



FOIA Hacking

How to Dox Public Records

Caitlin Kelly Henry, Esq. ⊠ <u>foia@caitlinkellyhenry.com</u>







Intro to FOIA hacking Steps to a successful FOIA

15) Items to put in your request

Why Should Hackers Use FOIA? Protect privacy. Expose surveillance. Educate the public, especially the non-technical public. Be A Whistleblower. And....





FOIA - A Lawful Attack Vector Against Government Data Collection Systems, Pervasive Data Collection, and Mass Surveillance

Uncovering How Agencies Store Data Helps Us Understand How They Are Thinking, Making Decisions, and Organizing Information That May Be Used Against Us.



Of Interest: The Information the Agencies Keep & The Ways In Which They Keep It

Understanding Data Management Is A Task Of Reverse Engineering

By extracting information from the agency we can deduce information about its systems then make more effective requests (Mosaic Theory).

Understanding Agency Data Architecture Improves Requests Agency Systems and Search Methods May Be Designed to Fail

What Can I Request? "Agency Records" FOIA Enumerates Categories of Records

The "Electronic Data" Category Includes:

File Directories

How do Agencies try to Avoid Release

Obfuscation!

-		
	-	
	_	

What Outcomes Can Requesters Expect

- Depends on the agency and type of record requested.
- FBI easier than CIA or NSA.
- DOJ report (2015)
 - Nearly 68,000 requests & 4,109 appeals processed
 - Claimed release rate 93.4% (didn't define rate)
 - Simple track requests 69% average response time 29.83 days.
 - Complex track requests = 31%
 - Exclusions: Law Enforcement 154 requests.

• Exemption: # 5 (agency communications) = < 5% of invoked exemptions.

	-	
- /		
	_	



Example: FBI Files On Aaron Swartz

- FBI initially released 23 records that mentioned him
 - Not indexed to his name as the "main index."
- Later journalists and researchers found his files release.

through cross referenced materials. Court ordered



Understanding Agency Default Searches: FBI Case Study

- •FBI Default search doesn't use modern tools
 - •uses IBM green screen which is a terminal connected to a main frame
 - developed in 1995
 - not web-application based search method used by agents in field
- Decision to index records to this system is discretionary.



Image Used In Case Challenging FBI Searches

Reverse Engineering to Make FBI Go Beyond Default

- **CRS** Central Records System (Data Management System)
 - ACS (Automated Case Support) Portal
 - UNI (Universal Name Index) Search Method
 - ICM (Investigative Case Management) Search Method
 - ECF (Electronic Case File) Search Method

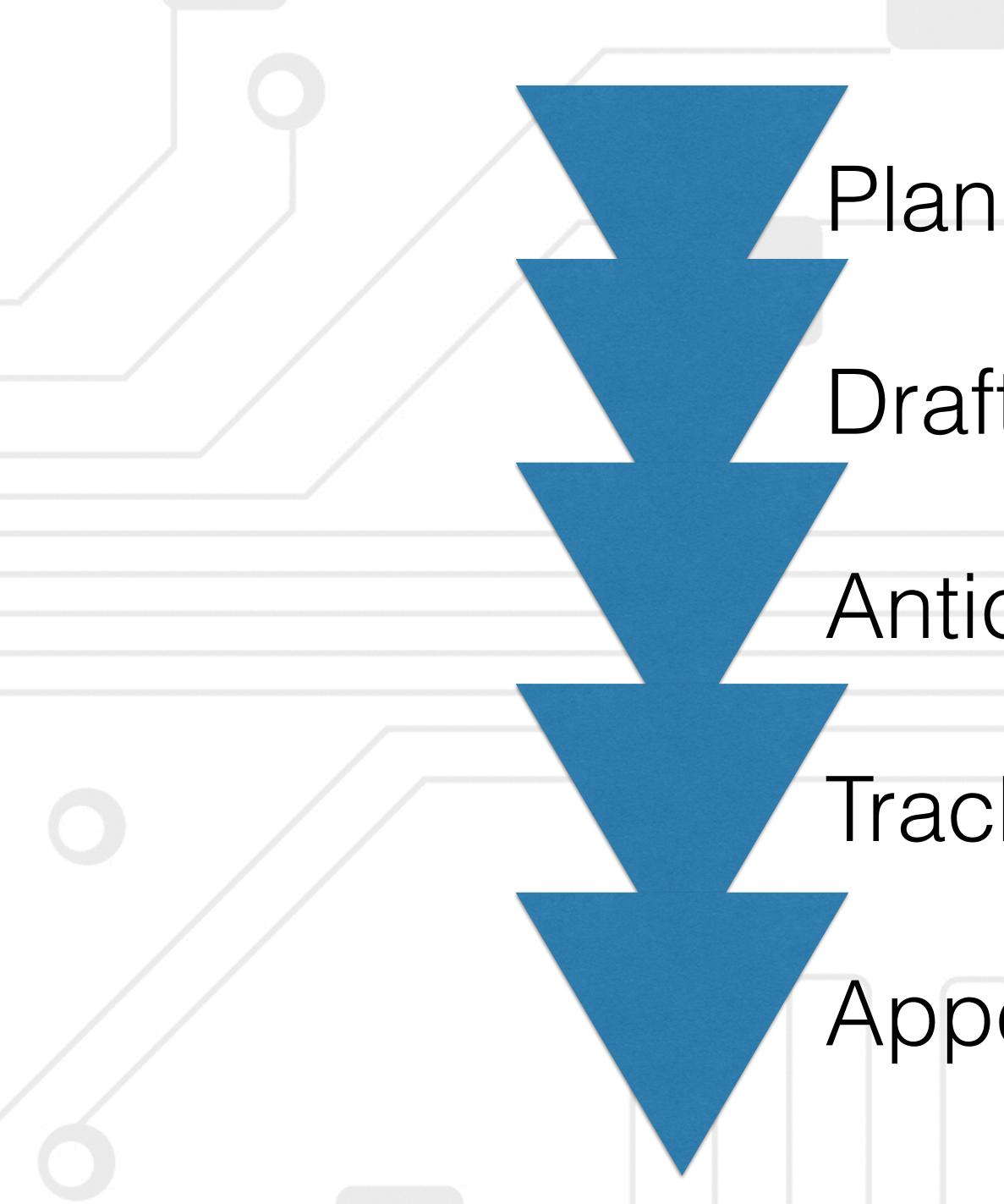




Can Regular People Succeed In FOIAs?



