

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JAMES MADISON PROJECT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:08-cv-00708 (JR)
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____	)	

SECOND DECLARATION OF DELORES M. NELSON  
INFORMATION AND PRIVACY COORDINATOR  
CENTRAL INTELLIGENCE AGENCY

I, DELORES M. NELSON, hereby declare and say:

1. I am the Chief of the Public Information Programs Division (PIPD), Information Review and Release Group (IRRG), Information Management Services (IMS), Office of the Chief Information Officer (CIO), Central Intelligence Agency (CIA). I hereby incorporate by reference my prior declaration in this case, dated 14 July 2008. I make this second declaration in support of the CIA's Reply to Plaintiff's Opposition to the CIA's Motion for Summary Judgment.

2. The purpose of this second declaration is to provide additional information about the CIA's search for records in response to Plaintiff's Freedom of Information Act (FOIA)

request. By letter dated 18 October 2007, Plaintiff submitted a FOIA request to the CIA for the following records:

"copies of all internal Central Intelligence Agency ("CIA") documents pertaining to discussions *concerning the decision to initiate an internal review* of the operations of the CIA's Inspector General ("IG"), John Helgerson, and of the IG's Office as a whole." (Emphasis added).

A true and correct copy of Plaintiff's 18 October 2007 letter is attached as Exhibit A hereto. Based on the extremely narrow focus of this request--information "concerning the decision to *initiate an internal review*" of the IG and the IG's Office as a whole--the CIA searched for records that would have pre-dated the announcement of the review of the IG's office. Because Plaintiff's request was so narrow, the CIA did not search for records that would have been produced during the review of the IG, or the office as a whole.

3. The CIA's search for records included all components where records concerning "the decision to initiate" a review of the IG and the IG's office as a whole might reasonably be located. CIA IMS professionals determined that the Director of Central Intelligence Agency (DCIA) area was the only part of the CIA reasonably likely to have records responsive to Plaintiff's request because the Director of the CIA decided to initiate the review and the Office of the DCIA carried out the review of the IG. Because the other directorates of the CIA--the National Clandestine Service (NCS), the Directorate of Support (DS), the

Directorate of Intelligence (DI), and the Directorate of Science and Technology (DS&T)--were not involved in the decision to initiate the internal review, CIA IMS professionals determined that these directorates would not be reasonably likely to have records responsive to Plaintiff's request. The DCIA Area, which includes the DCIA Action Center (DAC) and the independent offices of the Office of Inspector General (OIG), the Office of General Counsel (OGC), and the Office of Public Affairs (OPA), were all tasked to search for records in response to Plaintiff's request.

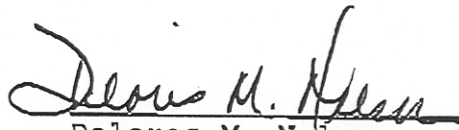
4. The CIA searched for records in existence as of the date of the acceptance letter sent to Plaintiff. A true and exact copy of the CIA's 5 November 2007 letter is attached as Exhibit B hereto. The DCIA area was tasked with searching for documents in response to Plaintiff's FOIA request on 9 November 2007. Thus, because searches were undertaken in response to Plaintiff's request so soon after the date of the acceptance letter, the CIA determined that this would be a reasonable cut-off date in terms of providing a temporal limit to the search for responsive records. Furthermore, because Plaintiff's request sought records that concerned the decision to initiate an internal review of the IG and the IG's office as a whole, this cut-off date was more than reasonable, because it post-dates the decision to conduct the internal review.

5. Finally, Plaintiff asserts that it can identify, based on the CIA Act of 1949, 50 U.S.C. § 403, records that the CIA was obligated to create that would be responsive to Plaintiff's request.<sup>1</sup> While the IG's Office is obligated to meet certain reporting requirements under the CIA Act, the CIA did not search for any IG reporting relating to the internal review of the IG's Office simply because these documents would not be responsive to Plaintiff's request. Any documentation relating to the IG Office's compliance with the internal review would not be responsive to a request for records relating to the decision to initiate the internal review of the IG and the IG's office as a whole.

\* \* \* \*

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 26<sup>th</sup> day of August, 2008.



Delores M. Nelson  
Information and Privacy Coordinator  
Central Intelligence Agency

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<sup>1</sup> See Plaintiff's Opposition at pp. 12-15.