U.S. Department of Justice





Federal Bureau of Investigation

Washington, D.C. 20535

March 20, 2013

Mr. John Young Administrator Cryptome.org 251 West 89th Street New York, NY 10024

> FOIPA Request No.: 1204283-000 Subject: FBI Security Informant Program

Dear Mr. Young:

This is in reference to your Freedom of Information Act (FOIA) request.

We have located approximately 245,250 pages of records potentially responsive to your request. There is a duplication fee of ten cents per page if you receive a paper copy (See 28 C.F.R. §16.11 and 16.49). Releases are also available on CD upon request. Each CD contains approximately 500 pages per release. The 500 page estimate is based on our business practice of processing medium and large track cases through interim releases of approximately 500 pages. The first 100 pages, or the cost equivalent (\$10.00) for releases on CD, will be provided to you at no charge. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. If all of the pages that are potentially responsive to your request are released, you will owe \$7,340.00 (490 CDs at \$15.00 less \$10.00) to receive the release on CD. When anticipated fees exceed \$250, an advance payment of an amount up to the estimated fees may be required. Therefore, we are requesting payment of 25% of the estimated amount. Please send a check or money order, payable to the Federal Bureau of Investigation in the amount of \$1,835.00. Please include the above-referenced FOIA request number with your payment. If we do not receive this payment within thirty (30) days from the date of this letter, your request will be closed. If you wish to discuss alternative payment methods, please contact David P. Sobonya, Public Information Officer at (540) 868-4593. Please remember this is only an estimate, and if some of the pages are withheld in full pursuant to FOIA exemption(s) or are determined to not be responsive to your request, the actual charges could be less.

To speed the processing of your request, please consider reducing its scope to place it in a smaller processing queue. This may reduce your search and duplication costs and hasten the receipt of your information. The FBI uses a three-queue processing system to fairly assign and process new requests. Requests track into one of the three queues depending on the number of responsive pages - 500 pages or less (small queue), 501 pages to 2500 pages (medium queue), or more than 2500 pages (large queue). Small queue cases usually require the least time to process. Please let us know in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Please provide a telephone number, if one is available, where we can reach you between 8:00 a.m. and 5:00 p.m., Eastern Time. Mail your response to: Initial Processing, Record Information/Dissemination Section, Records Management Division, Federal Bureau of Investigation, 170 Marcel Drive, Winchester, VA 22602. You may also fax your response to: 540-868-4997, Attention: Initial Processing.

This is in response to your request for a fee waiver. To be granted a fee waiver or a reduction in fees, two requirements must be satisfied. First, you must demonstrate that "disclosure of the [requested] information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government." Second, you must establish that "disclosure of the information is not primarily in the commercial interest of the requester." See 5 U.S.C. § 552(a)(4)(A)(iii). The burden is on the requester to show the statutory requirements for a fee waiver have been met. If these requirements are not satisfied, a fee waiver is unavailable under the statute.

To determine whether disclosure is in the public interest, we consider these factors: (1) whether the records are being sought "for their informative value with respect to specifically identified government operations and activities;" (2) whether the "disclosure is 'likely to contribute' to an understanding of specific government operations or activities, the disclosable portions of the requested information must be meaningfully informative in relation to the subject matter of the request;" and (3) whether "the disclosure must contribute to 'public understanding' as opposed to the individual understanding of the requester or a narrow

segment of interested persons" See 28 C.F.R. §16.11(k)(2).

If the first requirement has been met, we must then determine whether disclosure of the requested information is primarily in the commercial interest of the requester. To make this determination, we consider these factors: (1) whether the requester has a commercial interest that would be furthered by the requested disclosure and (2) whether the magnitude of the identified commercial interest of the requester is sufficiently large, [compared to] the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." See 28 C.F.R. § 16.11(k)(3). If the requester's commercial interest in disclosure is greater than the public interest to be served, then a fee waiver is not warranted.

Sincerely,

David M. Hardy Section Chief,

Record/Information

Dissemination Section

Records Management Division