



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

FOIA Case: 114305A
10 July 2024

ZACHERY MORRIS
AMERICAN OVERSIGHT
1030 15TH STREET NW
STE B255
WASHINGTON DC 20005

Dear Zachery Morris:

This is the final response to your Freedom of Information Act (FOIA) request dated and received on 1 June 2022. NSA has processed your request under the provisions of the FOIA. There are no assessable fees; therefore, we will not address your fee category. Your request is seeking records, if they exist, from the internal U.S. intelligence messaging system "eChirp" on January 6, 2021. On 22 June 2022, we notified you that our search for documents had been completed and processing would begin based upon your case's position in our back-log queue. Please note that processing includes a final review for responsiveness. Prior to full processing, we cannot confirm that any records gathered in a search are in fact responsive. For reasons described below, we are fully denying any records that would be considered responsive, if they exist, as we are not able to confirm or deny the existence or nonexistence of any responsive records.

"eChirp" refers to a feature of Intelink, which is an internal collaborative platform that the Intelligence Community (IC) uses to share knowledge across and within agencies. The pages on the platform range from Top Secret to Unclassified and are able to be updated, edited, and created by any affiliate within the IC who obtains an account for the platform. Due to the collaborative purpose of this platform, information contained within, including messages posted on eChirp, may reveal targets, sources, and collection methods, while the lack of information regarding a topic could reveal a vulnerability.

To respond to your request, NSA would have to confirm or deny the existence of eChirp post(s) that contain specific words. In other words, your request would require NSA to disclose whether the IC has or does not have an interest in or knowledge of a specific topic and to what extent that interest/knowledge extends, as well as the involvement, if any, that each agency has with that topic. Were we to disclose in your case that records existed and deny the existence of records in other cases, requesters would be able to assess the targets, interests, and activities of the IC, including NSA. For such reasons, we can neither confirm nor deny the existence or non-existence of records within Intelink, including eChirp, relating to a specific group or individual, or specific topic/activity.

Please note, this is our standard response for any request seeking specific pages and/or information from Intelink, and any feature therein such as eChirp. The release of any information from that platform, even that which may appear innocuous, could be analyzed and fitted together to reveal the protected and classified targets, sources, and/or methods of the IC, including NSA.

The FOIA exempts several categories of information from disclosure. Its first exemption allows the withholding of information that is authorized by Executive Order to be kept secret in the interest of national defense or foreign relations, and is in fact properly classified. The fact of the existence or non-existence of the records you seek would reveal a connection or interest that is a properly classified matter and therefore this Agency can neither confirm nor deny the existence of the requested records. Executive Order 13526, Section 3.6(a) ("Classified National Security Information") specifically authorizes this type of response, which is also known as a Glomar response.

Moreover, the third exemption under the FOIA authorizes the withholding of information specifically protected from disclosure by statute. The fact of the existence or non-existence of records responsive to your request is currently exempted from disclosure by the following statutes: Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i); and Section 6, Public Law 86-36 (50 U.S. Code 3605).

For the reasons described above, the Agency reasonably foresees that disclosure of the existence or non-existence of the requested information would be harmful to an interest that is protected by the identified exemptions.

You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below. NSA will endeavor to respond within 20 working days of receiving any appeal, absent any unusual circumstances.

- § The appeal must be sent via U.S. postal mail, fax, or electronic delivery (e-mail) and addressed to:

NSA FOIA/PA Appeal Authority (P132)
National Security Agency
9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

The facsimile number is 443-479-3612.

The appropriate email address to submit an appeal is
FOIA_PA_Appeals@nsa.gov

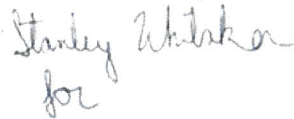
- § It must be postmarked or delivered electronically no later than 90 calendar days from the date of this letter. Decisions appealed after 90 days will not be addressed.
- § Please include the case number provided above.
- § Please describe with sufficient detail why you believe the denial of requested information was unwarranted.

You may also contact our FOIA Public Liaison at foialo@nsa.gov 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
8601 Adelphi Rd - OGIS
College Park, MD 20740
ogis@nara.gov / 877-684-6448 / (Fax) 202-741-5769

Additionally, the following general information about intelligence may be useful to you: NSA collects and provides intelligence derived from foreign communications to policymakers, military commanders, and law enforcement officials. We do this to help these individuals protect the security of the United States, its allies, and their citizens from threats such as terrorism, weapons of mass destruction, foreign espionage, international organized crime, and other hostile activities. What we are authorized to do, and how we do it, is described in Executive Order 12333. Information about how NSA conducts signals intelligence activities is available on the websites of NSA (www.nsa.gov) and the Office of the Director of National Intelligence (www.dni.gov).

Sincerely,

Handwritten signature of Stanley Whitaker in blue ink, with the word "for" written below it.

SALLY A. NICHOLSON
Chief, FOIA/PA Division
NSA Initial Denial Authority