



U.S. Department of Justice

National Security Division

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Washington, D.C. 20530

William Marshall  
425 Third St., SW, Suite 800  
Washington, DC 20024  
[bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org)

Re: FOIA/PA # 18-221

18 June 2018

Dear Mr. Marshall:

This is our final response to your FOIA (FOIA)/Privacy Act (PA) request dated February 16, 2018 requesting, "[a]ny and all transcripts of hearings before the Foreign Intelligence Surveillance Court regarding applications for or renewals of Foreign Intelligence Surveillance Act ("FISA") warrants relating to Carter Page and/or Michael Flynn." Our FOIA office received your Freedom of Information request on June 1, 2018.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

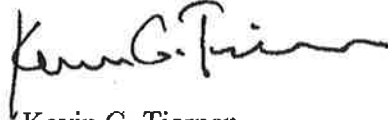
The National Security Division (NSD) maintains operational files which document requests to and approvals from the Foreign Intelligence Surveillance Court of authority for the U.S. Intelligence Community to conduct certain foreign intelligence activities.

We do not search these records in response to requests regarding the use or non-use of such techniques in cases where the confirmation or denial of the existence of responsive records would, in and of itself, reveal information properly classified under Executive Order 13526. To confirm or deny the existence of such materials in each case would tend to reveal properly classified information regarding whether particular surveillance techniques have or have not been used by the U.S. Intelligence Community. Accordingly, with respect to your request relating to Michael Flynn, we can neither confirm nor deny the existence of records in these files responsive to your request pursuant to 5 U.S.C. 552(b)(1).

Based on declassification decisions by the President and the Intelligence Community, however, we are able to respond to your request relating to Carter Page. A search of NSD's records did not identify any records responsive to your request.

As this request is in litigation, we are omitting our standard administrative appeal paragraph.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin G. Tiernan". The signature is written in a cursive style with a prominent initial "K" and a long, sweeping underline.

Kevin G. Tiernan  
Records and FOIA Unit