



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 100725
17 February 2017

SEAN DUNAGAN
425 THIRD STREET SW
SUITE 800
WASHINGTON DC 20024

Dear Mr. Dunagan:

Thank you for your Freedom of Information Act (FOIA) request letter of 25 January 2017, which we received on 1 February 2017 for records "regarding, concerning, or related to the investigation of retired Gen. Michael Flynn's communications with Russian Ambassador to the United States Sergey Kislyak between October 1, 2016 and the present." NSA has processed your request under the provisions of the FOIA. There are no assessable fees for this request. We have completed our review of your request and assigned it Case Number 100725. Please refer to this number should you need to contact us about this request.

To the extent that you are seeking records of an investigation, please be advised that the National Security Agency/Central Security Service (NSA/CSS) is not a law enforcement agency. As you may be aware, NSA/CSS is the nation's cryptologic organization, and we have a twofold mission. Our Information Assurance mission is to provide solutions, products, and services to protect U.S. information infrastructures critical to national security interests. In response to requirements set at the highest levels of government, our Signals Intelligence mission is to collect, process, and disseminate intelligence information from foreign signals for national foreign intelligence and counterintelligence purposes. Information responsive to this portion of your request does not fall within this Agency's Signals Intelligence mission or Information Assurance mission, such that a search for responsive records would not prove productive.

To the extent that you are seeking intelligence information that pertains to "Gen. Michael Flynn's communications with Russian Ambassador to the United States Sergey Kislyak," we must neither confirm nor deny the existence of such records. NSA collects and provides intelligence derived from foreign communications to policymakers, military commanders, and law enforcement officials. We do this to help these individuals protect the security of the United States, its allies, and their citizens from threats such as terrorism, weapons of mass destruction, foreign espionage, international organized crime, and other hostile activities. What we are authorized to do, and how we do it, is described in Executive Order 12333. Information about how NSA conducts signals intelligence activities is available on the websites of NSA (www.nsa.gov) and the Office of the Director of National Intelligence (www.dni.gov).

We have determined that the fact of the existence or non-existence of the intelligence information you request is a currently and properly classified matter in accordance with Executive Order 13526, as set forth in Subparagraph (c) of Section 1.4. Thus, your request is denied pursuant to the first exemption of the FOIA which provides that the FOIA does not apply to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign relations and are, in fact properly classified pursuant to such Executive Order.

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. The third exemption of the FOIA provides for the withholding of information specifically protected from disclosure by statute. Thus, your request is also denied because the fact of the existence or non-existence of the information is exempted from disclosure pursuant to the third exemption. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i); and Section 6, Public Law 86-36 (50 U.S. Code 3605).

You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below.

- The appeal request must be in writing and addressed to:

NSA/CSS FOIA/PA Appeal Authority (P132)
National Security Agency
9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

- It must be postmarked no later than 90 calendar days of the date of this letter. Decisions appealed after 90 days will not be addressed.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial of the requested information was unwarranted.
- NSA will endeavor to respond within 20 working days of receiving your appeal, absent any unusual circumstances.

You may also contact our FOIA Public Liaison at foialo@nsa.gov for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Rd- OGIS
College Park, MD 20740

ogis@nara.gov

(877)684-6448

(202)741-5770

Fax (202)741-5769

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Chapman". The signature is written in a cursive style with a large initial "J" and "C".

JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority