

and Senate, as well as with individual Members that have an interest in Department or foreign policy issues.

3. Through the exercise of my official duties, I am familiar with this civil action and the underlying Freedom of Information Act (“FOIA”) request at issue. The purpose of this declaration is to explain the Department’s receipt, treatment, and handling of the record sought, the full revised Senate Select Committee on Intelligence’s report, *Study of the CIA’s Detention and Interrogation Program* (“SSCI Report”). Additionally, this declaration details the instructions the Department has received from Congress regarding treatment of the report.

4. This declaration is based on my personal knowledge and information acquired in my official capacity in the performance of my official functions.

PLAINTIFF’S FOIA REQUEST

5. I have been informed that, by letter dated May 6, 2014, the American Civil Liberties Union and the American Civil Liberties Union Foundation (“Plaintiffs”) submitted a FOIA request to the Department, excerpted in relevant part below:

“Requesters seek the disclosure of the updated version of the Senate Select Committee on Intelligence’s report, *Study of the CIA’s Detention and Interrogation Program* (the “Revised Report”). See Letter from Sen. Dianne Feinstein to President Barack Obama (Apr. 7, 2014), <http://bit.ly/OKXyvw> (describing the Revised Report).”

6. Plaintiffs filed a second amended complaint in this lawsuit to compel the Department’s production of the report on June 5, 2014.

THE DEPARTMENT'S RECEIPT AND TREATMENT OF THE SSCI REPORT

7. By cover letter dated December 10, 2014, Senator Dianne Feinstein, then Chairman of the Senate Select Committee on Intelligence, transmitted to President Barack Obama the “full and final” version of the SSCI Report. Numerous Executive Branch officials were copied on the letter, including Secretary of State John F. Kerry. Prior to the issuance of this letter, the Department had never received the full updated version of the SSCI Report. In the letter, Senator Feinstein requested that the report be made available to Executive Branch agencies “as appropriate to help make sure this experience is never repeated.”

8. On December 12, 2014, the Feinstein letter and a compact disc (“CD”) were hand-delivered by an official from SSCI to a Department official within H’s Office of Senate Affairs. The CD was classified at the Top Secret level and marked as containing Sensitive Compartmented Information (“SCI”), as labeled on the inner envelope holding the CD. SCI refers to a method of handling certain types of classified information related to specific national security topics, particularly intelligence sources, analysis, and methods. The inner envelope containing the CD was never opened, and the CD was immediately placed into a secure storage facility. It was later transferred to a secured location within the Bureau of Intelligence and Research (“INR”), which is the focal point for receiving and storing sensitive compartmented classified information. The inner envelope containing the CD remains sealed and the Department has marked the outer envelope “Congressional Record – Do Not Open, Do Not Access.”

9. Since receiving the CD in the Department, the contents of the disc have never been opened, accessed, or read, as indicated by the fact that the inner envelope remains sealed. Neither the CD nor its contents have been integrated into the Department’s files or records

systems. To the extent certain individuals have handled the CD, it has been for the sole purpose of ensuring it is properly and securely stored.

10. By letter dated January 14, 2015, the current Chairman of the Senate Select Committee on Intelligence, Senator Richard Burr, sent a letter to President Obama, cc'ing Secretary of State John F. Kerry, among others. In this letter, Chairman Burr made it clear that he considers the report "to be a highly classified and committee sensitive report," and that "[i]t should not be entered into any Executive Branch systems of records." Accordingly, he requested that the SSCI Report be returned to the Committee and that, should Executive Branch officials wish to view the report, the Committee would attempt to make other accommodations available.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 21 day of January 2015, Washington, D.C.



Julia E. Frifield