



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

Case: 115974/Appeal: 5699
07 April 2023

MuckRock News
DEPT MR 141807
263 Huntington Ave
Boston MA 02115

Dear Jordan:

This letter is in response to your correspondence dated 21 March 2023, appealing the response from the National Security Agency's (NSA or Agency) response to your 3 March 2023 Freedom of Information Act (FOIA) request. You had requested all records "related to the NSA's use of AI learning for algorithms and searching." Your appeal has been processed under the provisions of the FOIA.

I have reviewed your request, the Agency's 21 March 2023 response to you, and your letter of appeal. Based on my review, the appropriate response in this case is to neither confirm nor deny the existence or nonexistence of any responsive material pertaining to any NSA intelligence programs or activities. To do otherwise would result in the exposure of intelligence information, sources, methods or activities, which could harm our national security and severely undermine the NSA mission. For example, if NSA denied having information in cases where none exists, but remained silent in cases where information did exist, it would identify programs or activities in which NSA was or was not engaged. Moreover, whether or not a particular activity or program exists, as well as any Agency involvement in such an activity or program, may be classified or protected information and must remain so. Your appeal is, therefore, denied because the FOIA exempts the release of classified¹ and/or protected² information.

You are hereby advised of your right pursuant to 5 U.S.C. § 552(a)(4)(B) to seek judicial review of this matter in the United States District Court in the district in which you reside, in which you have your principal place of business, in which the Agency records are situated (U.S. District Court of Maryland), or in the District of Columbia.

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.

¹ 5 U.S.C. § 552 (b)(1). Executive Order 13526, Section 1.4(c)

² 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).

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 / (202) 741-5770 / Fax (202) 741-5769

Sincerely,

A handwritten signature in cursive script that reads "Linda M. Kiyosaki".

LINDA M. KIYOSAKI
Freedom of Information Act Appeal Authority