

Exhibit A

Darek J. Kitlinski
PO Box 40146
Arlington VA 22204
darek@kitlinski.net
800-688-5429 fax
858-442-4429 mobile

December 26, 2022

Drug Enforcement Administration
Freedom of Information and Privacy Act Unit
8701 Morrissette Drive
Springfield, Virginia 22152

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Privacy Act 5 U.S.C. § 552(a), and the implementing regulations of your agency, I make the following request for records. I request that your agency produce the following records within twenty business days:

- A. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) managed by the DEA Office of Information Technology that contains the keyword "**Kitlinski**" sent or received by the following agency personnel:
1. Charles "Chuck" Rosenberg
 2. Wendy Goggin
 3. John "Jack" Riley
 4. Robert Patterson
 5. Bettie Goldman
 6. Karen Richardson
 7. Preston Grubbs
 8. Andrew Chudowsky
 9. Obeidullah Syed
 10. Sandra Stevens*
 11. Marcia Tiersky*

*Designates existing DEA Employees. All others are no longer associated with or employed by the DEA.

Please provide all responsive records from February 1, 2011, through the present. To be clear, I request that complete email chains be produced, displaying both sent and received messages. For example, Wendy Goggin's response to a responsive email and the initial received message are responsive to this request and should be produced. To accommodate DEA and reduce the

number of potentially responsive records to be processed and produced, I limited my request to exclude emails sent to or received by my former attorney, Mr. Kevin Byrnes.

- B. All electronic records managed by the DEA Office of Information Technology contained in the legacy DEA Headquarters (HQ) Office of Professional Responsibility (OPR) shared drive of:

U:\Team A-HQ\PR Intestigations\2015 Investigations\15-0014 Kitlinski Lisa (Chemist)\Intelligence Related.¹

Please note the electronic records contained in the identified legacy shared drive may now be stored in the Sharepoint Online Office 365 Commercial Cloud Platform subscribed by the DOJ, managed by the DEA Office of Information Technology

Guidance Regarding the Search & Processing of Requested Records

In connection with my request for records, I provide the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- My request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, my request includes all previous messages sent or received in that email chain and any attachments.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA². It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; I have a right to records contained in those files, even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.³

¹ See attached Email from Jose F. Roman to Obeidullah Syed, dated Monday November 17, 2014 3:19 PM, Subject: "U" Drive, and Email from Jose F. Roman to Obeidullah Syed, dated Monday November 17, 2014 3:19 PM, Subject: Correct Inforemation

² See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016)

³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016)

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to governmentwide requirements to manage agency information electronically⁴, and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, the Preservation of Electronic Messages and Other Records Act, 44 U.S.C. § 29, § 33, or similar mandates and policies. On March 12, 2018, your agency acknowledged compliance with the White House Office of Management and Budget (OMB)/NARA Managing Government Records Directive (M-12-18)⁵. These systems provide options for searching emails and other electronic records in a manner reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to me, please do not hesitate to contact me to discuss this request. I welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, your agency and I can decrease the likelihood of costly and time-consuming litigation in the future.

⁴ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-pressoffice/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/recordsmgmt/m-12-18.pdf>.

⁵ <https://www.archives.gov/files/records-mgmt/email-management/doj-dea-email-2017.pdf>

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native or PDF format on a CD or DVD drive. Please send any responsive material by mail to Darek J. Kitlinski, PO Box 40146, Arlington, VA 22204. If it accelerates the release of responsive records to me, please provide responsive material on a rolling basis.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darek Kitlinski', with a long horizontal line extending to the left.

Darek Kitlinski

From: Roman, Jose F. </O=DEA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JFROMAN>
Sent: Monday, November 17, 2014 3:04 PM
To: Syed, Obeidullah <OSyed@dea.usdoj.gov>
Subject: "U" Drive

\\webocts\opr cases

TEAM A, PR Investigations, 2015 Investigations, 15-0014, Kitlinski, Lisa M., Intelligence Related

Jose F. Roman, Inspector
Office of Professional Responsibility
Work: (202) 353-1190
Cell: (787) 370-4758

From: Roman, Jose F. </O=DEA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JFROMAN>
Sent: Monday, November 17, 2014 3:19 PM
To: Syed, Obeidullah <OSyed@dea.usdoj.gov>
Subject: Correct information

**U:\Team A - HQ\PR Investigations\2015 Investigations\15-0014 Kitlinski, Lisa
(Chemist)\Intelligence Related**

Jose F. Roman, Inspector
Office of Professional Responsibility
Work: (202) 353-1190
Cell: (787) 370-4758

DOJ Drug Enforcement Agency - received 3/12/2018

Federal Email Management Reporting for 2017

The jointly issued OMB/NARA *Managing Government Records Directive (M-12-18)* required Federal agencies to manage both permanent and temporary email records in an accessible electronic format by December 31, 2016.