A Note On Using FOIA Drafting Websites



Planning (research)

Drafting a request (15 items)

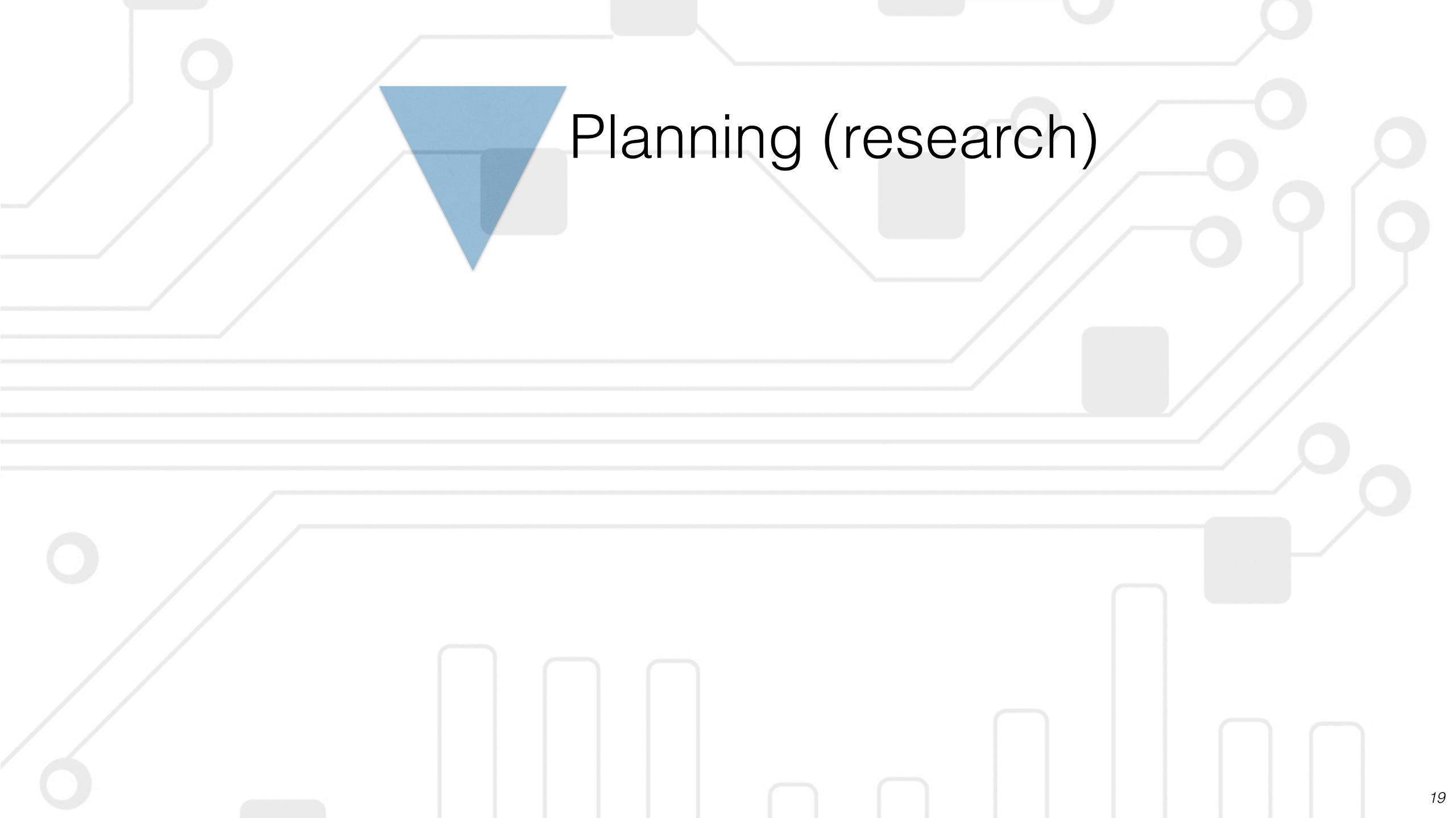
Anticipating responses

Tracking progress

Appealing and litigating



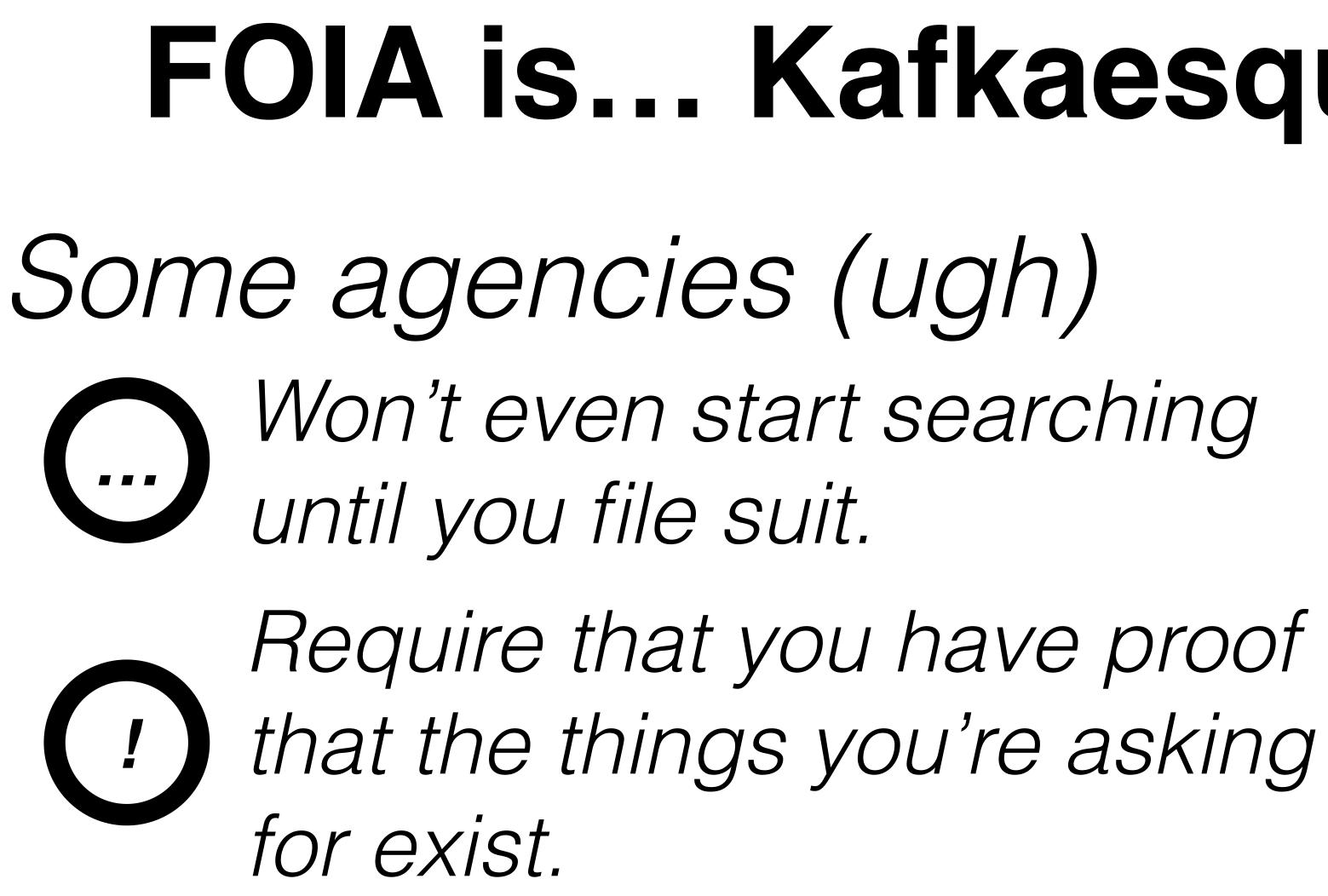




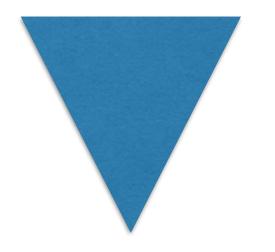
Planning (research)







FOIA is... Kafkaesque



Wha

When? Creation? Time frames? Pertinent dates?

Where? Which systems?

How? Prove record existence? Letter? Attachment?

Who? Branches? Agencies? Bureaus?

What? Personal information? About someone else?



CAITLIN KELLY HENRY, ESQ. ATTORNEY AT LAW, CASBN #287949 1201 Martin Luther King Jr. Way, Suite 200, Oakland CA 94612 TEL:(510)277-2025 FAX:(510)578-6595 ckh@caitlinkellyhenry.com

March 28, 2016

David M. Hardy Chief, Record/Information Dissemination Section, Records Management Division Federal Bureau of Investigation 170 Marcel Drive Winchester, VA 22602-4843 foiparequest@ic.fbi.gov

Transmitted Via Email

Re: Freedor ormation Act Request Hackers on Planet Farth (HOPE) Related to I

Dear FOIA Officer:

Under the Freedom of Information Act I hereby request the mention Hackers On Planet Earth (HOPE).

Context For Search

arding intelligence gathering and law enforcement activities that the HOPE conference, which takes place bi-annually in July 1 nning with the first conference held in August 1994 to the date the contribute significantly to a public uncerstanding of how to conference. men

Search Terms

Associated key words may include, but should not be limited to:

anet Earth, Hacking/Hackers: Conference; Con, White terrorism, Cyber HOPE (2600) The Hacker Quarterly om: Jullian Assarge; Edward Showden; Thomas

Addresses: 401 7th Avenue (15 Penn Plaza), Hotel Pennsylvania, New York, NY; 295-307 Lafayette Street, Puck Building, New York New York



Types of Records Requested

Signals intelligence, Communication Intelligence, and Human Intelligence including: Special Events Readiness Level (SERL) assessments; Special Events Management Units Communications (SEMU) Special Event Supervisors communications; Field Intelligence Groups and SSA Communications; Cyber Division communications; Emails; Complaint Forms; Memorandums of Investigation; Reports of Investigation; Field Operation Worksheets; Arrest Reports; Agents' notes; arrest evaluations; and investigation documents.

