



United States Department of State

Washington, D.C. 20520

March 17, 2016

Case No. F-2015-05028

Kate Bailey
Judicial Watch
425 Third Street, SW, Suite 800
Washington, DC 20024

Dear Ms. Bailey:

I refer to our letter dated February 5, 2016, regarding the release of certain Department of State records under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552.

The review of the records retrieved from the Bureau of Diplomatic Security has been completed. After consulting with other U.S. Government agencies, we have determined that five may be released in part and one must be withheld in full.

The search of the records of the Office of the Executive Secretariat ("S/ES") has been completed and has resulted in the retrieval of one document responsive to your request. After reviewing this document, we have determined that it may be released in part.

Where we have made excisions, the applicable exemptions are marked on the document. All non-exempt material that is reasonably segregable from the exempt material has been released. The document withheld in full was withheld under FOIA Exemptions 1 and 3, 5 U.S.C. § 552(b)(1) and (b)(3). All released material is enclosed. An enclosure explains the FOIA exemptions and other grounds for withholding material.

If you have any questions, your attorney may contact Marsha Edney, Trial Attorney, at (202) 514-4520 or Marsha.Edney@usdoj.gov. Please refer to the case number, F-2015-05028, and the civil action number, 15-cv-00646, in all correspondence about this case.

Sincerely,

John F. Hackett, Director
Office of Information Programs and Services

Enclosures: As stated

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Withholding specifically authorized under an Executive Order in the interest of national defense or foreign policy, and properly classified. E.O. 12958, as amended, includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Information on weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- ARMEX Arms Export Control Act, 22 USC 2778(e)
 - CIA Central Intelligence Agency Act of 1949, 50 USC 403(g)
 - EXPORT Export Administration Act of 1979, 50 App. USC 2411(c)(1)
 - FSA Foreign Service Act of 1980, 22 USC 4003 & 4004
 - INA Immigration and Nationality Act, 8 USC 1202(f)
 - IRAN Iran Claims Settlement Act, Sec 505, 50 USC 1701, note
- (b)(4) Privileged/confidential trade secrets, commercial or financial information from a person
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Information that would constitute a clearly unwarranted invasion of personal privacy
- (b)(7) Information compiled for law enforcement purposes that would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

- NR Material not responsive to a FOIA request, excised with the agreement of the requester

Obtained by Judicial Watch, Inc. via FOIA

From: H <hdr22@clintonemail.com>
Sent: Friday, February 13, 2009 12:33 PM
To: Mills, Cheryl D <MillsCD@state.gov>
Subject: Re: Update

RELEASE IN PART B3 NATL
SEC AGENCY

That's good news.

From: "Mills, Cheryl D"
Date: Fri, 13 Feb 2009 11:42:37 -0500
To: <hdr22@clintonemail.com>
Subject: FW: Update

HRC:

See below.

Remind me to discuss with you, particularly should they pull this off.

B3 NATL SEC AGENCY

In meeting with the NSA person today ([redacted] NSA's rep to DOS) – she indicated they could address our BB so that BB could work in the sciff and be secure based upon some modifications that could be done to each BB (more below).

cdm

From: [redacted]
Sent: Friday, February 13, 2009 11:08 AM
To: Mills, Cheryl D
Cc: McLean, Lori A; [redacted]
Subject: Update

B3 NATL SEC AGENCY

B3 NATL SEC AGENCY

Cheryl,

–Debbie Plunkett, D/Chief of our Information Assurance Directorate, is personally assembling a knowledgeable team to work with you and other members of your staff to move forward on your Blackberry requirement. She will engage State's CIO and DS/comms security folks to ensure everyone is aware of the art of the possible. She asked me to provide dates/times when you may be available to meet – I will ask my Executive Assistant, [redacted] to work with Lori to make this happen. *I am confident we can get to YES on this!*

B3 NATL SEC AGENCY

–The reports we discussed are at a higher level than can be forwarded on the high side, so *we will deliver them to your office today* (our reporting staff is retrieving them now).

Thank you so much for making the time for Dick and me today. All the best [redacted]

B3 NATL SEC AGENCY

Obtained by Judicial Watch, Inc. via FOIA

B7(C)
B6

Classified by DAS, A/GIS, DoS on 03/17/2016 ~ Class:
CONFIDENTIAL ~ Reason: B1 1.4 (g) ~ Declassify on: 03/16/2034

From: [redacted]
Sent: Wednesday, March 18, 2009 5:19 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Mtg w/NSA

Release in Part
(b)(6), (b)(7)(c),
b7e,

B7(C) 1.4(G)
B1
B7(E)

The meeting is in [redacted]

B7(C)

From: [redacted]
Sent: Wednesday, March 18, 2009 1:18 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Mtg w/NSA

B7(C)

B7(C)

Hi [redacted]

B7(C)

I will be sitting in for [redacted] Is the meeting still scheduled for tomorrow (3/19) at 2pm in the [redacted] ? Thanks:

B7(C)

1.4(G)
B1
B7(E)

B7(C)

From: [redacted]
Sent: Monday, March 16, 2009 6:09 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Mtg w/NSA

B7(C)

1.4(G)
B1
B7(E)

NSA responded [redacted] It is available at 2:00 PM. I'll know tomorrow if that time is agreeable with NS and I'll confirm with everyone. [redacted] I know that's a conflict for you but you'll need to send a designee. Thanks.

