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Source of document: FOIA Coordinator
US Department of Justice
National Drug Intelligence Center
319 Washington Street, 5th Floor
Johnstown, PA 15901-1622
<http://www.usdoj.gov/ndic/foia.htm>

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U.S. Department of Justice

National Drug Intelligence Center

Office of the Assistant Director

319 Washington Street, 5th Floor

(814) 532-4601

Johnstown, PA 15901-1622

Fax: (814) 532-4690

September 18, 2007

NDIC Request Number: 2-3907

Reference: Letter received by NDIC on August 20, 2007

Your Freedom of Information Act (FOIA)/Privacy Act (PA) request seeking information from the National Drug Intelligence Center (NDIC) has been processed. The rules and regulations of NDIC applicable to FOIA requests are contained in the Code of Federal Regulations, Title 28, Part 16, as amended. They are published in the Federal Register and are available for inspection by members of the public. The paragraphs checked below apply to your request:

- NDIC has searched its information holdings and has no agency records responsive to your request.
- NDIC will neither confirm nor deny the existence of responsive records.
- A determination has been made to deny your request pursuant to subsections of the FOIA and/or PA referenced at the end of this letter. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. An enclosure to this letter explains these exemptions in more detail.
- NDIC has searched its information holdings and is releasing in full the records responsive to your request.
- The processing of your request identified certain materials that will be released to you. Portions not released are being withheld pursuant to the FOIA, 5 U.S.C. 552 and/or the PA, 5 U.S.C. 552a. Please refer to the list enclosed with this letter that identifies the authority for withholding the deleted material, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail.

Letter from Mr. Mrozowski dated September 18, 2007

- (X) The document reproduction and search fees have been waived or the fees did not meet the minimum billable threshold; therefore, there is no charge to you.
- () Please remit your check or money order for \$ _____ payable to the Department of Treasury. Send payment to Budget and Finance Office; National Drug Intelligence Center; 319 Washington Street, 5th Floor; Johnstown, PA 15901.
- () Certain documents in NDIC's possession were furnished by another government agency or agencies. NDIC is in the process of consulting with that agency before granting access to the documents in accordance with 28 C.F.R. 16.4 and/or 16.42. You will be notified if more material is available for release pending results from that consultation.
- () Certain documents in NDIC's possession were furnished by another government agency or agencies. The agency involved will respond directly to you in accordance with 28 C.F.R. 16.4 and/or 16.42.
- () NDIC products that are available to the public can be found at www.usdoj.gov/ndic.
- (X) If you believe our response is inadequate or if you wish to appeal any denial of your request, you may appeal within 60 days pursuant to 28 C.F.R. 16.9. The appeal should be sent to the following address, with the envelope marked "FOIA Appeal:"

Office of Information and Privacy
U.S. Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

If you have any questions regarding this response, please call NDIC's FOIA Coordinators, Ms. Pamela M. Nemeth at (814) 532-4572 or Ms. Wendy R. Zeglen at (814) 532-4966.

Sincerely,



David J. Mrozowski
Assistant Director
Intelligence Support Division

Enclosures (4)

**APPLICABLE SECTIONS OF THE FREEDOM OF INFORMATION AND/OR
PRIVACY ACT:**

**Freedom of Information Act
5 U.S.C. 552**

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (A)
- (b) (7) (B)
- (b) (7) (C)
- (b) (7) (D)
- (b) (7) (E)
- (b) (7) (F)

**Privacy Act
5 U.S.C. 552a**

- (d) (5)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)
- (k) (6)

**FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b) (1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (b) (2) Materials related solely to the internal rules and practices of NDIC.
- (b) (3) Information specifically exempted from disclosure by another federal statute.
- (b) (4) Privileged or confidential information obtained from a person, usually involving commercial or financial matters.
- (b) (5) Inter-agency or intra-agency documents which are subject to a privilege, such as documents the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction, or which represent the work product of an attorney, or which reflect confidential communications between a client and an attorney.
- (b) (6) Materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (b) (7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis; and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.

PRIVACY ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552A

- (d) (5) Materials compiled in reasonable anticipation of a civil action or proceeding.
- (j) (2) Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals.
- (k) (1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (k) (2) Material compiled during civil investigations for law enforcement purposes.
- (k) (5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to an express promise that his identity would be held in confidence, or pursuant to an implied promise of confidentiality if such information was furnished prior to September 27, 1975.
- (k) (6) The substance of tests used to determine individual qualifications for appointment or promotion in Federal Government Service.

