

Attachment A

NACDL v. Federal Bureau of Prisons, et al., Case No. 18-cv-2399-KBJ (D.D.C.)
(EOUSA FOIA No. 2018-005641)

Glossary:

“RIF”–released in full

“RIP”–released in part

“WIF”–withheld in full; reviewed for and not deemed segregable

“USAO”-United States Attorney’s Office

“AUSA”-Assistant U.S. Attorney

DOC	PAGES	DOCUMENT DESCRIPTION	EXEMPT STATUS	JUSTIFICATION
1	2	Memo dated September 26, 2018 from Deputy Criminal Chief to AUSA re Filter Protocols for Jail Calls, Video chats and Emails	WIF: b5, b6, b7C	Withheld content of Eastern District of Michigan memoranda detailing internal strategy and processes regarding prisoner communication protections because it is protected by the deliberative process and attorney work-product privileges. Withheld AUSA name to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSA. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.
2	2	April 4, 2009 Email from USAO-Eastern District of Pennsylvania to Criminal Chief Working group regarding BOP email policy change	WIF: b5, b6, b7C	Withheld internal email containing legal analysis of Storage Communications Act and discussion of future steps because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSA. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.

3	8	March 26, 2009 AUSA Memorandum from USAO-PAE to AUSAs email prisoner email	WIF: b5, b6, b7C	Withheld content of internal AUSA to AUSA memorandum containing legal analysis of 18 USC 2707 and discussion of proposed plan because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.
4	10	DOJ Book guidance regarding prisoner emails (2 pages updated March 12, 2015) to U.S. Attorney regarding prisoner emails; internal DOJ Book guidance re Attorney-client communications and contact with represented parties (2 pages updated April 2, 2018); and 6 pages internal DOJ Book guidance re handling of Stored Communications (pages updated April 30, 2018)	WIF: b5	Withheld content of internal guidance on DOJ intranet site containing legal analysis and confidential advice because it is protected by the deliberative process and attorney work-product and attorney-client privileges. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.

5	2	Memo dated September 5, 2018 from Deputy Criminal Chief to AUSA re Filter Protocols for Jail Calls and Emails	WIF: b5, b6, b7C	Withheld content of AUSA from Eastern District of Michigan memoranda detailing internal strategy and processes because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSA. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.
6	1	February 17, 2012 email re prisoner email separation of attorney communications	RIP: b6, b7C	Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs and USAO personnel. There is no indication that the third parties waived his or her right to privacy.

7	3	September 16, 2010 Email from Criminal Chief David Glockner to AUSAs re requests for inmate emails	RIP: b6, b7C	Withheld contents of this document to protect against harassment and undue public attention of third parties of investigative interest or merely mentioned. Withheld names and email addresses to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy.
8	2	March 27, 2009 letter to Federal Detention Center re email access	RIP: b6, b7C	Withheld contents of this Eastern District of Pennsylvania document to protect against harassment and undue public attention of third parties of investigative interest or merely mentioned. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy.
9	2	April 20, 2007 AUSA to AUSAs email forwarding BOP email	RIP: b6, b7C	Withheld contents from Western District of Washington to protect against harassment and undue public for third parties merely mentioned. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy. (Please note that BOP also supplied redactions where indicated.)

10	2	October 2 and October 6, 2017 Emails between USAO Southern District of New York AUSAs, as well as AUSA emails to third parties, regarding inmate access to Trulincs email system	RIP: b6, b7C	Withheld contents to protect against harassment and undue public attention of third parties of investigative interest or merely mentioned. Withheld names and email addresses protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy.
11	2	July 10, 2017 third party emails with Southern District of New York AUSAs (1 page) and October 6, 2017 AUSA to AUSA emails (1 page) regarding Trulincs email system	WIF: b5, b6, b7C	Withheld emails detailing internal strategy and analysis because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this document to protect against harassment and undue public attention of third parties of investigative interest or merely mentioned. Withheld material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSA. There is no indication that the third parties waived right to privacy. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.
12	5	March 15, 2014 AUSA Memorandum Supervisory Criminal Chiefs re prisoner email (1 page released in part with redactions for AUSA name)	WIF: b5, b6, b7C; RIP: b6, b7C	Withheld content of AUSA from USAO-Eastern District of New York containing analysis of prisoner email issues pertaining to attorney-client privilege detailing internal strategy and processes because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSA. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.

13	2	Internal DOJ Book guidance regarding prisoner emails	WIF: b5	Withheld content of confidential internal guidance on DOJ intranet site from District of Arizona containing legal analysis and advice because it is protected by the deliberative process and attorney work-product and attorney-client privileges. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.
14	1	June 20, 2019 Criminal Chief Email to Criminal AUSAs in Western District of Pennsylvania	RIP: b6, b7C	Withheld direct dial phone number of Criminal Chief against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSA. There is no indication that the third party waived his or her right to privacy. The withheld information is not appropriate for discretionary disclosure.
15	6	October 30, 2019 email AUSA email to AUSAs (1 page) and accompanying memorandum (5 pages) on Obtaining Jail Calls and Other Inmate Communications	WIF: b5, b6, b7C	Withheld content of documents from Criminal Chief from USAO-Middle District of Florida containing analysis of prisoner email issues pertaining to attorney-client privilege detailing internal strategy and processes because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this document to protect against harassment and undue public attention of third parties of investigative interest or merely mentioned. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information in this document. The withheld information is not appropriate for discretionary disclosure.

