

[REDACTED]  
[REDACTED]  
October 23, 2013

**National Security Agency**  
Attn: FOIA/PA Office (DJ4)  
9800 Savage Road, Suite 6248  
Ft. George G. Meade, MD 20755-6248

Dear NSA FOIA/PA Office:

This is a Privacy Act request, as described in [http://www.nsa.gov/public\\_info/foia/submit\\_privacy\\_act\\_request/index.shtml](http://www.nsa.gov/public_info/foia/submit_privacy_act_request/index.shtml).

Full name: Stephen A. Revilak  
Company/Organization: Not applicable to this request  
Address: [REDACTED]  
City: [REDACTED]  
State: [REDACTED]  
Zip Code: [REDACTED]  
Country: United States  
Home Phone: [REDACTED]  
Work Phone: Not applicable to this request  
SSN: Not applicable to this request

Description of the records you seek:

I am seeking a list of all phone calls made from number [REDACTED] [REDACTED] is my home phone number, Verizon provides my phone service, and I am aware that Verizon has received national security letters compelling the company to provide

“telephony metadata” created by Verizon for communications (i) between the United States and abroad; or, (ii) wholly within the United States, including local telephone calls.<sup>1</sup>

I am seeing a copy of said “telephony metadata”, where the call originated from [REDACTED]

I would prefer to receive these records in electronic form (e.g., as a character-delimited file on a CD).

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<sup>1</sup>The quoted text comes from the document at <https://www.documentcloud.org/documents/709012-verizon.html>, which was published by the Guardian newspaper in June 2013.

I am willing to pay up \$100 for the processing of this request. Please inform me if the estimated fees will exceed this limit before processing my request.

I am seeking information for personal use and not for commercial use.

Thank you for your time and attention.

Sincerely,

Stephen A. Revilak



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

FOIA Case: 75473  
21 November 2013

Mr. Stephen A. Revilak  
[REDACTED]  
[REDACTED]

Dear Mr. Revilak:

This responds to your Freedom of Information Act (FOIA) request of 23 October 2013, which was received by this office on 4 November 2013, for a list of phone calls made from your home phone number, [REDACTED]. A copy of your request is enclosed. Your letter has been assigned Case Number 75473. Please refer to this case number when contacting us about your request. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. There are no assessable fees for this request. Your request has been processed under the provisions of the FOIA.

You may be aware that one of the NSA/CSS missions is to collect, process, and disseminate communications or signals intelligence information for intelligence and counter intelligence purposes. NSA is authorized to engage in these activities in order to prevent and protect against terrorist attacks, the proliferation of weapons of mass destruction, intelligence activities directed against the United States, international criminal drug activities, and other hostile activities directed against the United States. The roles and responsibilities that NSA exercises are delineated in Executive Order 12333, as amended.

As you may also be aware, there has been considerable coverage of two NSA intelligence programs in the press/media. Under Sec. 215 of the USA PATRIOT Act, as authorized by the Foreign Intelligence Surveillance Court ("FISC"), NSA may acquire telephone metadata, such as the telephone numbers dialed and length of calls, but not the content of calls or the names of the communicants. Under Sec. 702 of the FISA, with appropriate authorization, NSA may target non-U.S. persons reasonably believed to be located outside the United States for foreign intelligence purposes. Under the FISC-authorized Sec. 215 authority, NSA cannot review any metadata unless strict

requirements are met, i.e., the data may be queried only when there is a reasonable suspicion, based on specific facts, that a phone number is associated with a foreign terrorist organization. Likewise, under Sec. 702, there are strict controls approved by the FISC to help ensure that no U.S. person is targeted and FISC-approved minimizations procedures to ensure the protection of any information concerning U.S. persons that may be incidentally acquired.

