

FREEDOM OF INFORMATION ACT APPEAL

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

September 8, 2014

Dear Ms. Meeks:

Thank you for the prompt response to my FOIA request number F-2014-01815. This letter serves as an appeal for the denial of my fee waiver request. However, in order to expedite processing of this request pending appeal, I am willing to pay \$50 beyond the two hours of free search time.

My fee waiver appears to have been denied on the basis that the information I seek is not in the public interest, but it absolutely is in the public interest to have a clearer understanding of the services Google provides to federal agencies. Google is a publicly traded company, with vast resources and reach into the daily lives of millions of people. Its stockholders, and the public at large, have an interest, and a right, to know more about how it contracts with the federal government. As taxpayers we all have an additional interest in learning about how our money is spent. The release of these contracts will help tear down the veil of public ignorance about what the US federal government is doing with one of the most used online services in the world.

I urge you to reconsider my request for a fee waiver and release the documents requested in the public interest. Thank you.

Sincerely,

Heather Akers-Healy

SEP 16 2014

On Aug. 25, 2014:

A letter stating the request for reduced or waived fees has been rejected.

On Aug. 11, 2014:

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information request, copied below, and originally submitted on June 14, 2014. Please let me know when I can expect to receive a response, or if further clarification is needed. You had assigned it reference number #F-2014-01815.

Thank you for your help.

On July 11, 2014:

This is response to a letter dated July 2, 2014 regarding FOIA request F-2014-01815. As you requested, to clarify, I would like correspondence and communications that are related to the contracts or agreements I requested. Please let me know if you have any questions or need further clarification.

Thank you.

Sincerely,
Heather Akers-Healy

On July 7, 2014:

An acknowledgement letter, stating the request is being processed.

On June 14, 2014:

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Contracts, agreements, purchase orders, and any correspondence or communications with Google Special Services, Inc. or Google Federal, including email. Their DUNS number is 965324705 and their CAGE code is 6MHC8. They are located at 1818 Library Street Ste. 400, Reston, Virginia, 20190.

I also request that, if appropriate, fees be waived as I am making this request in the public interest, and as a member of the news media. I have established a project at MuckRock looking into the activities of the NSA and other intelligence agencies. Despite the short time I have been making and publishing requests through MuckRock, this project has garnered international media attention and was written up in Forbes. (<http://www.forbes.com/sites/runasandvik/2013/11/26/illuminating-the-united-states-billion-dollar-intelligence-budget-project-spylighter-documents-surveillance-technology-used-by-the-nsa/>) The Forbes article was covered in several other media outlets, and even reported in Spanish. (<http://www.desdeabajo.info/actualidad/internacional/item/23165-spylighter-documenta-la-compra-de-tecnolog%C3%ADa-de-vigilancia-masiva-por-parte-de-la-nsa.html>) I have an ongoing relationship with Runa Sandvik, a well-known journalist and technologist who wrote the article at Forbes.

I have also written at other media outlets about documents received from previous FOIA requests (<http://>

www.occupy.com/article/why-we-need-whistleblowers).

All documents released to MuckRock are published on the MuckRock website. The documents are not merely posted, but analyzed by journalists at MuckRock and media outlets around the world. MuckRock has over 1,000 active users and tens of thousands of readers. An incomplete list of outlets reporting news broken at MuckRock can be found here:

https://pinboard.in/u:morisy/t:muckrock_press/

My first successful request to the NSA for contracts with Vupen was widely reported. There was significant interest in the fact that the NSA was purchasing exploits services from a foreign contractor. A few examples of press regarding that release are below:

Threatpost: <http://threatpost.com/nsa-bought-exploit-service-from-vupen-contract-shows>

Gawker: <http://gawker.com/nsa-paid-french-hackers-for-software-exploits-1341604032>

The Register: http://www.theregister.co.uk/2013/09/17/nsa_vupen/

Information Week: <http://www.informationweek.com/security/government/nsa-contracted-with-zero-day-vendor-vupe/240161389>

Computing: <http://www.computing.co.uk/ctg/news/2295155/nsa-bought-zero-day-vulnerabilities-from-security-company-vupen>

Slate: http://www.slate.com/blogs/future_tense/2013/09/17/

[nsa_paid_french_hacker_company_vupen_for_software_exploits.html](http://www.slate.com/blogs/future_tense/2013/09/17/nsa_paid_french_hacker_company_vupen_for_software_exploits.html)

