



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

FOIA Case: 76386
27 March 2014

BRIAN GAFFNEY
LAW OFFICES OF BRIAN GAFFNEY APC
446 OLD COUNTY RD STE 100-310
PACIFICA CA 94044

Dear Mr. Gaffney:

This letter is in response to a Freedom of Information Act (FOIA) request of 1 June 2004 from your client, Mr. Paul Paz y Mino, to the Central Intelligence Agency (CIA) for all records which mention or relate to the Colombian organization known as "PEPES" or the Perseguidos por Pablo Escobar, People Persecuted by Pablo Escobar, Pablo Escobar, and/or the death of Pablo Escobar." A copy of your client's original request to the CIA is enclosed. The CIA referred documents to the National Security Agency/Central Security Service (NSA/CSS) on 31 January 2014 (06-CV-00960; CIA FOIA Case No: F-2012-02282, F-2012-02283) for our review and direct response to you on behalf of your client. This referral has been assigned case number 76386.

The request has been processed under the provisions of the FOIA. The referred documents have been reviewed by this Agency as required by the FOIA and have been found to be currently and properly classified in accordance with Executive Order 13526. These documents meet the criteria for classification as set forth Subparagraphs (b) and (c) of Section 1.4 and remain classified TOP SECRET and SECRET as provided in Section 1.2 of Executive Order 13526. The documents are classified because their disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Some of the documents are also exempt from automatic declassification in accordance with Section 3.3(b)(1), (3), and (6) of the Executive Order. Because the documents are currently and properly classified, they are exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. We have determined that such information exists in these documents. Accordingly, those portions are exempt from disclosure pursuant to the third exemption of the FOIA which provides for the withholding of information specifically protected from disclosure by statute. The specific statutes applicable in this case are 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). No portion of the information is reasonably segregable.

Personal information regarding an individual also has been withheld in accordance with 5 U.S.C. 552 (b)(6). This exemption protects from disclosure

information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

Some of the records were previously reviewed and denied in our response to Mr. Paz y Mino's 1 June 2004 FOIA request to Defense Intelligence Agency (DIA). DIA referred records to NSA for review on 2 October 2008 (NSA case number 57307) and we provided your client a denial response dated 17 November 2008.

In addition, some of the records contain information which is not responsive to the subject of your request. That information was reviewed for responsiveness and since it was not related to "PEPES", Pablo Escobar and/or the death of Pablo Escobar, it was withheld as non-responsive. Under review, this information would likely be protected by NSA by the exemptions provisions of the FOIA.

Since your request has been denied, you are hereby advised of this Agency's appeal procedures. Should you wish to appeal, you may file an appeal to the NSA/CSS FOIA Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

The CIA has asked that we protect non-substantive information pursuant to 5 U.S.C. 552 (b)(1) and (b)(3). Any appeal of the denial of CIA information should be directed to that agency.

Sincerely,



PAMELA N. PHILLIPS
Chief
FOIA/PA Office

Encl:
a/s



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June 1, 2004

Mr. Alan Tate, FOIA Coordinator, CODE PSP/FOIA
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

JUN10'04 PM12:49

Dear Mr. Tate:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, et seq. (as amended), I hereby request access to or a copy of the following records:

All records which mention or relate to the Colombian organization known as the "PEPES" or the *Perseguidos por Pablo Escobar*, People Persecuted by Pablo Escobar, Pablo Escobar and/or the death of Pablo Escobar.

This request is made on behalf of the Institute of Policy Studies (IPS) for non-commercial use. IPS is the nation's oldest multi-issue progressive think tank. Since 1963, the Institute has worked with social movements to forge viable and sustainable policies to promote democracy, justice, human rights, and diversity. IPS is a nonprofit tax-exempt organization. Under 5 U.S.C. (a) (4) we are entitled to a waiver of all fees in connection with this request.

IPS enriches public policy debates by publishing and making widely available reports concerning issues relating to human rights. Disclosure of the information in this request is in the public interest since release to us of these records, which directly relate to U.S. policy on Colombia, is likely to contribute significantly to greater public understanding of the operations or activities of the U.S. Government in Colombia.

To the extent that this request is denied based on a claimed exemption under the FOIA, please provide us with the basis for the claimed exemption, a summary of the material claimed to be exempt, and any reasonably segregable non-exempt portions of the requested material.

To expedite the release of the documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (510) 986-0885. I look forward to receiving your response within the ten-day statutory time period.

Sincerely,



Paul Paz y Miffo
ppaz@ipc.org
Research Scholar
Institute for Policy Studies

Institute for Policy Studies, 733 15th Street, NW, Suite 1020, Washington, DC 20005-2112
Phone (202)234-9382, Fax (202)387-7915, www.ips-dc.org