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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 CAITLIN KELLY HENRY and JESSE)
14 STOUT,)

15 Plaintiffs,)

16 v.)

17 DEPARTMENT OF JUSTICE,)
18 Defendant.)
19)
20)
21)

) Case No.: 13-cv-5924 DMR

) **DECLARATION OF CAITLIN KELLY HENRY**

) Date: January 22, 2015

) Time: 11:00a.m.

) Place: Courtroom 4 – 3rd Floor

) Magistrate: Hon. Donna M. Ryu

DECLARATION OF CAITLIN KELLY HENRY

I, Caitlin Kelly Henry, declare as follows:

I downloaded the following exhibits from the following websites and based on my personal knowledge entered a true copy into the record. As of December 22, 2014, the following documents remain available for download at the websites listed below.

Plaintiffs' Reply In Support of Plaintiffs' Motion for Summary Judgment

- Exhibit A: New Database Search Tool Will Aid Bureau Investigations,” FBI, Feb. 14, 2011, Available At <http://www.fbi.gov/about-us/itb/news-features/new-database-search-tool-will-aid-bureau-investigations>.
- Exhibit B: The State of Intelligence Reform After 9/11, Statement Before the House Permanent Select Committee on Intelligence, Robert S. Mueller, FBI, Oct. 6, 2011.
<http://www.fbi.gov/news/testimony/the-state-of-intelligence-reform-10-years-after-911>
- Exhibit C: Request for Records Disposition Authority, May 17, 2011, Available At http://www.archives.gov/records-mgmt/rcs/schedules/departments/department-of-justice/rg-0065/n1-065-11-021_sfl15.pdf.
- Exhibit D: Statement of Mark. F. Giuliano, Executive Assistant Director, National Security Branch, Federal Bureau of Investigation, Before The Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations, United States House of Representatives http://appropriations.house.gov/uploadedfiles/08.01.12_cjs_-_fbi_-_mark_giuliano_-_testimony.pdf
- Exhibit E: Final Report of the William H. Webster Commission on the Federal Bureau of Investigation, Counterterrorism Intelligence and the Events at Fort Hood, Texas, on November 5, 2009. <http://www.fbi.gov/news/pressrel/press-releases/final-report-of-the-william-h.-webster-commission>

Plaintiffs Amended Opposition and Cross-Motion for Summary Judgment

- Exhibit A: FBI Records Management Architecture: Current State Evaluation, National Archives and Records Administration Toolkit For Managing Electronic Records. Available At <http://www.archives.gov/records-mgmt/toolkit/fbi/rma-current-state.html>.
- Exhibit B: Reforming Law Enforcement, Counter-Terrorism, and Intelligence Collection in the United States, National Commission on Terrorist Attacks Upon The United States, Staff

Statement No. 12, 2003. Available At [http://www.9-](http://www.9-11commission.gov/staff_statements/staff_statement_9.pdf)

[11commission.gov/staff_statements/staff_statement_9.pdf](http://www.9-11commission.gov/staff_statements/staff_statement_9.pdf).

- Exhibit C: *Rosenfeld v. FBI*, Case No. 07-cv-03240 (N.D. Cal. 2010) Decl. Of David Hardy (ECF No. 83). Available at www.pacer.gov.
- Exhibit D: A Review of FBI Security Programs, Commission for the Review of FBI Security Programs, Mar. 2002. Available At <http://www.justice.gov/sites/default/files/doj/legacy/2014/09/15/websterreport.pdf>.
- Exhibit E: Q&A Jack Israel on FBI Sentinel and Federal IT Development, Shortcomings, David Perera, Jul. 1, 2012. Available At <http://www.fiercegovernmentit.com/story/qa-jack-israel-fbi-sentinel-and-federal-it-development-shortcomings/2012-07-01>.
- Exhibit F: The Federal Bureau of Investigation’s Management of the Trilogy Information Technology Modernization Project, U.S. Department of Justice Office of the Inspector General, Audit Division, Audit Report 05-07, Feb. 2005. Available At <http://www.justice.gov/oig/reports/FBI/a0507/final.pdf>.
- Exhibit G: Audit of the Status of the Federal Bureau of Investigation’s Sentinel Program, U.S. Department of Justice, Office of the Inspector General Audit Division, Audit Report 14-31, Sept. 2014. Available At <http://www.justice.gov/oig/reports/2014/a1431.pdf>.
- Exhibit H: *Shapiro v. DOJ*, No. 13-0729, 2014 WL 1280275 (D.D.C. Mar. 31, 2014) Decl. of David Hardy (ECF No. 5-3). Available at www.pacer.gov.
- Exhibit I: Records Management (RM) Manual, FBI, Revised August 24, 2007 (released to EPIC in a FOIA request). Available At <http://epic.org/foia/FBI-Records-Management-Manual.pdf>.
- Exhibit J: New Information/Case Management System Enhances FBI Mission, FBI, January 2013. Available at <http://www.fbi.gov/about-us/itb/news-features/new-information-case-management-system-enhances-fbi-mission>.
- Exhibit K: FBI’s New Data Warehouse A Powerhouse, Robb Todd, CBS, Aug. 30, 2006. Available at <http://www.cbsnews.com/news/fbis-new-data-warehouse-a-powerhouse/>.
- Exhibit L: General Information, Library Of Congress, at p. 1. Available At http://www.loc.gov/about/general-information/#2007_at_a_glance.
- Exhibit M: Responses of the Federal Bureau of Investigation Based Upon the Aug. 19, 2004 Hearing Before the Senate Committee on the Judiciary Regarding “The 9/11 Commission and Recommendations for the Future of Federal Law Enforcement and Border Security.” Available In Full Document At <http://www.gpo.gov/fdsys/pkg/CHRG-108shrg96459/pdf/CHRG-108shrg96459.pdf>. Available As Stand Alone Document at https://www.eff.org/files/filenode/foia_idw/092807_idw010000-responsesenate.pdf.
- Exhibit N: “FBI Shows Off Counterterrorism Database,” Ellen Nakashima, Washington Post, Wednesday Aug. 30, 2006. Available At <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/29/AR2006082901520.html>.
- Exhibit O: *ACLU v. DOJ*, Case No. 3:12-cv-04008 (N.D.C.A. 2013), Decl. of Patricia Kenney (“Kenney Decl.”) (ECF No. 43-1).

- Exhibit P: EOUSA, Privacy Impact Assessment for the Master Index Application, May 25, 2006. Available At http://www.justice.gov/sites/default/files/usao/legacy/2006/09/29/pia_mi.pdf.
- Exhibit Q: *Shapiro v. DOJ*, No. 13-0729, 2014 WL 1280275 (D.D.C. Mar. 31, 2014) Plaintiff's Response to Supplemental Memorandum (ECF No. 28).
- Exhibit R: *Shapiro v. United States Dep't of Justice*, Case No. 1:13-cv-00595 (D.D.C. 2013). Decl. of David Hardy (ECF No. 9-1). Available at www.pacer.gov.

Per 28 U.S.C. § 1746 I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed On: December 22, 2014

/s/

CAITLIN KELLY HENRY
Attorney for Plaintiff Jesse Stout