

# Exhibit “2” to Zaid Declaration

IN THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF COLUMBIA

THE JAMES MADISON PROJECT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:07cv01382 (RMU)
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____	)	

**DECLARATION OF MARTHA M. LUTZ,  
INFORMATION REVIEW OFFICER FOR THE DIRECTOR OF THE  
CENTRAL INTELLIGENCE AREA, CENTRAL INTELLIGENCE AGENCY**

**I. INTRODUCTION**

I, MARTHA M. LUTZ, hereby declare and say:

1. I am the Information Review Officer ("IRO") for the Director of Central Intelligence Area ("Director's Area") of the Central Intelligence Agency ("CIA"). The Director's Area encompasses the Office of the Director of the Central Intelligence Agency. I have held this position since 19 January 1999. I have held various administrative and professional positions within the CIA since 1989.

2. As IRO for the Director's Area, I am responsible for the final review of documents containing information originated by offices organized under the Director's Area or that otherwise implicate Director's Area interests, when such documents are the subject of FOIA or other requests for public disclosure. I also task and coordinate records searches concerning files or

CIA produced a copy of this document to Plaintiff on 27 May 2008.<sup>8</sup> See Exhibit F.

18. Significantly, the CIA also searched for earlier versions of the CIA's PRB regulation. The CIA limited its initial search in this case to the current version of the CIA's PRB regulation. In an effort to provide Plaintiff with as complete a response as possible, the CIA undertook this search on its own initiative. As discussed in the Lambert Declaration, this search located twelve rescinded versions of the CIA's PRB regulation. The CIA released six of these regulations in their entirety (the released-in-full documents or "RIF documents") and withheld information from six of the documents pursuant to FOIA exemptions (b)(2) and (b)(3). The CIA produced copies of these documents to Plaintiff on 27 May 2008.<sup>9</sup> See Exhibit F.

#### **IV. THE CIA'S RECORD SYSTEMS AND PROCESSING OF FOIA REQUESTS**

19. The CIA continually faces the risk that there may be a spy within its ranks. Prudence dictates the CIA take appropriate counterintelligence and security precautions to minimize the potential damage to national security that could result from a spy in the CIA's midst. One way to minimize such

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<sup>8</sup> The following is a list of the twelve non-regulation documents that the CIA produced to Plaintiff on 27 May 2008: 1531053, 1531054, 1531055, 1531056, 1531057, 1531058, 1531059, 1531120, 1531067, 1531068, 1531069, and 1531121.

<sup>9</sup> The following is a list of the twelve regulations that the CIA produced to Plaintiff on 27 May 2008: 1531061, 1531062, 1531063, 1531064, 1531065, 1531066, 1531047, 1531048, 1531049, 1531050, 1531051, and 1531052.

damage is to limit the amount of information to which any particular employee has access.

20. The CIA limits employee access to information by employing a "need-to-know" policy. This policy provides an employee access to only that information required to perform the employee's duties. The CIA implements this policy through decentralizing and compartmenting its records systems.

21. While the counterintelligence advantage of this practice is obvious, a disadvantage of this practice is equally obvious: the inherent inefficiencies created in the records search and retrieval processes. These inefficiencies impact the CIA's process for responding to FOIA requests.

22. The CIA Information and Privacy Coordinator in the IMS is the initial reception point for all FOIA requests. Under the direction and supervision of the CIA Information and Privacy Coordinator, experienced IMS information management professionals analyze each request and determine which CIA components might reasonably be expected to possess records responsive to a particular request. IMS then transmits a copy of the request to each relevant component. When a request is broad, it is quite common for IMS to transmit the request to many components. Because the CIA's records systems are decentralized and compartmented, each component must devise its own search strategy. Each component identifies which of its

record systems it will search as well as what search tools, indices, and terms it will employ during the search. The information management professionals who conduct FOIA searches for each component are the same professionals who search records in support of the component's daily mission.

23. After a tasked component locates documents in response to a FOIA request, officers must review the documents to determine whether the documents are responsive to the request. Because of the nature of a particular records system and the search tools, indices, or terms employed during the search, a search may locate many documents that are not responsive to the request.

24. After officers remove the non-responsive documents, Information Review Officers must then review the remaining documents to determine which, if any, FOIA exemptions apply, and whether they can reasonably segregate non-exempt information from exempt information. In evaluating responsive documents, officers must segregate exempt information to avoid the inadvertent disclosure of classified information, information concerning intelligence sources and methods and other information protected by FOIA exemptions. This process is laborious and time-consuming.

25. In the course of reviewing documents for exempt information and segregability, a component frequently identifies