Privacy and Surveillance Accountability, Inc. (“PPSA”).

As an organization concerned with government surveillance accountability, PPSA applauds Director Haines’ promise to publicize the circumstances under which the U.S. Intelligence Community (IC) purchases Americans’ private data and its legal basis for doing so.<sup>1</sup>

Accordingly, PPSA seeks:

- 1. All agency records mentioning Director Haines’s January 19, 2021 promise, in response to questioning from Senator Ron Wyden, to “inform Americans about any circumstances in which the Intelligence Community purchases their data, and the legal basis for doing it,”<sup>2</sup> including any records, created, altered, sent, or received in response to that exchange between Haines and Wyden.**
- 2. To the extent not responsive to Item 1 herein, all agency records created, altered, sent, or received in preparation for any public disclosure, as contemplated by Director Haines, describing any of (i) the Intelligence Community’s purchases of American’s private data,<sup>3</sup> (ii) the legal basis for doing so, or (iii) the guidelines under which the Intelligence Community operates in doing so.<sup>4</sup>**

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<sup>1</sup> See January 19, 2021 Hearing Transcript, On the Nomination of Avril D. Haines to be Director of National Intelligence (<https://www.intelligence.senate.gov/sites/default/files/hearings/t-ahaines-011921.pdf>) at pp. 61-62.

<sup>2</sup> *Id.* at p. 61. See also *id.* (promising to “publicize ... a framework that helps people understand the circumstances under which we [purchase Americans’ private data] and the legal basis we do that under”).

<sup>3</sup> See *id.* (referring to “the Intelligence Community’s purchases of American’s private data”).

<sup>4</sup> See *id.* at 62 (promising to publicize “the guidelines under which the Intelligence Community operates”).



**Scope of Request:**

For all purposes of this request: (I) the terms “agency” and “records” shall be construed in relation to the definitions codified in 5 U.S.C. § 552(f); and (II) the date range for responsive materials encompasses those either created, altered, sent, or received between January 1, 2021 and May 17, 2021.

Rather than physical production of any responsive records, we ask that you please provide each record in electronic form. If a portion of responsive records may be produced more readily than the remainder, we request that those records be produced first and that the remaining records be produced on a rolling basis. Further, we recognize the possibility that some responsive records may be exempt. **To the extent possible, if redaction under 5 U.S.C. § 552(b) can render a responsive but exempt record nonexempt, please produce any such record in redacted form.** We believe that redaction should foreclose any need to issue a Glomar response, as anonymized and redacted production would neither (1) reveal intelligence sources or methods nor (2) disclose any agency interest (or lack thereof) in any particular individual.

We are prepared to pay up to \$2000 for the material in question. Please contact me if the fees associated with this request exceed that figure, or if you have any other questions about this request.

Thank you in advance for your speedy attention and assistance.

Sincerely,

Gene C. Schaerr  
*PPSA, Inc.*  
General Counsel