Search Locations

I request the search be performed in the following locations: ELSUR, Sentinel, IDW, CRS, FBIHQ Human Intelligence Division and Field Office Confidential Human Source information. In CRS I request a search of both the automated and the older general (manual) indices for all records (in any form or format, including multimedia and all types of electronic records) related in whole or in part. I request that the CRS search not at also include use of the ECF to search for associated

I request a fee waiver on a public interest basis pursuant to the public's interest in knowing about surveillance privacy activists and security professionals. I anticipate that the requested documents will be made available to the general public free of charge as

public information on the Internet and at the conference. T

Release

As FOIA requires the release of all reasonably segregable portions of records, please release all segregable information and do not withhold an entire document if only a ortion is exempt.

al charges in advance of fulfilling my electronically, please indicate the approximate cost of copying and shipping.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request b

Caitlin Kelly Henry



U.S. Department of Justice

Executive Office for United States Attorneys Freedom of Information & Privacy Staff 600 E Street, N.W. Suite 7300, Bicentennial Building Washington, DC 20530-0001

(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao)

July 5, 2016

Caitlin Henry, Esq. 1201 Martin Luther King Jr. Way Ste. 200 Oakland, California 94612



Dear Ms. Henry, Esq.:

The purpose of this letter is to a Act/Privacy Act request dated March States Attorneys (EOUSA) on March Planet Earth (HOPE). Your request has been assigned Tracking Number FOIA-2016-02004.

For your information, EOUSA assigns incoming requests to one of three tracks: simple, ined. Each request is then hardled on a first-in, first-out basis in relation to he sume track. As an estimate, the likely median response that for simple mately 50 business days, whereas complex ye justs necessarily take longer request has been assigned to the Complex tack. complex, o other requ requests is

Please be advised that there may be certain costs associated with processing your request. Consequently, you may be responsible for paying those costs, unless you ave requested and been granted a waiver or reduction in fees. In most instances, the first 10) page the first two hours to search for records responsive to your request, will of charge. Thereafter, search and review fees by professional personnel are cl hour and duplication fees are assessed at five cents per page.

Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. You may decide to limit or reduce the estimated fees, or obtain a quicker response, by modifying your request in one or more ways specified in the attachment to this letter. If after making those allowances we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date.



Washington, D.C. 20535

April 14, 2016

MS. CAITLYN KELLY HENRY SUITE 200 1201 MARTIN LUTHER KING JR. WAY OAKLAND, CA 94612

> FOIPA Request No.: 1347776-000 Subject: Hackers On Planet Earth Conference

Dear Ms. Henry:

Restrigues Number Replay (1) - 2014 Date of Research Files of Restrict On Planet Earth (HOPE)/Northern District of New York interest to the Sureau, please provide us the details and we will conduct an additional search.

It is understary to adjudicate your request for a fee waiver as no responsive main files were located. 25, 2016 and received in the Executive Office for United 30, 2016 afore requested seconds concerning the term of as been assigned Tracking Number FOIA-2016-02004 do, or do not, exist

For questions regarding our determinations, visit the <u>www.fbi.gov/foia</u> website under "Contact Us." The For Adapted Number lives above has been assigned to pour request. Please use this number in all correspondence concerning your economy Your office of Internation Pollor (OIP), buiter states your may file on porestopy international Director Office of Internation Pollor (OIP), buiter states Departed of Justice, Sele 1.650, built of Nork Longe, NY, Vasher and Director Office of Justice, Director You may submit an appeal through OIP's FOIAonline portal by creating an account on the following site: https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If ail, both the letter and the envelope should be clearly marked "Freedom of Please cite the FOIPA Request Number assigned to your request so that it may be

mation is a copy of the FBI Fact Sheet.

Sincerely

David M. Hardy Section Chief, Record/Information

FBI

- Acknowledgement email (March 29)
 Denial Letter (April 14)
- -Assigned request number.
- -Conducted a search of the CRS to include any Electronic Surveillance (ELSUR).
- -Unable to identify "main file" records.
- -Request for additional information about the subject of interest (note, the request mentioned names)



Federal Bureau of Investigation

Washington, D.C. 20535

April 14, 2016

MS. CAITLYN KELLY HENRY SUITE 200 1201 MARTIN LUTHER KING JR. WAY OAKLAND, CA 94612

> FOIPA Request No.: 1347776-000 Subject: Hackers On Planet Earth Conference

Dear Ms. Henry:

This is in response to your Freedom of Information Act (FOIA) request.

Based on the information you provided, we conducted a search of the Central Records System, to include any Electronic Surveillance (ELSUR) records. We were unable to identify main file records responsive to the FOIA. If you have additional information pertaining to the subject that you believe was of investigative interest to the Bureau, please provide us the details and we will conduct an additional search.

It is unnecessary to adjudicate your request for a fee waiver as no responsive main files were located.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the <u>www.fbi.gov/foia</u> website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <u>https://foiaonline.regulations.gov/foia/action/public/home</u>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Enclosed for your information is a copy of the FBI Fact Sheet.

Sincerely,

David M. Hardy Section Chief, Record/Information



Secret Service

- 1. Acknowledgement Letter (April 5)
- Assigns file number
- Assigns fee category ("all other")
- 2. Denial Letter (July 8)



DEPARTMENT OF HOMELAND SECURITY UNITED STATES SECRET SERVICE WASHINGTON, D.C. 20223

Freedom of Information Act & Privacy Act Branch Communications Center 245 Murray Lane, SW, Building T-5 Washington, D.C. 20223

> APR 5 2016 Date:

Caitlin Henry, Esquire 1201 Martin Luther King Jr. Way, Suite 200 Oakland, CA 94612

File Number: 20160726

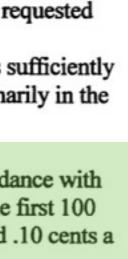
Dear Requester:

This letter is intended to acknowledge the receipt of your recent Freedom of Information Act/Privacy Acts (FOIA/PA) request, received by the United States Secret Service (USSS) on March 29, 2016, for information pertaining to intelligence gathering and law enforcement activities that mention or reference the HOPE conference, which takes place bi-annually in July, from August 2004 to March 29, 2016.