Although these two programs have been publicly acknowledged, details about them remain classified and/or protected from release by statutes to prevent harm to the national security of the United States. To the extent that your request seeks any information on your telephone activity in relation to NSA intelligence programs, or in relation to any specific methods or means for conducting the programs, we cannot acknowledge the existence or non-existence of such information. Any positive or negative response on a request-by-request basis would allow our adversaries to accumulate information and draw conclusions about NSA's technical capabilities, sources, and methods. Our adversaries are likely to evaluate all public responses related to these programs. Were we to provide positive or negative responses to requests such as yours, our adversaries' compilation of the information provided would reasonably be expected to cause exceptionally grave damage to the national security.

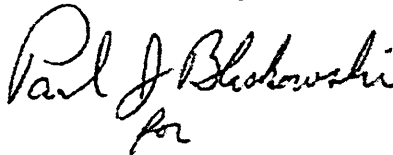
Therefore, your request is denied because the fact of the existence or non-existence of responsive records is a currently and properly classified matter in accordance with Executive Order 13526, as set forth in Subparagraph (c) of Section 1.4. Thus, your request is denied pursuant to the first exemption 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 properly classified pursuant to such Executive Order.

Moreover, 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) (formerly Title 50 U.S. Code 403-1(i)); and Section 6, Public Law 86-36 (50 U.S. Code 3605, formerly 50 U.S. Code 402 note).

The Initial Denial Authority for NSA information is the Associate Director for Policy and Records, David J. Sherman. As your request is being denied, you are hereby advised of this Agency's appeal procedures. Any person denied

access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days of the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the adverse determination and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes that the determination is unwarranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Sincerely,

A handwritten signature in cursive script, reading "Paul J. Blaskowski". Below the signature is a small, handwritten word, possibly "for".

PAMELA N. PHILLIPS  
Chief  
FOIA/PA Office

Encl:  
a/s

[REDACTED]  
[REDACTED]  
January 5, 2014

**NSA/CSS FOIA Appeal Authority (DJ4)**

National Security Agency  
9800 Savage Road STE 6248  
Fort George G. Meade, MD 20755-6248.

Dear NSA/CSS FOIA Appeal Authority:

I am writing in regards to FOIA request case number 75473, in which I requested telephony metadata for calls originating from [REDACTED] my Verizon-provided home telephone number. The NSA responded on November 21, 2013, denying my request. I disagree with the reasons given for denial, and wish to file an appeal.

NSA's letter cited three statutes as the basis for my denial: Title 18 U.S. Code 798, Title 50 U.S. Code 3024(i), 50 U.S. Code 3605. I am appealing the denial because I believe that none of the cited statutes applies to my request.

50 U.S. Code 3605 deals with "disclosure of the organization or any function of the National Security Agency, or any information with respect to the activities thereof, or of the names, titles, salaries, or number of the persons employed by such agency." My request involve my personal telephony metadata – it does not involve the organization of the National Security Agency; nor does it involve the names, titles, salaries, or number of persons employed by the agency. Furthermore, my request was strictly limited to data already collected – I have not requested details of the NSA's functions or activities. As the original denial letter notes, the Agency's functions and activities have been widely reported by the press and media; I will note that the press and media reporting has made extensive use of primary source documents.

Title 50 U.S. Code 3024(i) deals with the "Protection of intelligence sources and methods" [...] "from unauthorized disclosure". I have requested a copy of telephony metadata collected from my home phone number; I have not requested any information regarding the source of that data, nor have I requested information about how the data was obtained.

Title 18 U.S. Code 798 deals with

classified information [...]

(1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or

(2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or

(3) concerning the communication intelligence activities of the United States or any foreign government; or

(4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes

I believe that (1) does not apply, since my personal telephony metadata is not a “code, cypher, or cryptographic system”. I believe that (2) does not apply because my personal telephony metadata is not a “device, apparatus, or appliance”. I believe that (3) does not apply because I have requested telephony metadata, and not information about the activities that led to its collection. (As before, said activities have been widely reported in the media, to the point where they could be considered common public knowledge.) I believe that (4) does not apply because my personal telephony metadata does not include “the communications of any foreign government”.

Furthermore, I believe that my FOIA request falls squarely in scope of the Privacy Act of 1974. See 5 USC Section 552a, Paragraph (d)

Each agency that maintains a system of records shall –

(1) upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him [...]

