

[Redacted]

From: [Redacted]
Sent: Monday, May 22, 2017 9:54 AM
To: [Redacted]
Cc: Desio Loretta [Redacted]
Subject: FW: OC&PA meeting with IMSO --- UNCLASSIFIED
Attachments: FOIA overview briefing for OCPA_v2.pptx

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FYI [Redacted].. (also, I saved the FOIA overview briefing in the PAS FOIA shared folder)

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From: [Redacted]
Sent: Thursday, May 18, 2017 3:25 PM
To: [Redacted]
USA GOV
Cc: Cameresi Patty [Redacted]
Subject: OC&PA meeting with IMSO --- UNCLASSIFIED

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It was very nice to meet with you today to discuss posting the FOIA releases to the NRO.gov site. I have attached the slides for you to use as background material. As discussed, we are not doing anything above and beyond what some agencies already do to date. This also aligns with the Intelligence Transparency Council that NRO participates in.

We will prepare a note for [Redacted] and yourself that will explain what we have done to date (posted FY17 Q1) and what the plans are for moving forward with future quarterly releases as well as the FY16, FY15 and FY14 collections. We will also include a blurb on [Redacted]

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We are not under any specific timeline to post the FY16, FY15, and FY14. We do plan to post FY17 Q2 in early July. Before we post anything, we will provide background and indexes of what is in each group for awareness to all of our seniors. We will also look thru the collections to determine if there is anything of interest that OPA could tweet about that would be a good news story.

We have proactively worked with OPA to ensure that we are providing OPA with the information and tools necessary for OPA to more easily understand what we are releasing via FOIA. [redacted] and myself continue to work together to ensure (b)(3) your resources are not heavily impacted by FOIA, as they may have been in the past.

I look forward to working closely with your office on the re-design on the website. As soon as the [redacted] display is (b)(3) complete in the Record Center, I will let you know, so you can come see it.

[redacted] I look forward to partnering with (b)(6) you.

Thank you

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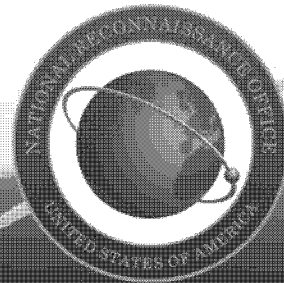
NATIONAL RECONNAISSANCE OFFICE

Information Disclosure Laws, Guidance and Initiatives Affecting the NRO

Information Review and Release

COMM/IMSO

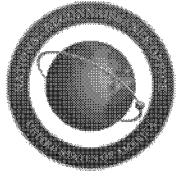
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FOIA Improvement Act of 2016



- + The FOIA Improvement Act of 2016 requires that agencies establish procedures for identifying records of general interest or use to the public and for posting them in a **publicly accessible electronic format**

- + DoJ drafted the direction that all agencies should implement the “release to all” presumption
 - This was based on 2015 Presidential and Attorney General memoranda and previous DoJ guidance on proactive disclosures, and was to be published in January 2017 (but currently remains in draft)
 - There were seven pilot agencies (including the DNI) who post all FOIA items to their websites – DNI/CIA and several non IC DOD agencies; NGA would if they did not have technical issues
 - In reaction to the 2015 memos, and in keeping with DoD and ODNI guidance, IMSO/IRRG began readying records for posting in late 2015
 - We prepared collections from 2014 (our oldest collection available electronically), 2015 and 2016, and hoped to post all prior to original 2017 deadline, but budget issues and other priorities prevented it

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FOIA Improvement Act of 2016



Chief FOIA Officers (CFO) Council meetings

- DOD's Chief FOIA Officer attends the Chief FOIA Officers (CFO) council meetings and provides guidance for the NRO FOIA program
- At the last CFO Council meeting discussions about the "release to one is a release to all" policy was held.
- A questionnaire to all agency CFOs seeking their feedback on the feasibility, timeline, and any other concerns associated with implementing a "release to one is a release to all" policy.
- CFO Chair - Director Pustay summarized agency responses to the questionnaire, which overall indicated that many agencies could begin implementing such a policy within 60 days of January 1, 2017 with most agencies preferring an incremental approach to full implementation.