Please be advised, your request for a fee waiver will be held in abeyance pending the quantification of responsive records. The FOIA regulations, Title 6 C.F.R., Chapter I, Part 5 § 5.11(k)(2)(3), set forth six factors to examine when determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- 1) Whether the subject of the requested records concerns "the operations or activities of the government;"
- 2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- 3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- 4) Whether the contribution of public understanding of government operations or activities will be "significant;"
- 5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
- 6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

In the event that your fee waiver is denied, we shall charge you for the records in accordance with Interim FOIA regulations as they apply to non-commercial ("all other") requesters. The first 100 pages of duplication are free of charge. As an "all other" requester, you will be charged .10 cents a



Secret Service

2. Denial Letter (July 8) -"Conducted a reasonable search" -Reviewed main indices for references



DEPARTMENT OF HOMELAND SECURITY

UNITED STATES SECRET SERVICE WASHINGTON, D.C. 20223

Freedom of Information Act & Privacy Act Program **Communications Center** 245 Murray Lane, SW, Building T-5 Washington, D.C. 20223

> JUL 8 2016 Date:

Caitlin Henry 1201 Martin Luther King Jr. Way, Suite 200 Oakland, CA 94612

File Number: 20160726

Dear Requester:

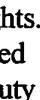
This letter is intended to acknowledge the receipt of your recent Freedom of Information Act/Privacy Act (FOIA/PA) request, received by the United States Secret Service (Secret Service) on March 29, 2016, for information pertaining to intelligence gathering and law enforcement activities that mention or reference the HOPE conference, which takes place bi-annually in July, from August 2004 to March 29, 2016.

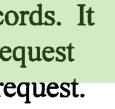
In response to your request, the Secret Service has conducted a reasonable search for responsive records. It appears, from a review of Secret Service main indices, that there are no records pertaining to your request that are referenced in these indices. This is the final response. Enclosed is a copy of your original request.

Alternatively, if you deem our decision an adverse determination, you may exercise your appeal rights. Should you wish to file an administrative appeal, your appeal should be made in writing and received within sixty (60) days of the date of this letter, by writing to: Freedom of Information Appeal, Deputy Director, U.S. Secret Service, Communications Center, 245 Murray Lane, S.W., Building T-5, Washington, D.C. 20223.

Your request has been assigned FOIA File No. 20160726. If you choose to file an administrative appeal, please explain the basis of your appeal and reference the assigned file number.







US Attorney

4 Letters -Assigning tracking number -Assigning to Different Geographical Divisions, -Assigning to Complex Track, -Asking If I wanted to Continue

-Asking How Much I'd Pay



U.S. Department of Justice Executive Office for United States Attorneys Freedom of Information & Privacy Staff 600 E Street, N.W. Suite 7300, Bicentennial Building Washington, DC 20530-0001

(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao)

July 5, 2016

Caitlin Henry, Esq. 1201 Martin Luther King Jr. Way Ste. 200 Oakland, California 94612

> Re: Request Number: FOIA-2016-02004 Date of Receipt: March 30, 2016 Subject of Request: Hackers On Planet Earth (HOPE)/Northern District of New York

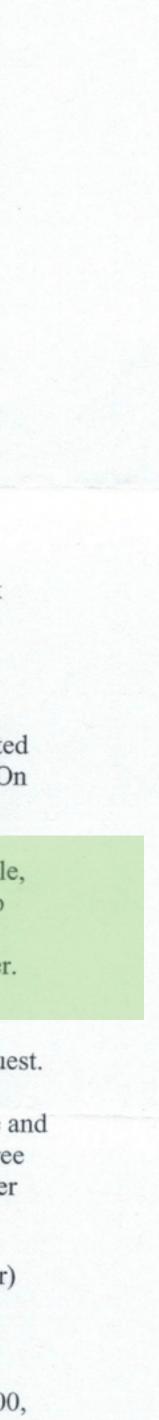
Dear Ms. Henry, Esq.:

The purpose of this letter is to acknowledge receipt of your Freedom of Information Act/Privacy Act request dated March 28, 2016 and received in the Executive Office for United States Attorneys (EOUSA) on March 30, 2016. You requested records concerning Hackers On Planet Earth (HOPE). Your request has been assigned Tracking Number FOIA-2016-02004.

For your information, EOUSA assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. As an estimate, the likely median response time for simple requests is approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the Complex track.