I believe that the agency’s collection of telephony metadata constitutes a sys-

tem of record, whereby I have the right to obtain and review records pertaining to me.

Thanks for your time and attention. I look forward to hearing your response.

Sincerely,

Stephen A. Revilak





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

Case No. 75457 / Appeal No. 3895  
30 July 2014

Mr. Stephen A. Revilak  
[REDACTED]  
[REDACTED]

Dear Mr. Revilak:

This replies to your letter, dated 5 January 2014, appealing the National Security Agency/Central Security Services (NSA/CSS') denial of your request under the Freedom of Information Act (FOIA) for a list of all phone calls from your cell phone number ([REDACTED]). I have reviewed your request, the Chief of the FOIA/Privacy Act (PA) Office's response to you, and your letter of appeal.

As a result of my review, I have concluded that the appropriate response is to continue to neither confirm nor deny the existence or nonexistence of any records on you pertaining to any NSA intelligence programs or activities, to include programs authorized under Section 215 of the USA PATRIOT Act and Section 702 of the Foreign Intelligence Surveillance Act Amendments Act. To do otherwise when challenged under the FOIA would result in the exposure of intelligence information, sources, and methods, which could harm our national security and severely undermine NSA activities in general. For example, if NSA denied having information in cases where we had no such information, but remained silent in cases in which the information existed, it would tend to reveal in which activities NSA was engaged. Any further elaboration concerning these matters would reveal information that is currently and properly classified under Executive Order 13526.

Accordingly, the existence or nonexistence of any intelligence information you requested remains exempt from disclosure pursuant to 5 U.S.C. § 552(b)(1), which protects properly classified information. I have determined that any substantive response to your request would tend to confirm or deny specific activities. The fact of the existence or nonexistence of such information is a properly classified matter under Executive Order 13526, since it meets the specific criteria for classification established in Section 1.4(c) of the Order. When such classification is warranted, Section 3.6(a) of the Order allows an agency to respond by declining to confirm or deny the existence of responsive records.

Further, the fact of the existence or nonexistence of any such records is also exempt pursuant to 5 U.S.C. §552(b)(3), which permits withholding of matters specifically exempted from disclosure by statute. The applicable statutory provisions with regard to the existence or nonexistence of the records requested are: 18 U.S.C. §798, which prohibits the release of information concerning classified communications intelligence activities except to those persons authorized to receive such information; 50 U.S.C. §3024(i), which requires the protection of intelligence sources and methods from unauthorized disclosure; and Section 6 of the National Security Agency Act of 1959, Public Law 86-36 (codified at 50 U.S.C. § 605), which provides that no law shall be construed to require the disclosure of the organization, personnel, functions, or activities of the National Security Agency.

Additionally, on appeal you assert that the records you have requested are the types of records that are subject to the provisions of the PA, 5 U.S.C. §552a, because, as suggested in your appeal, they include the collection of personal information which is maintained in a PA system of records. To the extent that you are seeking a response under the PA, please be advised that the existence or nonexistence of any intelligence records that may fall within a PA system of records is also exempt from disclosure pursuant to the first exemption of the PA (5 U.S.C. §552a(k)(1)), which allows for the withholding of classified information if that information is exempt from disclosure under the FOIA. The existence or nonexistence of the information you requested meets the criteria for classification under the FOIA (5 U.S.C. § 552(b)(1)) as described above and thus is also exempt from disclosure under the PA (5 U.S.C. §552a(k)(1)). See also Section 3.6(a) of Executive Order 13526.

Because this response is a denial of your appeal, you are hereby advised of your right pursuant to 5 U.S.C. §552(a)(4)(B) to seek judicial review of my decision in the United States District Court in the district in which you reside, in which you have your principal place of business, in which the Agency records are situated (U.S. District Court of Maryland), or in the District of Columbia.

Sincerely,



E. R. BROOKS

Chief of Staff

Freedom of Information Act/Privacy Act  
Appeal Authority