B7(C)

From: [redacted]
Sent: Monday, March 16, 2009 10:14 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Mtg w/NSA

B7(C)

B7(C)

Day/time is fine for me, thanks [redacted]

B7(C)

B7(C)

From: [redacted]
Sent: Friday, March 13, 2009 6:15 PM
To: [redacted]
Cc: [redacted]

B7(C)

B7(C)

DS 52

Obtained by Judicial Watch, Inc. via FOIA

Subject: Mtg w/NSA
Importance: High

B7(C)

[redacted] of NSA has scheduled a meeting with us for next Thursday afternoon, 1:30 PM, to discuss BBs for the Secretary. I've tentatively scheduled my conference room, SA-20, 13th floor, for the meeting but asked him if [redacted] was necessary. If so, I'll find one. If this date/time cannot work for you or your designee please advise. Thanks. [redacted] was B7(E)

B7(C)

Obtained by Judicial Watch, Inc. via FOIA

[Redacted]

B7(C)

From: [Redacted]
Sent: Wednesday, March 18, 2009, 12:34 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Mtg w/NSA

B7(C)

B7(C)

B3 NATL SEC AGENCY

B7(E)
B1
1.4(G)

Good afternoon all: The meeting is scheduled for Thursday at 2:00 [Redacted]

From: [Redacted]
Sent: Monday, March 16, 2009 6:09 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Mtg w/NSA

B7(C)

B7(C)

B7(E)

NSA responded [Redacted] PM. I'll know tomorrow if that time is agreeable with NS and I'll confirm with everyone. [Redacted] for you but you'll need to send a designee. Thanks

It is available at 2:00 B1
I know that's a conflict 1.4(G)

B7(C)

From: [Redacted]
Sent: Friday, March 13, 2009 6:15 PM
To: [Redacted]
Cc: [Redacted]
Subject: Mtg w/NSA
Importance: High

B7(C)

B7(C)

B7(C)

[Redacted] of NSA has scheduled a meeting with us for next Thursday afternoon, 1:30 PM, to discuss BBs for the Secretary. I've tentatively scheduled my conference room, SA-20, 13th floor, for the meeting but asked him if [Redacted] was necessary. If so, I'll find one. If this date/time cannot work for you or your designee please advise. Thanks [Redacted]

B7(E)

(b)(3) P.L. 86-36

B7(C)

Release in Part
(b)(7)(e), (b)(7)(c),
(b)(3)-P.L.86-36

Classification Extended on : 03/17/2016 ~ Class: NO
CLASSIFICATION MARKED ~ Authority: DSCG 11-1 ~ Declassify on:

12562

Obtained by Judicial Watch, Inc. via FOIA

[Redacted]

B7(C)

From: [Redacted]
 Sent: Friday, February 20, 2009 3:34 PM
 To: [Redacted]
 Subject: FW: SECRET ATTACHED - Blackberry Documents
 Attachments: Document.pdf; SECRET ATTACHED
 Importance: High

Release in Part (b)(5), (b)7(c)

B7(C)

B7(C)

Here is the follow-up paper that says they can modify six devices (second attachment). Please review and let's discuss as soon as possible. I have an outstanding question [Redacted] on whether there's a cost attached to this. Please disregard the email sent at 3:24 PM without the second attachment which I'm trying to recall. [Redacted]

B5

B7(C)

From: [Redacted]
 Sent: Friday, February 20, 2009 11:55 AM
 To: [Redacted]
 Subject: FW: SECRET ATTACHED - Blackberry Documents
 Importance: High

B7(C)

B7(C)

Attached is the white paper I received this morning [Redacted] and the email strings between [Redacted] and others in NSA regarding this subject. [Redacted] advised in a telecon I had with him that another paper is forthcoming that will cover what he's provided and maybe a little more. I asked if cost is going to be addressed. He doesn't know. I responded to [Redacted] email that the Secretary returns Sunday from her trip, that Pat Donovan tasked us with a memo that he wanted by today and that we finished last night and that it outlines the vulnerabilities and risks of BB use inside and outside a SCIF (because they're essentially the same) and concludes with our collaboration with NSA to seek an acceptable solution for their desired BB use. I also asked if the forthcoming paper is going to include an estimated timeline and cost for modification of devices. So I'll let you know what I get back. I don't think there's anything here that needs to be included in our current draft memo, but please review and see what you think. Thanks. [Redacted]

B7(C)

B7(C)

B7(C)

B7(C)

0,70

Obtained by Judicial Watch, Inc. via FOIA

B7(C)

From: [redacted]
Sent: Friday, February 20, 2009 10:59 AM
To: [redacted]
Subject: RE: Draft Memo from DS to S - Mills

Release in Part (b)(5), (b)(7)(c), (b)(3)
P.L. 86-36

B7(C)

B7(C)

B3 NATL SEC AGENCY

Thanks I've received a paper (Secret) from [redacted] that I'll have scanned in on this system and provide to both of you along with several emails from NSA. [redacted] advised they have another paper coming to us that's going up their chain for clearance. He indicated it will cover most of what he's provided. I asked if cost is going to be addressed and he doesn't know. Anyway, I'll have what I've received so far to you shortly.