NARA is continuing to monitor the management of email by requiring Federal agencies to report annually on the implementation of the *Criteria for Managing Email Records in Compliance with the Managing Government Records Directive (M-12-18)*. The success criteria describes the policy, system, access, and disposition requirements needed to properly manage all temporary and permanent email in an electronic format.

The reporting period begins on January 8, 2018, and reports are due back to NARA no later than March 16, 2018.

NARA plans to post your responses on archives.gov upon receipt. Please ensure that your agency's report is a publicly releasable version. This action is in the interest of transparency in Government and to promote collaboration and communication among agencies. NARA intends to list any non-responding agencies in a summary report and on the website.

NARA reserves the right to follow up with agencies to obtain additional information and/or documentation that supports their answers to the questions.

The following questions are designed to indicate how well your agency's email management meets the *Criteria for Managing Email Records in Compliance with the Managing Government Records Directive (M-12-18)*.

Please read carefully and choose the description that best describes your agency's ability to manage email.

Policies: Agency-wide policies and training must inform account holders of their responsibilities for managing email records. Policies should be developed with all relevant stakeholders and should address the requirements of the Federal Records Act, 36 CFR Chapter XII Subchapter B, and NARA guidance.

Q1.

Which of these levels best describes the state of your email policies?

- No email policies exist; relevant stakeholders have not been identified; senior-level email is not managed in any way; and there are no policies related to the loss of email records.
- Email policies are being drafted; and there is a general awareness of both the roles and responsibilities for managing email records, and of the risk of loss of email records.
- Email policies address general use of email only; relevant stakeholders have been identified; roles and responsibilities for email management have been defined; and there is an awareness of the risk of loss of email records.
- Email policies have been developed and disseminated; stakeholders, including the Chief Information Officer, Records Managers, and General Counsel, are involved in making policy and other decisions regarding email; there are policies governing holds on email records or accounts; policies include use of personal or non-official email accounts; and there are policies and procedures protecting against the loss of email records.
- Email policies are in place and implemented throughout the agency; all staff (including senior staff) have been trained on their roles and responsibilities for managing email including use of personal or non-official

email accounts; records management staff and/or Inspector General perform periodic audits of email policies to ensure proper use and implementation; and annual mandatory records and information management (RIM) and information security training includes roles and responsibilities regarding email.

Points = 3

C1. Comments on Q1 (Optional)

Systems: Agencies must have systems in place that can produce, manage, and preserve email records in an acceptable electronic format until disposition can be executed. Additionally, systems must support the implementation of agency policies and provide access to email records throughout their lifecycle.

Q2.

Which of these levels best describes the state of your email systems?

- Email is managed in disparate systems; email is managed by the end user; and no retention is applied.
- Systems retain temporary email records up to 180 days only; and print and file is the main method of preservation for email.
- Some centralized administration of email systems exists; there is limited identification of permanent email; and email is manually managed by the end user based on retention schedules.
- Administration of email systems is specifically assigned; temporary and permanent email categories are identified; systems are under development to handle the implementation of agency policies and lifecycle management; and electronic retention is the main method for the preservation of email.
- Email systems manage and preserve email in electronic format; limited end user input is needed to apply proper retention and disposition policies; permanent email is identified and managed; email systems maintain the content, context, and structure of the records; and email records are associated with their creator.

Points = 4

C2. Comments on Q2 (Optional)

Access: Email records must remain usable and retrievable throughout their lifecycle. Access supports an agency's ability to carry out its business functions. Access should address internal agency needs and accommodate responses to requests for information.

Q3.

Which of these levels best describes the usability and retrievability of your email throughout its lifecycle?

