

**From:** Jason Leopold <[jasonleopold@gmail.com](mailto:jasonleopold@gmail.com)>  
**Sent:** Friday, April 10, 2020 4:28 PM  
**To:** DNI-FOIA <[DNI-FOIA@dni.gov](mailto:DNI-FOIA@dni.gov)>  
**Subject:** Request for records under the Freedom of Information Act

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

**REQUESTER INFORMATION**

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**RECORDS SOUGHT**

I request disclosure from the Office of Director of National Intelligence the following records:

Exhibit I

1. Copies of a report and or any intelligence "reporting" and or intelligence assessment and any intelligence product and or talking points and or any intelligence that was memorialized in a document, email, memo, letter, directive, between November 1, 2019 and November 30, 2019 mentioning or referring to Coronavirus, COVID-19, virus and China, virus and Wuhan, Wuhan virus, prepared by or for the National Center for Medical Intelligence.

2. Emails, memos, letters, talking points, mentioning or referring to an April 8, 2020 ABC News report by reporters James Gordon Meek and Josh Margolin headlined: "Intelligence report warned of coronavirus crisis as early as November: Sources" and an April 9, 2020 CNN report headlined "US Intelligence Agencies Started Tracking Coronavirus Outbreak in China as Early As November"; and any emails, memos, letters, talking points that lead the Office of Director of National Intelligence to issue a statement and a TWEET from the official DNI account refuting the news reports. Please search the Office of Public Affairs and the DNI for responsive records.

## EXPEDITED PROCESSING

I ask that my request be given expedited processing because there is an urgency to inform the public about an actual or alleged federal government activity, and I am a person primarily engaged in disseminating information.

As senior investigative reporter at BuzzFeed News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information.

There is an urgent need to inform the public about the global pandemic known as coronavirus and the disease caused by it called COVID-19 and what the government knew and when it knew it as it relates to warnings.

The coronavirus has resulted in more than 15,000 deaths in the US. Beginning this year, public health officials began alerting the American public to rising cases of novel coronavirus, or COVID-19, spreading throughout the country. Shortly after the announcement of the first cases, President Donald Trump publicly announced that Vice President Mike Pence would lead the effort to combat the virus.

In press briefings since Pence's appointment, public officials have offered vastly different timelines for when more coronavirus tests would be available, how many would be available, and who would be eligible to receive one. On March 2, Stephen Hahn, the Food and Drug Administration commissioner, said that 1 million tests would be ready by the end of the week. On March 6, Pence announced that the government didn't "have enough tests today to meet what we anticipate will be the demand going forward." Pence also said that he expected 1.2 million tests would be available the following week.

Later that day, the president told the press during a visit to the Centers for Disease Control and Prevention (CDC), "As of right now and yesterday, anybody that needs a test (can have one)." On March 10, The New York Times reported that the CDC ordered health officials in Washington to stop testing individuals during the earliest days of the outbreak.

There can be no question that the spread of coronavirus has engendered "widespread and exceptional media interest." On March 11, the World Health Organization declared a global pandemic and said that more than 125,000 people had been infected so far.

The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA request is warranted.

These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public about actual government activity, concerning the novel coronavirus global pandemic.

BuzzFeed News is a global news organization with more than 200 journalists stationed in North America, South America, Europe, Asia and the Pacific. BuzzFeed News has been recognized as a "representative of the news media" for fee assessment purposes by every federal agency that has received our FOIA requests. Thank you for your consideration of this request.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

/s/ \_\_\_\_\_ JL \_\_\_\_\_  
Jason Leopold

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

DNI should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

#### INSTRUCTIONS REGARDING SEARCH

1. Request for Public Records:

Please search for any records even if they are already publicly available.

2. Request for Electronic and Paper/Manual Searches:

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted. I further request that the agencies conduct a search of its “soft files” as well as files in its locked cabinets.

3. Request regarding Photographs and other Visual Materials:

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

4. Request for Duplicate Pages:

I request disclosure of any and all supposedly “duplicate” pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all “duplicate” pages.

5. Request to Search Emails:

Please search for emails relating to the subject matter of my request.

6. Request for Search of Records Transferred to Other Agencies:

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

#### FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

#### FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I am the senior investigative reporter for BuzzFeed News and formerly senior investigative reporter and on-air correspondent for VICE News. Additionally, my reporting has been published in The Guardian, The Wall Street Journal, The Financial Times, Salon, CBS Marketwatch, The Los Angeles Times, The Nation, Truthout, Al Jazeera English and Al Jazeera America.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), "Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.--

  
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