16	2	December 16, 2019 Eastern District of Michigan Deputy Criminal Chief Memorandum Procedures for Screening Jail Calls and Emails memorandum	WIF: b5, b6, b7C	Withheld memorandum to criminal AUSAs containing analysis of prisoner email issues, impressions of 6 th Amendment applicability, and professional responsibility guidance pertaining to attorney-client privilege detailing internal strategy and processes because it is protected by the deliberative process and attorney work-product privileges. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information in this document. The withheld information is not appropriate for discretionary disclosure.
17	1	Undated draft USAO-CAC document to seek emails from BOP	WIF: b5	Withheld content draft AUSA template because it is protected by the deliberative process and attorney work-product privilege. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.
18	10	August 26, 2019 USA Memo to Criminal Division and National Security Division AUSAs regarding filter review protocol	WIF: b5, b6, b7C	Withheld content of AUSA from Central District of California memorandum detailing internal strategy and processes for filter teams and handling of attorney-client privileged documents from jailhouse communications because it is protected by the deliberative process, and attorney work-product privileges. Withheld contents of this document to protect against harassment and undue public attention of third parties of investigative interest or merely mentioned. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSA. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.

19	8	November 19, 2019 Memorandum from AUSA to Criminal AUSAs re Filter team protocol	WIF: b5, b6, b7C	Withheld content of AUSA from Western District of Washington memorandum detailing internal strategy and processes for filter teams and analysis of minimizing risk handling of privileged material because it is protected by the deliberative process, and attorney work-product privileges. Withheld contents of this document to protect against harassment and undue public attention of third parties of investigative interest or merely mentioned. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSA. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.
20	1	May 4, 2009 AUSA to AUSAs email regarding enclosed EOUSA Director's guidance on prisoner email	WIF: b5, 6, b7C	Withheld content of email between AUSAs from Western District of Washington memoranda regarding guidance received and possible future action because it is protected by the deliberative process and attorney work-product. Withheld contents of this document to protect against harassment and undue public attention of third parties of investigative interest or merely mentioned. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSA. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information contained in this document. The withheld information is not appropriate for discretionary disclosure.

21	1	July 29, 2020 and September 15, 2019 Emails from Joan Silverstein to AUSASs	RIP: b5, b6, b7C	Withheld partial content from Criminal Chief in the Southern District of Florida containing legal impression and analysis of filter team process because it is protected by the deliberative process and attorney work-product privileges. Withheld AUSA contact email addresses to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy. The withheld information is not appropriate for discretionary disclosure.
22	5	September 15, 2019 Circular re filter team process	RIP: b5, b6, b7C	Withheld intra-office guidance in the Southern District of Florida containing legal analysis of filter team process and steps on filter team need and applicability because it is protected by the deliberative process and attorney work-product. The withheld information is not appropriate for discretionary disclosure.
23	3	March 19, 2020 AUSA email to staff regarding procedures for Covid measures and protecting attorney-client emails	WIF: b5, b6, b7C	Withheld content from AUSA in Western District of Washington containing analysis of prisoner email issues pertaining to attorney-client privilege during Covid times detailing internal strategy and processes because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information in this document. The withheld information is not appropriate for discretionary disclosure. (Prior release of 3 pages of March 20, 2020 emails from AUSA to Federal Defender's Office and other third parties withheld with redactions for AUSA and third party contact information under b6, b7C).

24	1	July 19, 2014 intra-office AUSA emails forwarding counsel to EOUSA Director email regarding procedures for screening attorney-client emails	WIF: b5, b6, b7C	Withheld content of documents from AUSA in Western District of Washington containing analysis of prisoner email issues pertaining to attorney-client privilege and contemplating action to better screen for attorney-client emails in prisoner communications detailing internal strategy and processes because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information in this document. The withheld information is not appropriate for discretionary disclosure.
25	6	November 5, 2012 (forwarding October 20, 2011 AUSA email to staff), November 2, 2011, and March 22, 2011 emails between AUSAs regarding new procedures for requesting BOP inmates emails	WIF: b5, b6, b7C	Withheld content of documents from AUSAs in Western District of Washington containing analysis of new BOP procedures in requesting inmate emails because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information in this document. The withheld information is not appropriate for discretionary disclosure.

26	2	September 16, 2010 internal AUSA email and enclosing drafts re procedures for obtaining inmate communications	WIF: b5, b6, b7C	Withheld content of documents including drafts from AUSAs in Western District of Washington containing analysis of new BOP procedures in requesting inmate emails because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information in this document. The withheld information is not appropriate for discretionary disclosure.
27	4	November 19, 2019 AUSA email to criminal AUSAs enclosing draft filter team memo	WIF: b5, b6, b7C	Withheld content of email enclosing draft template from AUSAs in Western District of Washington containing draft protocol in handling material seized from prosecution team to filter team because it is protected by the deliberative process and attorney work-product privileges. Withheld contents of this material to protect against harassment, undue public attention, and annoyance in the conduct of official duties and in private life of AUSAs. There is no indication that the third parties waived his or her right to privacy. There is no reasonably segregable information in this document. The withheld information is not appropriate for discretionary disclosure.