RT: <http://rt.com/usa/nsa-vupen-exploit-hack-978/>

Mashable: <http://mashable.com/2013/09/17/nsa-french-hacking-tools-vupen/>

The Hacker News: <http://thehackernews.com/2013/09/nsa-bought-hacking-tools-from-vupen.html>

The Daily Dot: <http://www.dailydot.com/politics/nsa-malware-vupen/>

Spiegel: <http://www.spiegel.de/netzwelt/netzpolitik/nsa-kauft-infos-ueber-sicherheitsluecken-von-vupen-a-922765.html>

The information sought does contribute to the public understanding and is in the public interest. With the publishing of the Snowden materials and the surrounding media coverage, the past few months have demonstrated a significant increase in the public's interest in the activities of the NSA, the CIA, and other intelligence agencies. It benefits the public to understand how our money is being spent, and the relationship of agencies with their private contractors.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Heather Akers-Healy

Filed via MuckRock.com

E-mail (Preferred): 12154-98324197@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 12154

PO Box 55819

Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

Central Intelligence Agency



Washington, D.C. 20505

21 August 2014

Ms. Heather Akers-Healy
MuckRock News
DEPT MR 12154
P.O. Box 55819
Boston, MA 02205-5819

Reference: F-2014-01815

Dear Ms. Akers-Healy:

This acknowledges receipt of your 11 August 2014 letter regarding your 14 June 2014 Freedom of Information Act (FOIA) request for:

“Contracts, agreements, purchase orders, and any correspondence or communications with Google Special Services, Inc. or Google Federal, including email...”

Specifically, your letter is in response to our 2 July 2014 letter in which we asked you to clarify your request. You are now requesting contracts, agreements, purchase orders, and correspondence and communications that are related to Google Special Services, Inc. or Google Federal, including email. We can conduct a search on your modified request.

I must consider your request for a fee waiver under the standards the Agency FOIA regulations outline, which you will find at Part 1900 of Title 32 of the Code of Federal Regulations, and Department of Justice guidance. I have reviewed your request under those standards to determine “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.” Your request does not meet these standards because disclosing the information you seek is not “likely to contribute significantly to public understanding of the operations or activities of the United States Government.” I therefore deny your request for a fee waiver.

You may appeal this decision, in my care, within 45 days from the date of this letter. Should you choose to appeal the denial of your request for a fee waiver, you are encouraged to provide an explanation supporting your appeal. Agency regulations also specify that if the Agency has started to process a request, the Agency may only accept an appeal of a fee waiver denial if the requester agrees to be responsible for the costs in the event of an adverse administrative or judicial decision.

Based on the information provided in your letter, we determined that your request falls into the "all other" fee category, which may require you to pay charges to cover the cost of searching for and reproducing responsive records (if any) beyond the first 100 pages of reproduction and the first two hours of search time, which are free. Copies are ten cents per page.

Before we can begin processing your request, we must receive your commitment to pay all fees incurred under the conditions stated above. We will hold your request in abeyance for 45 days from the date of this letter pending your response.

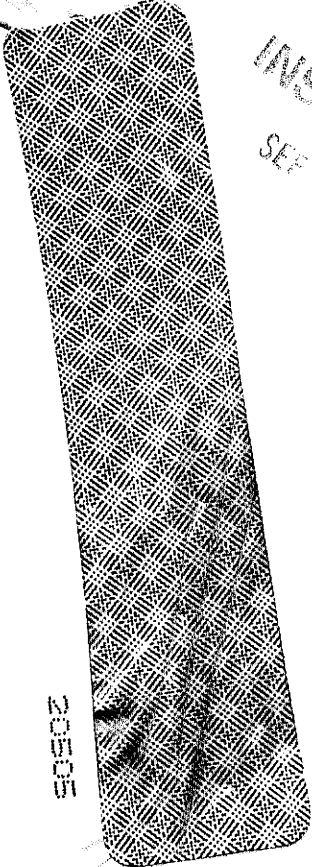
Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Meeks".

Michele Meeks
Information and Privacy Coordinator

MUCKROCK
P.O. BOX 55819 | Boston, MA 02205

INSPECTED
SEP 15 2014



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FOIA APPEAL

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