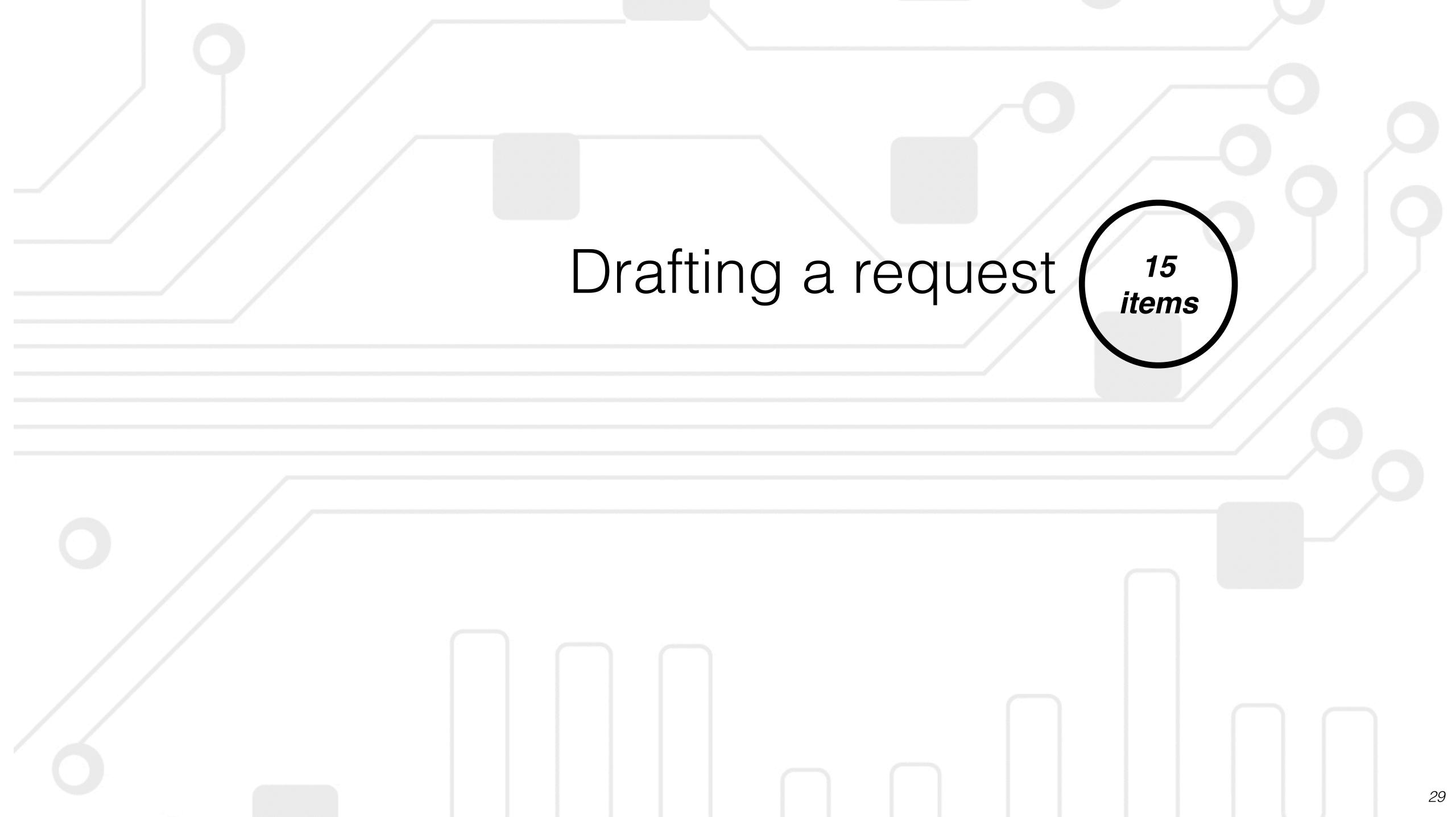
Please be advised that there may be certain costs associated with processing your request. Consequently, you may be responsible for paying those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. Thereafter, search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page.

Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. You may decide to limit or reduce the estimated fees, or obtain a quicker response, by modifying your request in one or more ways specified in the attachment to this letter. If after making those allowances we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date.



US Marshals

Nothing





Discussion of Non Self-Explanatory *Items*

5 6) 10 13 Signature

Requester contact information

Date of request receipt

Agency addressee information

- Method of transmission (e.g., mail, email, fax)
- Subject line (FOIA/PA request; Re: _____
- Request is on behalf of
- Subject matter (context and keywords)
- Indication of record types
- Likely location of records
- Record date ranges
- Fee waiver eligibility information
- Costs you're willing to incur
- Date of expected response
- Enclosures and attachments

<u>CAITLIN KELLY HENRY, ESQ.</u> ATTORNEY AT LAW, CASBN #287949 1201 Martin Luther King Jr. Way, Suite 200, Oakland CA 94612 TEL:(510)277-2025 FAX:(510)578-6595 ckh@caitlinkellyhenry.com

March 28, 2016

David M. Hardy Chief, Record/Information Dissemination Section, Records Management Division Federal Bureau of Investigation 170 Marcel Drive Winchester, VA 22602-4843 foiparequest@ic.fbi.gov

Transmitted Via Email

Re: Freedom of Information Act Request Related to Hackers On Planet Earth (HOPE)

Dear FOIA Officer:

Under the Freedom of Information Act I hereby request the following records that mention Hackers On Planet Earth (HOPE).

Context For Search

I request records regarding intelligence gathering and law enforcement activities that mention or reference the HOPE conference, which takes place bi-annually in July. I request records beginning with the first conference held in August 1994 to the date the request is fulfilled.

Search Terms

Associated key words may include, but should not be limited to:

<u>Key Words</u>: HOPE, Hackers on Planet Earth, Hacking/Hackers; Conference; Con; White Hat; Gray Hat; Black Hat; Counterterrorism; Cyber
<u>Entities</u>: Hackers On Planet Earth (HOPE); 2600: The Hacker Quarterly
<u>Subjects of Interest</u>: Steven Rombom; Jullian Assange; Edward Snowden; Thomas Drake; Daniel Ellsberg; William Binney; J. Kirk Weibe
<u>Addresses</u>: 401 7th Avenue (15 Penn Plaza), Hotel Pennsylvania, New York, NY; 295-307 Lafayette Street, Puck Building, New York New York
<u>Statutes</u>: Computer Fraud and Abuse Act 18 U.S. Code §1030; Wiretap Act 18 U.S.C. § 2511(1); Unlawful Access to Stored Communications: 18 U.S.C. § 2701. Section 2701; Identity Theft and Aggravated Identity Theft: 18 U.S.C. § 1028A; Access Device Fraud: 18 U.S.C. § 1029; CAN-SPAM Act: 18 U.S.C. § 1037; Wire Fraud: 18 U.S.C. § 1343.; Communication Interference: 18 U.S.C. § 1362; Digital Millennium Copyright Act (17 U.S.C. §§ 512, 1201–1205, 1301–1332; 28 U.S.C. § 4001)

• Requester contact information

Be overly inclusive

CAITLIN KELLY HENRY, ESQ. ATTORNEY AT LAW, CASBN #287949 1201 Martin Luther King Jr. Way, Suite 200, Oakland CA 94612 TEL:(510)277-2025 FAX:(510)578-6595 ckh@caitlinkellyhenry.com

March 28, 2016

David M. Hardy Chief, Record/Information Dissemination Section, Records Management Division Federal Bureau of Investigation 170 Marcel Drive Winchester, VA 22602-4843 foiparequest@ic.fbi.gov

Transmitted Via Email

Re: Freedom of Information Act Request Related to Hackers On Planet Earth (HOPE)

Dear FOIA Officer:

Under the Freedom of Information Act I hereby request the following records that mention Hackers On Planet Earth (HOPE).