- There is no attempt to determine whether or not email can be accessed beyond immediate business needs; there is no management of email of departed employees; producing email for requests is difficult, costly, and not always feasible; agency has multiple email systems that do not relate to each other and are not searchable across multiple accounts or systems; there are little or no safeguards in place for unauthorized access, unintentional modification or destruction; no defined processes exist for maintaining records making access and retrieval difficult; processes are performed in an ad hoc manner; and there is no formal definition or classification of email records.
- Email records are retrievable through system back-ups or other means; there is minimal management of email of departed employees; producing email for requests is achievable but time consuming and costly; there is limited training or other awareness of the security of email; and processes for maintaining email records are starting to be standardized agency-wide.
- Email records are included in a draft retention schedule pending approval; email of departing employees is maintained until someone can review; formal processes exist in order for records to be accessed and retrieved in a timely manner; standardized RIM lifecycle processes have been developed across the agency making access and retrieval of email records more reliable; and standardized processes for access and retrieval are beginning to be promulgated across the agency.
- Email is retrievable during the normal course of business; the email system has procedures for providing reference and responses for email requests; security and privacy protocols are included in the system; processes for the identification and classification of email records are standardized across the agency making access and retrieval reliable; and records are usually accessed and retrieved in a timely manner.
- Email is fully retrievable for requests; email review, preservation, and disposition is embedded into the processes for departing employees; records management controls are built into the email system to prevent unauthorized access, modification or destruction; processes for the identification and classification of email records are documented and integrated with agency business and mission at the strategic level.

Points = 3

C3. Comments on Q3 (Optional)

Disposition: The agency must have a NARA-approved schedule in place to be able to carry out the disposition of permanent and temporary email records – using either agency-specific schedules or General Records Schedule (GRS) 6.1: Email Managed under a Capstone Approach.

Q4.

Which of these levels best describes the state of your disposition of email?

- There is no retention schedule specifically covering email; disposition of email is not being done; and permanent email records have not been identified.
-

- Agency is beginning to work with NARA to create retention schedule specifically covering email; disposition of email is handled haphazardly by the end user; and there is some identification of permanent and temporary email records.
- Retention schedule covering email is in draft form but not yet approved; and disposition of email is handled with limited training for the end user.
- Retention schedule covering email has been approved by NARA; end users are trained to oversee the disposition of email records; and permanent records are identified and maintained until transfer to NARA.
- Retention schedule covering email has been approved by NARA; retention schedules are built into email management systems; permanent records are identified and captured by email management systems; and permanent records can be or have been successfully transferred to NARA.

Points = 2

C4. Comments on Q4 (Optional)

Q5. Please enter your contact information below.

First Name:	<input type="text" value="Kelleigh"/>
Last Name:	<input type="text" value="Miller"/>
Job Title:	<input type="text" value="Section Chief"/>
Agency:	<input type="text" value="Drug Enforcement Administration"/>
Component Agency/Office/Bureau:	<input type="text" value="Freedom of Information and Records Management Section"/>
Email Address:	<input type="text" value="kelleigh.a.miller@usdoj.gov"/>

SCORING

NARA will be using the maturity model score in our analysis of the success Federal agencies have had in developing email management programs and of what work needs to continue to improve email management across the government. NARA and Federal agencies will be able to compare maturity model scores from 2016 with those reported for 2017.

- Total number of scored questions in this report is four.
- Total number of points is 16.
- Maximum maturity model score, also known as the weighted mean, is four.
- The maturity score is derived by dividing the total number of points based on the level description chosen by the number of scored questions.

Score of 0 to 1.9 = High Risk - of not managing email effectively
Score of 2 to 2.9 = Moderate Risk - of not managing email effectively
Score of 3 to 4 = Low Risk - of not managing email effectively

Your Total Points = 12

Your Maturity Model Score = 3

U.S Department of Justice

Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 05/31/2023

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ Derek J. Kitlinski

Citizenship Status ² USA Social Security Number ³ _____

Current Address P.O. Box 40146 Arlington VA 22204

Date of Birth [REDACTED] Place of Birth [REDACTED]

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:
Lisa Kitlinski, 12/23/23

Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ [Signature] Date 12/26/22

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

Exhibit B

Darek Kitlinski

From: Darek Kitlinski
Sent: Tuesday, January 3, 2023 10:08 PM
To: Davis, Yvette D.
Cc: DEA.FOIA@dea.gov; Wise, Clairanne M
Subject: RE: DEA FOIA/PA Case Number: 23-00006-FP
Attachments: Certificate of Identities Kitlinski Family.pdf

