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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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APPROVED FOR RELEASE
DATE: 07-Mar-2011

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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

Sincerely,



Mark S. Zaid
Executive Director

MSZ/km

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