



21 February 2013

Rena Y. Kim
Chief, FOIA/PA Unit
Criminal Division
United States Department of Justice
Suite 1127, Keeney Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Ms. Kim:

This is a request for records under the provisions of the Freedom of Information Act. I request any and all information pertaining to or documenting requests made by foreign countries through Mutual Legal Assistance treaties (hereinafter "MLAT") with the U.S. that sought the electronic information. Specifically, I am requesting the list of countries that have requested information through an MLAT and the type of information that was sought (including subscriber information of ISP/electronic accounts, internet protocol addresses, subscription dates, content, and connections, and all other types of information that would be useful in identifying those suspected of violating criminal and/or copyright laws). I am further interested in obtaining the number of requests that were rejected and on what grounds, and documents or records pertaining to the number and nature of warrants, subpoenas, court rulings, or other legal actions used by the various agents, officers, agencies, bureaus, departments, or other instrumentalities of the U.S. government to obtain information requested by foreign governments through an MLAT process.

If documents are denied in whole or in part, please specify which exemption(s) is(are) claimed for each passage or whole document denied. Please give the number of pages in each document and the total number of pages pertaining to this request and the dates of documents withheld. I request that excised material be "blacked out" rather than "whited out" or cut out and that the remaining non-exempt portions of documents be released as provided under the Freedom of Information Act.

Please send a memo (with a copy or copies to me) to the appropriate unit(s) in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction. As I expect to appeal any denials, please specify the office and address to which an appeal should be directed.

I am hereby requesting classification as a representative of the news media. Access is an international non-governmental organization that publishes original reports, blogs, and articles that inform approximately half a million subscribers about human rights issues in the digital sphere.

Since I have the ability to disseminate information on a wide scale, I intend to use information obtained through FOIA in original works. According to 5 U.S.C. § 552(a)(4)(A)(ii), codifying the ruling of *Nat'l Security Archive v. Dep't of Defense*, 880 F.2d

1381 (D.C. Cir. 1989), the term ‘a representative of the news media’ means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. I have the clear intent to “publish[] or otherwise disseminate[] information to the public.” Id. at 1386 (quoting the following legislative history: 1) “It is critical that the phrase ‘representative of the news media’ be broadly interpreted if the act is to work as expected . . . In fact, any person or organization which regularly publishes or disseminates information to the public . . . should qualify for waivers as a ‘representative of the news media.’” 132 Cong. Rec. S14298 (daily ed. Sept. 30, 1986) (emphasis in original quotation); 2) “A request by a reporter or other person affiliated with a newspaper, magazine, television or radio station, or other entity that is in the business of publishing or otherwise disseminating information to the public qualifies under this provision.” 132 Cong. Rec. H9463 (Oct. 8, 1986) (emphasis in original quotation)).

I also plan to disseminate information received through my FOIA requests via Access’ website, social media, and other similar means.

Therefore, in accordance with the Freedom of Information Act and relevant case law, I should be considered a representative of the news media.

Alternatively, please consider this an individual request for research and study purposes. I agree that I will pay up to \$30 for fees, if necessary. Please notify me in advance if fees are expected to exceed that amount.

I can be reached at the phone number listed below. Please call rather than write if there are any questions or if you need additional information from me. I expect a response to this request within twenty (20) working days, as provided for in the Freedom of Information Act.

I would prefer to receive records electronically in a machine-readable format. If possible, please email them directly to this email address.

If you have any questions, please call me at 1-888-414-0100. Thank you for your anticipated assistance.

Sincerely,
Mike Rispoli
Access
P.O. Box 115
New York, N.Y. 10113