

The James Madison Project
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Suite 200
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E-Mail: JaMadPro@aol.com
<http://www.jamesmadisonproject.org>

2 September 2008

Delores M. Nelson
Central Intelligence Agency
Information and Privacy Coordinator
Washington, D.C. 20505

Re: FOIA Request – CIA Systems of Records

Dear Ms. Nelson:

This is a request on behalf of the James Madison Project (“JMP”) under the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*, (“FOIA”) for copies of all internal Central Intelligence Agency (“CIA”) documents pertaining to:

- (1) the indexing and organizational structure of all CIA Systems of Records subject to FOIA, especially with respect to which Systems of Records are held by which CIA components (*excluding the Privacy Act Systems of Records detailed in the 22 July 2005 Federal Register*);
- (2) all or part of the CIA’s current organizational structure (*excluding the National Clandestine Service*), especially organizational charts, outlines, or other graphical representations;
- (3) which CIA components are tasked with FOIA requests by CIA Information Management Services (“IMS”), especially with respect to which CIA offices are considered “components” by IMS for tasking purposes;
- (4) the search tools and indices employed by each CIA component from (3) above when processing FOIA requests;
- (5) discussions of the first and second recommendations made by JMP on 18 May 2008 (copy attached); and

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- (6) any other records pertaining to the subject material of the first and second JMP recommendations of 18 May 2008.

If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information or permit the review and notify us of your appeal procedures available under the law. In excising material, please “black out” rather than “white out” or “cut out.”

Additionally, we are hereby requesting a waiver of all fees. JMP is a non-profit organization under the laws of the District of Columbia and has the ability to disseminate information on a wide scale. Stories concerning our activities have received prominent mention in many publications including, but not limited to, *Washington Post*, *Washington Times*, *St. Petersburg Tribune*, *San Diego Union Tribune*, *European Stars & Stripes*, *Christian Science Monitor*, *U.S. News and World Report*, *Mother Jones* and *Salon Magazine*. Our website, where much of the information received through our FOIA requests is or will be posted for all to review, can be accessed at <http://www.jamesmadisonproject.org>. Most prior requests submitted by our organization have received fee waivers.

There can be no question that the information sought would contribute to the public’s understanding of government operations or activities and is in the public interest. As this request is substantially related to the attached JMP recommendation regarding a CIA proposed rule, I will not go into detail regarding the specifics of the public interest, since they are discussed at length in the attached recommendation. In summary, knowledge of the CIA systems of records and organizational structure would facilitate the submission of clear, concise, and specific FOIA requests by those members of the public so inclined, thereby minimizing unnecessary work by the CIA FOIA analysts and reducing the backlog of FOIA requests that is cited so often as the reason for CIA’s inability to meet its statutory deadlines.

The CIA is required by law to respond to this request within 20 working days. Failure to timely comply may result in the filing of a civil action against the CIA in the United States District Court of appropriate jurisdiction.

We request that any documents or records produced in response to these requests be provided in electronic (soft-copy) form wherever possible. Acceptable formats are .pdf, .jpg, .gif, .tif. We do *not* authorize CIA to search only for records existing as of the date of your acceptance letter.

Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact my Director of FOIA Operations Kel McClanahan at

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Kel@JamesMadisonProject.org or 301-728-5908.

Please respond to this request by email to Kel@JamesMadisonProject.org or by fax to 240-681-2189. If postal correspondence is necessary, please have all return postal correspondence addressed specifically to the attention of Mark Zaid (not Kel McClanahan) to ensure proper delivery.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark S. Zaid for". The signature is fluid and cursive.

Mark S. Zaid
Executive Director

MSZ/km

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18 May 2008

Joseph W. Lambert
Director of Information Management Services
Central Intelligence Agency
Washington, DC 20505

Re: Comments on proposed changes to 32 C.F.R. § 1900

Dear Mr. Lambert:

In response to your proposed changes to the above Central Intelligence Agency (“CIA”) regulations published in the 17 April 2008 *Federal Register*, please accept the following three comments from the James Madison Project (“JMP”), a Washington, DC, non-profit organization established in 1998 to promote government accountability and the reduction of secrecy, as well as to educate the public on issues relating to intelligence and national security through means of research, advocacy and the dissemination of information.