Yvette,

Since Jose Roman maintained an electronic "intelligence" folder on my wife, Lisa Kitlinski, records (including video recordings) may also contain information on, of, or about me and our daughters -Amelia Kitlinski and Madeleine Kitlinski. To be thorough and pre-emptive, I took the liberty of attaching their respective Certifications of Identity. Lisa's Certification of Identity is also attached. As you search in Jose Roman's intelligence folder or email records, if you uncover records that contain information about our former attorney, Mr. Kevin Byrnes, please let me know. To streamline the production of records, I will contact him and request he also submit a Certification of Identity. Looking at my calendar, the 30th business day from the date of my request is March 8, 2023. If you calculate a different date, please let me know. If you have any questions, please don't hesitate to contact me. Thank you.

Darek Kitlinski
858-442-4429

From: Davis, Yvette D. <Yvette.D.Davis@dea.gov>
Sent: Tuesday, January 3, 2023 4:55 PM
To: Darek Kitlinski <darek@kitlinski.net>
Subject: DEA FOIA/PA Case Number: 23-00006-FP

Dear Mr. Kitlinski:

This e-mail responds to your Freedom of Information Act/Privacy Act (FOIA/PA) request dated December 26, 2022, received by the Drug Enforcement Administration (DEA), FOIA/PA Unit, seeking access to DEA records. Your request has been opened and assigned the following case number: 23-00006-FP. Please include this case number when communicating with this office.

The records you seek require searches in another office or offices, and so your request falls within "unusual circumstances." See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request beyond the ten additional days provided by the statute. We have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. For your information, this office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately one month, whereas complex requests necessarily take longer. At this time, your request has

been assigned to the complex track. You may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located; or you may wish to await the completion of our records search to discuss either of these options.

Additionally, since you are also requesting records regarding Lisa Kitlinski, she will need to verify her identity as required by Department regulation 28 C.F.R. § 16.41(d). Specifically, if you would like this office to process this portion of your request, she will need to either (1) return a completed Certification of Identity form to this office or (2) provide a statement notarized or under penalty of perjury pursuant to 28 U.S.C. § 1746, indicating her full name, place of birth, date of birth, and current address. As a courtesy, we are enclosing a Certification of Identity form for Ms. Kitlinski to complete.

Further, pursuant to 5 U.S.C. § 552a(b), in order for this office to release information pertaining to Ms. Kitlinski to you, she will need to complete the optional portion of the Certification of Identity form, which authorizes us to release information relating to her to another person.

To this end, no further action will be initiated on this portion of your request until we receive Ms. Kitlinski's Certification of Identity form. If this office does not receive your response within 30 business days, DEA will assume that you do not wish to pursue this matter. Please e-mail your response to DEA.FOIA@dea.gov.

If you have any questions regarding this e-mail, please contact our FOIA Requester Service Center at (571) 776-2300. Thank you for your patience as we work to complete the processing of your request.

Sincerely,

Yvette Davis
Chief – Intake Sub-Unit
Freedom of Information and Privacy Act Unit
FOIA and Information Law Section

PRIVACY ACT NOTICE: This e-mail (including any attachments herein) may contain personal and privileged information that requires protection in compliance with the Privacy Act of 1974 (5 U.S.C. § 552a). Any use of this information by anyone other than the intended recipient is prohibited. If you have received this communication in error, please immediately delete all copies of this information and notify me by e-mail. The use, dissemination, distribution, or reproduction of this communication by unintended recipients is not authorized and may be unlawful.

U.S Department of Justice

Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 05/31/2023

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ Lisa M. Kitlinski

Citizenship Status ² USA Social Security Number ³ _____

Current Address P.O. Box 40146 Arlington VA 22204

Date of Birth [REDACTED] Place of Birth [REDACTED]

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Derek J. Kitlinski

Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ [Signature] Date 1/3/2023

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

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Full Name of Requester ¹ Madeleine M. KitlinskiCitizenship Status ² USA Social Security Number ³ _____Current Address P.O. Box 40146 Arlington VA 22204Date of Birth [REDACTED] Place of Birth [REDACTED]**OPTIONAL: Authorization to Release Information to Another Person**

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Derek Kitlinski Lisa Kitlinski
Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ [Signature] Date 1/3/23

¹ Name of individual who is the subject of the record(s) sought.