Context For Search

I request records regarding intelligence gathering and law enforcement activities that mention or reference the HOPE conference, which takes place bi-annually in July. I request records beginning with the first conference held in August 1994 to the date the request is fulfilled.

Search Terms

Associated key words may include, but should not be limited to:

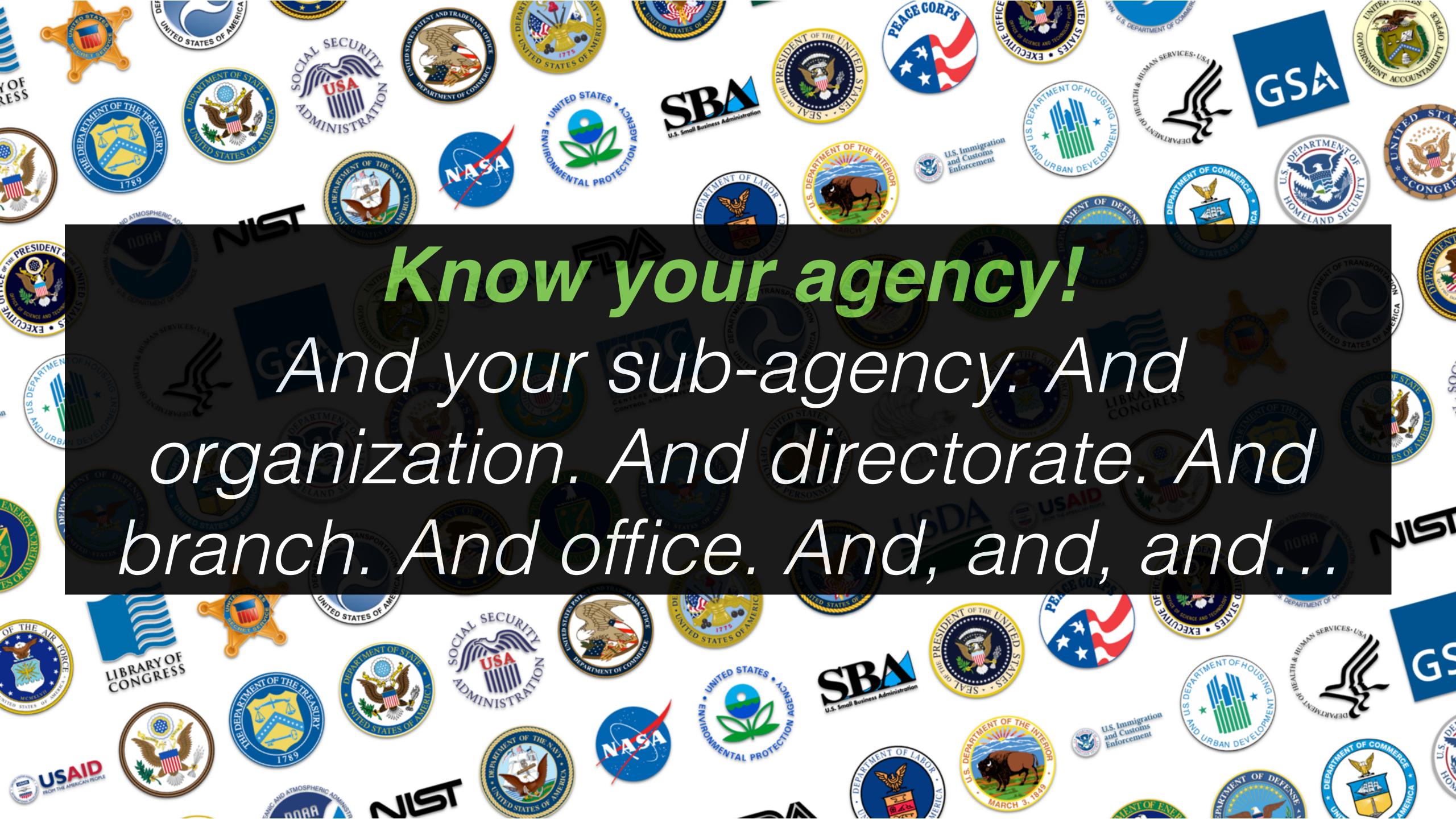
<u>Key Words</u>: HOPE, Hackers on Planet Earth, Hacking/Hackers; Conference; Con; White Hat; Gray Hat; Black Hat; Counterterrorism; Cyber
<u>Entities</u>: Hackers On Planet Earth (HOPE); 2600: The Hacker Quarterly
<u>Subjects of Interest</u>: Steven Rombom; Jullian Assange; Edward Snowden; Thomas Drake; Daniel Ellsberg; William Binney; J. Kirk Weibe
<u>Addresses</u>: 401 7th Avenue (15 Penn Plaza), Hotel Pennsylvania, New York, NY; 295-307 Lafayette Street, Puck Building, New York New York
<u>Statutes</u>: Computer Fraud and Abuse Act 18 U.S. Code §1030; Wiretap Act 18 U.S.C. § 2511(1); Unlawful Access to Stored Communications: 18 U.S.C. § 2701. Section 2701; Identity Theft and Aggravated Identity Theft: 18 U.S.C. § 1028A; Access Device Fraud: 18 U.S.C. § 1029; CAN-SPAM Act: 18 U.S.C. § 1037; Wire Fraud: 18 U.S.C. § 1343.; Communication Interference: 18 U.S.C. § 1362; Digital Millennium Copyright Act (17 U.S.C. §§ 512, 1201–1205, 1301–1332; 28 U.S.C. § 4001)

