

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 14, 2009

Having considered the proposal at the ACLU comment in letter of 8/21/09, processing shall be given to both schedule noted herein 8/21/09
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NY 10007

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AUG 14 2009
CHAMBERS OF
ALVIN K. HELLERSTEIN
U.S.D.J.

BY FACSIMILE
Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007-1312

Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

Dear Judge Hellerstein:

Pursuant to the Government's July 31, 2009 letter to the Court, we write to propose a work plan to search for documents "relating to the destruction of the tapes, which describe the persons and reasons behind their destruction" (the so-called "paragraph 4 documents") for the periods of April 1, 2002 to June 30, 2003; and June 1, 2005 to January 31, 2006.

As we explained in our letter of July 31, 2009, the CIA believes that the most likely repositories for records responsive to the Court's Orders are large electronic databases that the Agency has compiled consisting of hundreds of thousands of pages and a smaller hard copy collection of approximately 7,500 documents compiled by the CIA Office of Inspector General (OIG).

An initial search of the relevant records gathered by the CIA Office of Inspector General (OIG) has yielded approximately 1,000 potentially relevant records that now need to be reviewed by hand to identify non-responsive records and duplicates. As contemplated in the Government's July 31, 2009 letter to the Court, the Agency is currently on schedule to complete this search of OIG documents by August 28, 2009, and to provide to the Court by August 31, 2009, a work plan for completing the manual line-by-line review of the responsive records to determine what, if any, information is non-exempt and can be released.

In addition to the CIA OIG records discussed above, the Agency has also conducted initial searches of the large electronic repositories most likely to contain responsive records. The initial electronic searches have yielded approximately 32,000 potentially responsive documents. As these repositories cannot be searched by date, these 32,000 records must now be reviewed by hand to identify responsive documents and identify duplicates, of which the Government expects there will be a high number. Given the volume of potentially responsive

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documents that must be reviewed by hand, the Agency proposes to review approximately 10,000 documents per month and estimates that the entire review process for determining which of the 32,000 documents are responsive will take until approximately November 30, 2009. After this review is complete and the final number of responsive documents from these repositories has been determined, the Government will then present a final work plan to the Court for conducting the line-by-line FOIA processing of each responsive document to determine what, if any, information is non-exempt and can be released.

We thank the Court for considering this submission.

Respectfully,

PREET BHARARA
United States Attorney

By:

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approved provided that the final work plan should be submitted by Oct 30, 2009
AKH