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Full Name of Requester ¹ Amelia J. Kitlinski

Citizenship Status ² USA Social Security Number ³

Current Address P.O. Box 40146 Arlington VA 22204

Date of Birth [Redacted] Place of Birth [Redacted]

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Derek J. Kitlinski Lisa Kitlinski
Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature [Handwritten Signature] Date 01/03/2023

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

Exhibit C

Darek Kitlinski

From: Darek Kitlinski
Sent: Wednesday, February 15, 2023 10:15 AM
To: DEA.FOIA
Subject: FW: DEA FOIA/PA Case Number: 23-00006-FP
Attachments: 2023-02-15 09-55.pdf; Automatic reply: DEA FOIA/PA Case Number: 23-00006-FP

From: Darek Kitlinski
Sent: Wednesday, February 15, 2023 10:05 AM
To: Davis, Yvette D. <Yvette.D.Davis@dea.gov>
Cc: Wise, Clairanne M <Clairanne.M.Wise@dea.gov>
Subject: RE: DEA FOIA/PA Case Number: 23-00006-FP

Good Morning Yvette,

For this FOA/PA request, I attached a Certificate of Identity for my former attorney Kevin Byrnes.

Thank you,
Darek

From: Davis, Yvette D. <Yvette.D.Davis@dea.gov>
Sent: Tuesday, January 10, 2023 12:43 PM
To: Darek Kitlinski <darek@kitlinski.net>
Cc: Wise, Clairanne M <Clairanne.M.Wise@dea.gov>
Subject: RE: DEA FOIA/PA Case Number: 23-00006-FP

Good afternoon, Mr. Kitlinski:

Sorry for the late response. Unfortunately, your request will not be completed by March 8, 2023. We regret this delay in responding to your FOIA/PA request. DEA is among the top six of all Department of Justice components that receive the largest number of FOIA requests per year. DEA received 1,603 requests in Fiscal Year 2022, and we have limited personnel resources to process such requests. We are experiencing a backlog of approximately 1,800 requests, which has impacted our ability to process your request in a timelier manner.

Your request has been placed in chronological order based on the date of receipt, and it will be handled as expeditiously as possible. Please be advised that your request falls 2,064 out of 2,097 in our queue.

Thanks,

Yvette

From: Darek Kitlinski <darek@kitlinski.net>
Sent: Tuesday, January 3, 2023 10:08 PM
To: Davis, Yvette D. <Yvette.D.Davis@dea.gov>

Cc: DEA.FOIA <DEA.FOIA@dea.gov>; Wise, Clairanne M <Clairanne.M.Wise@dea.gov>

Subject: [EXTERNAL] RE: DEA FOIA/PA Case Number: 23-00006-FP

Yvette,

Since Jose Roman maintained an electronic "intelligence" folder on my wife, Lisa Kitlinski, records (including video recordings) may also contain information on, of, or about me and our daughters -Amelia Kitlinski and Madeleine Kitlinski. To be thorough and pre-emptive, I took the liberty of attaching their respective Certifications of Identity. Lisa's Certification of Identity is also attached. As you search in Jose Roman's intelligence folder or email records, if you uncover records that contain information about our former attorney, Mr. Kevin Byrnes, please let me know. To streamline the production of records, I will contact him and request he also submit a Certification of Identity. Looking at my calendar, the 30th business day from the date of my request is March 8, 2023. If you calculate a different date, please let me know. If you have any questions, please don't hesitate to contact me. Thank you.

Darek Kitlinski
858-442-4429

From: Davis, Yvette D. <Yvette.D.Davis@dea.gov>

Sent: Tuesday, January 3, 2023 4:55 PM

To: Darek Kitlinski <darek@kitlinski.net>

Subject: DEA FOIA/PA Case Number: 23-00006-FP

Dear Mr. Kitlinski:

This e-mail responds to your Freedom of Information Act/Privacy Act (FOIA/PA) request dated December 26, 2022, received by the Drug Enforcement Administration (DEA), FOIA/PA Unit, seeking access to DEA records. Your request has been opened and assigned the following case number: 23-00006-FP. Please include this case number when communicating with this office.

The records you seek require searches in another office or offices, and so your request falls within "unusual circumstances." See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request beyond the ten additional days provided by the statute. We have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. For your information, this office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately one month, whereas complex requests necessarily take longer. At this time, your request has been assigned to the complex track. You may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located; or you may wish to await the completion of our records search to discuss either of these options.

Additionally, since you are also requesting records regarding Lisa Kitlinski, she will need to verify her identity as required by Department regulation 28 C.F.R. § 16.41(d). Specifically, if you would like this office to process this portion of your request, she will need to either (1) return a completed Certification of Identity form to this

office or (2) provide a statement notarized or under penalty of perjury pursuant to 28 U.S.C. § 1746, indicating her full name, place of birth, date of birth, and current address. As a courtesy, we are enclosing a Certification of Identity form for Ms. Kitlinski to complete.

Further, pursuant to 5 U.S.C. § 552a(b), in order for this office to release information pertaining to Ms. Kitlinski to you, she will need to complete the optional portion of the Certification of Identity form, which authorizes us to release information relating to her to another person.

To this end, no further action will be initiated on this portion of your request until we receive Ms. Kitlinski's Certification of Identity form. If this office does not receive your response within 30 business days, DEA will assume that you do not wish to pursue this matter. Please e-mail your response to DEA.FOIA@dea.gov.

If you have any questions regarding this e-mail, please contact our FOIA Requester Service Center at (571) 776-2300. Thank you for your patience as we work to complete the processing of your request.

Sincerely,

Yvette Davis
Chief – Intake Sub-Unit
Freedom of Information and Privacy Act Unit
FOIA and Information Law Section

PRIVACY ACT NOTICE: This e-mail (including any attachments herein) may contain personal and privileged information that requires protection in compliance with the Privacy Act of 1974 (5 U.S.C. § 552a). Any use of this information by anyone other than the intended recipient is prohibited. If you have received this communication in error, please immediately delete all copies of this information and notify me by e-mail. The use, dissemination, distribution, or reproduction of this communication by unintended recipients is not authorized and may be unlawful.

U.S. Department of Justice

Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 05/31/2023

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ Kevin E. Byrnes

Citizenship Status ² USA Social Security Number ³ _____

Current Address 5624 McArthur Blvd NW, Washington DC 20016

Date of Birth _____ Place of Birth _____

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Dacek Kitlinski, Lisa Kitlinski
Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ Kevin E. Byrnes Date 2/3/23

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

Exhibit D

Darek Kitlinski

From: Darek Kitlinski
Sent: Thursday, February 23, 2023 6:40 PM
To: Miller, Kelleigh A.; kelleigh.a.miller@usdoj.gov
Cc: Seidel, Sandra L; Sandra.l.seidel@usdoj.gov; Aaron, Darryl R; daryl.r.aaron@usdoj.gov; clairanne.m.wise@usdoj.gov
Subject: RE: DEA FOIA Request 23-00006-FP
Attachments: 12.26.2022 FOIA PA Request Darek Kitlinski.pdf

Good Afternoon Kelleigh,

Let me begin by sharing that I am an IT senior manager for a different Federal Agency. Cloud services, including email, are my specialty. The days of IRS Louis Lerner losing emails on her work computer are long gone. I find it hard to believe that "the search has exhausted server space availability due to the large dataset and date range." I managed FOIA requests even more extensive than the *potential* 10K response. It didn't take two years. Despite the increase in FOIA requests, cloud computing technologies and records management tools, such as Microsoft O365, make FOIA searches easier and faster to fulfill. Nothing precludes you from doing a rolling release of the documents. I request you do so, as I noted in my request. To DEA Chief Counsel office's dismay, I have absolutely no interest in narrowing the scope of my request.

Thank you,
Darek

From: Miller, Kelleigh A. <Kelleigh.A.Miller@dea.gov>
Sent: Wednesday, February 22, 2023 12:54 PM
To: Darek Kitlinski <darek@kitlinski.net>
Cc: Seidel, Sandra L <Sandra.L.Seidel@dea.gov>; Aaron, Darryl R <Darryl.R.Aaron@dea.gov>
Subject: DEA FOIA Request 23-00006-FP

Good afternoon Mr. Kitlinski,

My office received your FOIA/Privacy Act (PA) request on December 28, 2022 (see attached). We asked the Information Technology Division (TC) to search the email accounts of eleven current or former DEA employees provided in your request letter. As provided in your letter, the search excluded emails sent to or received by Kevin Byrnes. We also asked the Office of Professional Responsibility to conduct a search for shared drive records which may be responsive to your request.