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IC Openness & Transparency Initiatives

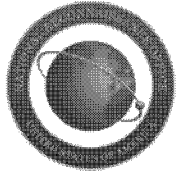
- + In late 2015, the ODNI established a Intelligence Transparency Council--an interagency body with at least one representative from all 17 IC departments and agencies--which formalized a predictable and resilient transparency policy framework within the IC.
 - NRO has a transparency officer
- + Goal of the Council is to put forth an IC-wide strategy of proactive transparency and provides specific initiatives for IC elements to undertake in establishing sustainable transparency practices (as detailed in the IC Transparency Implementation Plan).
- + NRO reported its Sunshine Week discretionary release and its "FOIA For All" initiative to the Council as completed NRO initiatives last month

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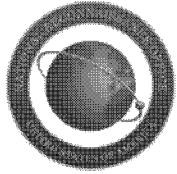
- + FOIA requesters may have posted the documents that they have received via FOIA on the internet
- + Case Logs for FY14 and 15 have been posted in response to a FOIA request from Q1 in FY17. We will soon post 2016 and 2017.

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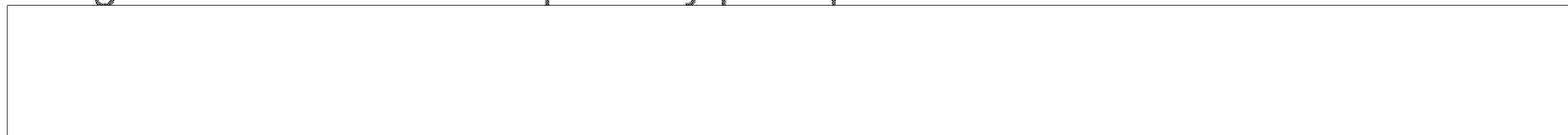


FOIA Improvement Act of 2016



Ensuring that all previous releases are posted electronically:

- Will contribute to greater processing efficiency
- The NRO **has already announced** its “FOIA for All” initiative on the NRO public website
- The NRO is a member of the ITC and **has agreed to** support the IC Transparency Implementation Plan
- Complies with the “release to all” presumption and DoD and ODNI guidance and IC transparency principles



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- Provides a simple means of compliance with the FOIA Improvement Act of 2016; and
- Would enhance the public’s perception of the NRO as an open and transparent organization (to the extent possible)
- NRO FOIA program has the reputation of being one of the best FOIA programs in the Government

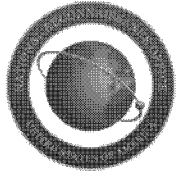
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Freedom of Information Act (FOIA)



- + The Freedom of Information Act (FOIA) is a law that allows the public (including non-citizens) to request access to government records
- + Only information that is covered by specific FOIA exemptions may be protected; segregable non-exempt information in classified documents must be released
- + Failure to comply with the law may result in litigation or sanctions
- + Failure to prevail in court results in legal fees, fines or penalties that may come directly out of the equity-holding D/O mission budget

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Privacy Act (PA)

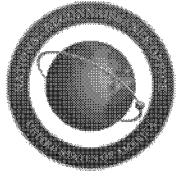


- + The Privacy Act of 1974 entitles and individual access to records held by agencies that are indexed to his/her own name
- + Again, only information covered by specific exemptions may be withheld from disclosure
- + These records are released **only to the requester** (or the requester's official agent, e.g., his/her lawyer) and not posted to the website

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Executive Order 13526

- + E.O. 13526 allows US citizens to request a Mandatory Declassification Review (applies to **classified** information only)
- + Failure to process these requests to the requester's satisfaction may result in the requester filing an appeal with the Interagency Security Classification Appeals Panel (ISCAP)
 - If any agency determination is found to be in error (in the Panel's opinion) the Panel may reverse that determination; the agency must then appeal to the President to change the Panel's determination
- + The E.O. also stipulates the Automatic Declassification of records that reach 25 years old *unless* they have been reviewed and found to be covered by specific exemptions
- + The E.O. further requires that each agency pursue a Systematic Declassification Review program
 - Historically significant records
 - Selected at the discretion of each agency

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