In pursuit of its mission, JMP has filed numerous FOIA requests with the CIA and other federal agencies and engaged in administrative appeals and litigation where necessary. As such, we hope that our comments will allow for smoother handling of FOIA requests and fewer situations where administrative appeals or litigation will even be necessary.

- 1) One of the CIA’s stated intentions for proposing these changes was to “more clearly reflect the CIA’s organizational structure.” However, the primary problem related to the CIA’s organizational structure is that not enough is known about it outside of the CIA. According to § 1900.12 (including proposed revisions), “requesters are encouraged to be as specific as possible in describing the records they are seeking” so that “Agency professionals who are familiar with the subject area of the request are able, with a reasonable amount of effort, to determine which particular records are within the scope of the request.” Unfortunately, precious little is known about the CIA’s organizational structure, making it often difficult to specify the records one is seeking. Broad outlines of

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the CIA's organization, such as the organization chart located at <https://www.cia.gov/about-cia/leadership/cia-organization-chart.html> or brief discussions elsewhere on the CIA website, are not specific enough to be useful to most requesters. The ability to specifically request records of particular CIA offices and subdivisions, or even to recommend possible offices or subdivisions that might have generated the types of records sought, would allow requesters to be considerably more specific in their requests, thereby saving CIA FOIA analysts and attorneys significant time and unnecessary effort.

While some aspects of the CIA's organizational structure are understandably classified, there is little reason to withhold a more reasonably detailed organizational structure regarding unclassified CIA components, and much to be gained in the efficiency of the FOIA process (a case in point is the Medical and Psychological Analysis Center, a publicly disclosed and documented CIA component about which the CIA website contains no information, even regarding its parent Directorate). The recommended solution to this lack of information is the publication on the CIA website of a more detailed organization chart, as well as a mention of this chart on the page providing instructions for submitting FOIA requests, so that potential requesters may specify the probable locations of the records they are seeking.

- 2) Another of the CIA's stated intentions for proposing these changes was to "more clearly reflect the CIA's . . . record system configuration." However, as with the CIA's organizational structure discussed above, not enough is known about the CIA's FOIA record system configuration to be useful to most requesters. On the other hand, the CIA's Privacy Act record system configuration is exhaustively detailed in the 22 July 2005 *Federal Register*, and as such allows astute Privacy Act requesters to be highly specific in their requests. Therefore, the recommended solution to this lack of information is the initiation by the CIA of a zero-based, Agency-wide review of its Freedom of Information Act systems of records as was completed in 2005 with respect to the CIA's Privacy Act systems of records, culminating in the drafting and publication of a comparable set of Freedom of Information Act notices that would more accurately describe the records systems currently maintained by the Agency. As with the first comment, such a published set of notices would allow requesters to be considerably more specific in their requests, thereby saving CIA FOIA analysts and attorneys significant time and unnecessary effort.
- 3) Because most requesters are not professionals well-versed in FOIA or Privacy Act procedures, they rely on the guidance provided by the CIA FOIA/PA web page. For the most part, this guidance is admirably specific and well-written, but it suffers from the lack of inclusion of the Privacy Act system of records discussed in the second comment above. If the CIA does publish a FOIA system of records notice as suggested above, this system should be disclosed on the CIA FOIA/PA web page in the appropriate location. In the meantime, the Privacy Act system of records should be disclosed on the CIA

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FOIA/PA website in the appropriate location, so that lay requesters can use it to make more specific requests.

Thank you for the opportunity to submit these comments. If you wish to discuss these comments, please do not hesitate to contact Kel McClanahan at Kel@JamesMadisonProject.org or 301-728-5908.

Sincerely,

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Mark S. Zaid
Executive Director

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