



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA Electronic Mail

December 31, 2019

Ms. Megan Graham
National Association of Criminal Defense Lawyers
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Samuelson Law, Technology & Public Policy
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NACDL v. Federal Bureau of Prisons and
Department of Justice, Case No. 18-02399
(D.D.C.) (KBJ).

Dear Ms. Graham:

This is the third interim response to your Freedom of Information Act request dated August 2, 2018, seeking records concerning federal prosecutor's access to emails between incarcerated persons held at Federal Bureau of Prisons ("BOP") facilities and their legal counsel. Your request is currently the subject of litigation NACDL v. Federal Bureau of Prisons and Department of Justice, Case No. 18-02399 (D.D.C.) (KBJ). You should refer to this case title and number in any future correspondence with this Office.

Please be advised that searches have been conducted in the appropriate Criminal Division sections and we are continuing to review and process potentially responsive records. Thus far, and in connection with Search Category Two, we have identified a total of 32,455 pages that relate to your request.

After carefully reviewing the records, I have determined that 30,740 pages were non-responsive, and 1,715 pages were deemed to be duplicative of records which were previously processed by the Criminal Division with regard to Search Categories 1 and 3.

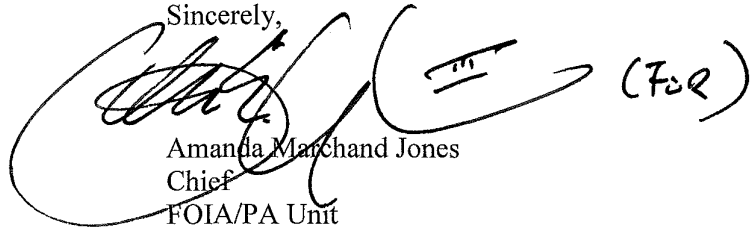
For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that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

You may contact our FOIA Public Liaison at the (202) 616-0307 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at

ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Although your request is the subject of litigation, I am required by statute to inform you that if you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda Marchand Jones", is written over a large, stylized circular flourish. To the right of the signature, the letters "F&R" are handwritten in parentheses.

Amanda Marchand Jones
Chief
FOIA/PA Unit

cc: W. Mark Nebeker
Assistant United States Attorney
555 4th Street, N.W,
Washington, D.C. 20530
mark.nebeker@usdoj.gov