From: [redacted]
Sent: Friday, February 20, 2009 10:40 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Draft Memo from DS to S - Mills

B7(C)

B7(C)

Memo looks great, you have my clearance. Checking on needed Classification info. [redacted]

B7(C)

From: [redacted]
Sent: Thursday, February 19, 2009 6:38 PM
To: [redacted]
Cc: [redacted]
Subject: FW: Draft Memo from DS to S - Mills

B7(C)

B7(C)

I forgot to add that I need you to determine what the classification reason and declassify date are [redacted]. Thanks. I'll fix the headers and footers (SECRET/NOFORN) before it goes up to Pat. [redacted]

B5

B7(C)

From: [redacted]
Sent: Thursday, February 19, 2009 6:30 PM
To: [redacted]
Cc: [redacted]
Subject: Draft Memo from DS to S - Mills
Importance: High

B7(C)

B7(C)

Attached is the draft memo I've prepared for your edits. [redacted] - thank you for your piece. [redacted]

B7(C)

B5

[redacted] Please make any edits as you see fit. I've listed [redacted] as clearances, but I'm not clear if Pat needs/wants that - what do you think [redacted]

B7(C)

B3 NATL SEC AGENCY
B5

REVIEW AUTHORITY: Barbara Nielsen,
Senior Reviewer

DS 76

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B7(C)

From: [redacted]
Sent: Friday, February 13, 2009 4:04 PM
To: [redacted]
Cc: [redacted]
Subject: FW: URGENT: Meeting with Cheryl Mills Tuesday

B7(C)

B7(C)

Release in Part,
(b)(7)(c), (b)(3)-P.L. 86-36

[redacted] have something prepared and stand by to hear from [redacted] if your participation is required.

B7(C)

[redacted]
*Director
Countermeasures Programs Division
DS/ST/CMP*

B7(C)

B7(C)

REVIEW
AUTHORITY:
Barbara
Nielsen,
Senior
Reviewer

From: [redacted]
Sent: Friday, February 13, 2009 3:56 PM
To: Starr, Greg; Donovan, Patrick D
Cc: [redacted]
Subject: FW: URGENT: Meeting with Cheryl Mills Tuesday

B3 NATL SEC AGENCY

B7(C)

Amazing...

From: [redacted]
Sent: Friday, February 13, 2009 3:29 PM
To: Boswell, Eric J; Reid, Donald R; [redacted]
Cc: [redacted]
Subject: URGENT: Meeting with Cheryl Mills Tuesday

B3 NATL SEC AGENCY

B7(C)

Classification: SECRET

B3 NATL SEC AGENCY

Good afternoon -

BLUF: NSA/IAD seniors will be meeting with Ms. Mills Tuesday on Blackberry vulnerabilities and the range of mitigation options based on a request she made of me this morning. I want to ensure that you have the opportunity to attend, or to send your experts, to join the discussion and hear firsthand what the options are:

Date: Tuesday, 27 February 2009

Time: 1400

Place: The Secretary's Conference Room

POCs: Lori McLean (for Chief of Staff); [redacted] for NCR State/NSA)

B3 NATL SEC AGENCY

Background: I believe IAD was to have coordinated with you, but things have been developing quickly (as they always do on the Friday before a long weekend!) and I did NOT want to assume that you had been informed of the meeting and that you had been invited to participate, as is both desired and appropriate. If this IS first heard for you, please be assured that it was NOT intentional, but more along the line of "fog of battle" or "too many cooks..."

I apologize up front for inadvertently forcing the issue. I met with Ms. Mills this morning to introduce myself and was immediately questioned about the "art of the possible" re: the Blackberries. NSA is fully prepared to brief on the

DSBS

Obtained by Judicial Watch, Inc. via FOIA

vuinerabilities; to make sure they understand fully the requirement (which was stated to me as needing to use the Blackberries in the Secretary's Suite at the unclassified level for scheduling/emailing etc. and possibly also for voice); and to discuss/offer mitigations that would enable resolution of the requirement.

B3 NATL SEC AGENCY

[redacted] and [redacted] have been charged by Debbie Plunkett (D/IAD) to lead the briefing team. Please do not hesitate to contact them, or me, to help shape the agenda, ask questions, etc. Their phone numbers are [redacted]

B3 NATL SEC AGENCY

I would greatly appreciate your letting [redacted] (cc'ed on this note) know who will attend from the CIO and DS offices so that she can advise Lori McLean prior to the session.

Thank you for working with me on this. [redacted]

B3 NATL SEC AGENCY

[redacted]
Senior NSA Liaison Representative, U.S. State Department
[redacted] commercial [redacted]

B3 NATL SEC AGENCY

B3 NATL SEC AGENCY