



**DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION DIVISION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

12 FEB 2018

Ref: 18-F-0619

Mr. Sam Biddle
Gawker Media
960 Willoughby Avenue
Apt 1P
Brooklyn, NY 11221

Dear Mr. Biddle:

This is in response to your March 6, 2018, Freedom of Information Act (FOIA) request, a copy of which is attached for your convenience. We received your request on the same day it was submitted and assigned it case number 18-F-0619. We ask that you use this number when referring to your request.

Col. Drew Cukor, Chief, Algorithmic Warfare Cross Function Team, Office of the Under Secretary of Defense for Intelligence, in his capacity as an Initial Denial Authority, determined that the information responsive to your request, estimated 5000 pages, must be withheld in their entirety pursuant to Exemption 3 of the FOIA, 5 U.S.C. § 552 (b)(3) as release is forbidden by statute, specifically 10 USC §130e; Exemption 4 of FOIA 5 U.S.C. § 552 (b)(4); Exemption 5 of FOIA, 5 U.S.C. § 552(b)(5), and Exemption 6 of the FOIA, 5 U.S.C. § 552 (b)(6). Please see the attached reference sheet for an explanation of the exemptions.

This action closes your request with this office, and there are no assessable fees associated with this response. If you are not satisfied with this response, you may contact our OSD FOIA Public Liaison, Jim Hogan, at 571-372-0462 or by email at OSD.FOIALiaison@mail.mil. Also, please note that the Office of Government Information Services (OGIS) offers services to requesters who have disputes with Federal agencies. You may contact OGIS if you have concerns about the processing of your request. Their contact information is provided below:

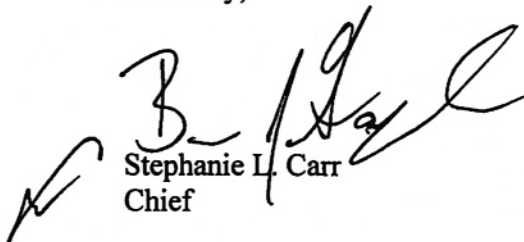
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

You have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense, by writing directly to OCMO Office of the Chief Management Officer, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700. Your appeal must be postmarked within

90 calendar days of the date of this response. Alternatively, you may email your appeal to osd.foia-appeal@mail.mil. If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference case number 18-F-0619 in any appeal correspondence.

If you have any questions about the foregoing, please do not hesitate to contact the Action Officer assigned to your request, Ms. Nusheen Sikandar, nusheen.sikandar.civ@mail.mil or 571-372-0437.

Sincerely,



Stephanie L. Carr
Chief

Enclosures:
As stated.

DETERMINATION OF THE CHIEF MANAGEMENT OFFICER

Under the authority delegated to me by the Secretary of Defense, I have determined that the following information is exempt from disclosure under Exemption 3 of the Freedom of Information Act (5 U.S.C. § 552(b)(3)) because it meets the requirements for exemption under 10 U.S.C. § 130e:

Project Maven infrastructure, technical, and program information.

Date: December 18, 2018

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Date: 2018.12.18 13:47:24
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Lisa W. Hershman
Acting Chief Management Officer

**STATEMENT OF THE BASIS FOR THE DETERMINATION BY
THE CHIEF MANAGEMENT OFFICER**

In accordance with 10 U.S.C. § 130e, I reviewed information regarding Department of Defense (DoD) artificial intelligence information associated with Project Maven. I have determined that this information qualifies as DoD critical infrastructure security information as defined by 10 U.S.C. § 130e(f) because it pertains to the capabilities and limitations of critical defense applications making use of Project Maven's artificial intelligence technology.

Gaining this information about Project Maven, individually or in the aggregate, would enable an adversary to identify capabilities and vulnerabilities in the Department's approach to artificial intelligence development and implementation. This would further provide an adversary with the information necessary to disrupt, destroy, or damage DoD, technology, military operations, facilities, and endanger the lives of personnel.

Project Maven infrastructure information includes artificial intelligence training data, raw data sources, data labeling software and procedures, network management, algorithm development, algorithm test and evaluation, ontology, synthetic data, cloud computing, transfer learning data sources, software tools, software frameworks, hardware components, testing, accreditation, integration, user interfaces, and retraining of Project Maven algorithm-based technology.

Project Maven technical information includes research and engineering data, engineering drawings, and associated lists, specifications, standards, process sheets, manuals, technical reports, technical orders, catalog-item identifications, data sets, studies and analyses and related information, and computer software executable code and source code.

Project Maven program information includes information detailing the presence, capability, intent, readiness, timing, relative strengths, relative weaknesses, performance metrics, location, and method of development, testing, and employment of Project Maven algorithm-based technology.

I considered the public interest in the disclosure of Project Maven sensitive information and weighed this against the risk of harm that might result if it were to be disclosed. Although there is value in the public release of this information, because the risk of harm that would reasonably result from its disclosure is extremely significant, I have determined that the public interest does not outweigh its protection. Therefore, it should be exempt from disclosure.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) military plans, systems, or operations;
- 1.4(b) foreign government information;
- 1.4(c) intelligence activities, sources or methods, or cryptology;
- 1.4(d) foreign relations or foreign activities of the US, including confidential sources;
- 1.4(e) scientific, technological, or economic matters relating to national security, including defense against transnational terrorism;
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities;
- 1.4(g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism;
- 1.4(h) weapons of mass destruction;

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMEX	Arms Export Control Act, 22 USC 2778(c)
EXPORT	Export Administration Act of 1979, 50 App. USC 2411(c)(1)
FSA	Foreign Service Act of 1980, 22 USC 4003 & 4004
INA	Immigration and Nationality Act, 8 USC 1202(f)
IRAN	Iran Claims Settlement Act, Sec. 505, 50 USC 1701, note
NSA50	National Security Act of 1947, 50 USC 403-1(i)

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

Other Grounds for Withholding

NR Material not responsive to a FOIA request, excised with the agreement of the requester