TC has advised us that their preliminary search yielded approximately 10,000 pages of *potentially* responsive records. Approximately 900 pages of the records are calendar entries. TC also indicated that the search has exhausted server space availability due to the large dataset and date range for record search. As such, I am reaching out to see if you'd be interested in narrowing the scope of your request or could provide more specific search terms. This will enable us to conduct a more effective record search. It will also reduce the amount of time it will take our office to process your FOIA request.

Please note, DEA ranks in the top six of all Department of Justice (DOJ) components for the number of FOIA requests received per year, and we have limited resources to process requests. *See* DOJ Annual FOIA Reports

available at <https://www.justice.gov/oip/reports-1>. If you choose not to modify your request, it will take our office approximately 24 months to complete the processing of your request.

Please let me know how'd you like our office to proceed with your request.

Thank you, and I look forward to hearing from you.

Kelleigh A. Miller, Chief
Freedom of Information and Privacy Act Unit
FOIA and Information Law Section
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, VA 22152
Direct: 571-776-3022
Cellular: 202-590-1715
E-mail: Kelleigh.A.Miller@dea.gov



NOTICE: This e-mail (including any attachments herein) may contain personal and privileged information that requires protection in compliance with the Privacy Act of 1974 (5 U.S.C. § 552a). Any use of this information by anyone other than the intended recipient is prohibited. If you have received this communication in error, please immediately delete all copies of this information and notify me by e-mail. The use, dissemination, distribution, or reproduction of this communication by unintended recipients is not authorized and may be unlawful.

Exhibit E

My Account Sign Out Help

HOME TRACKING INBOX

Tracking Inbox » Appeal



A-2023-00893

Requester: Kitlinski, Darek J

Status: Submitted

Appeal

Appeal Information

Received Date	03/09/2023	Agency	OIP
		Document Delivery Method	Email

Request Information

Request Number	23-00006-FP
Component	DEA
Subject of Request	Appeal the Inaction of the DEA to Comply with FOIA Privacy Act Request

Basis for Appeal

Description of Appeal

On December 26, 2022, I submitted a FOIA Privacy Act Request to the DEA for access to email communications managed by the DEA Office of Information Technology that contains the keyword "Kitlinski" sent or received by identified agency personnel. I also asked for copies of records for access to records stored in Office of Professional Responsibility a specific shared drive that was named "Intelligence Related."

On January 3, 2023, Ms. Yvette Davis, emailed me notifying me that my request was assigned 23-00006-FP. She also notified me that my request was considered "unusual circumstances" and therefore extended the time to respond by an additional 10 days.

On January 3, 2023, I emailed Ms. Davis Certification of Identities for my wife, my daughters, and me.

On February 15, 2023, I emailed Ms. Davis, a Certification of Identity for my former Attorney Mr. Kevin Byrnes.

On February 22, 2023, Ms. Kelleigh Miller emailed me requesting I re-scope my request.

On February 23, 2023, I replied to Ms. Miller's request stating that I declined her request to re-scope my request. I requested she provide a rolling release of the records.

Given that DEA has not provided none of the records I sought, their inaction is therefore considered a denial. I appeal their inaction/denial and request your office conduct an intervention with the DEA FOIA office and Chief Counsel's office to prevent this matter being elevated to the District Court.

Based on Denial of Fee Waiver	No
Based on Denial of Expedited Processing	No
Requester Item Type 1	Supplemental Information
Requester Items 1	Supplamental Documents.pdf
Requester Item Type 2	
Requester Items 2	
Requester Item Type 3	
Requester Items 3	

Requester Contact Information

Salutation	Mr.	Address Type	Mailing
First Name	Darek	Country	United Stat
Middle Name	J	Address Line 1	PO Box 40

Last Name	Kitlinski	Address Line 2	
Email Address	darek@kitlinski.net	City	Arlington
Organization		State	Virginia
Register Number		Zip/Postal Code	22204
Phone Number	858-442-4429		
Fax Number	800-688-5429		
Other Information			

Expedited Processing Information

Expedited Processing Requested? No

Exhibit F



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

March 10, 2023

darek@kitlinski.net

Dear Darek Kitlinski:

This is to advise you that the Office of Information Policy of the U.S. Department of Justice received your administrative appeal from the action of the Drug Enforcement Administration regarding Request No. 23-00006-FP on 03/09/2023.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2023-00893. Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through Freedom of Information Act STAR, you may also check the status of your appeal by logging into your account.

Sincerely,
Priscilla Jones

Priscilla Jones
Supervisory Administrative Specialist