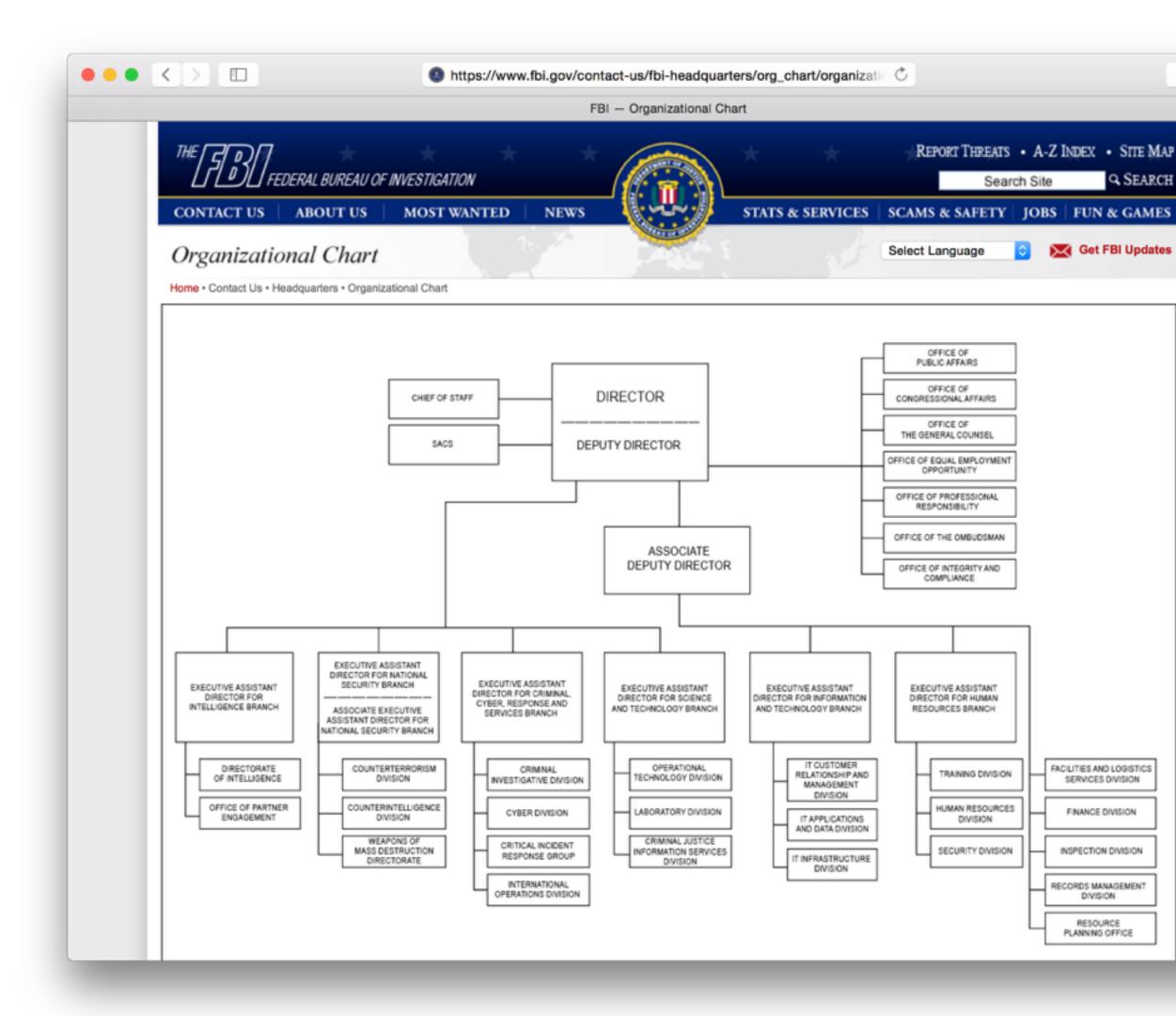
Agency addressee information

	⊜ foia.gov Č	
	FOIA.gov - Freedom of Information	Act: Where to Make a FOIA request
		🎯 UNITED STATES DEPARTMENT 🖋 JUSTIC
FOIA.go	News Glo DV FOIA Contact	ssary FAQs en Español Feedback
Home Data Reports	Find Learn	
How to Make a FOIA Request Where to Make a FOIA Request Additional Government Resources	I want to make a FOIA request to: Note: After you select an agency, to make anothe to Make a FOIA Request." Your "Back" button will U.S. Agency for International Development	er selection, please use the link on the left: "Where not take you to your previous search results. Department of Agriculture
Frequently Asked Questions FOIA en Español	Department of Energy	Department of Education
	Department of Commerce	Department of Defense
Run script "startRequest('DoD');"	Department of Health and Human Services	Department of Homeland Security

https://www.foia.gov/report-makerequest.html







https://www.fbi.gov/contact-us/fbi-headquarters/org_chart/organizational_chart

Do your research!

ô 0

The FBI alone defines an organizational hierarchy with deep complexity.



CAITLIN KELLY HENRY, ESQ. ATTORNEY AT LAW, CASBN #287949 1201 Martin Luther King Jr. Way, Suite 200, Oakland CA 94612 TEL:(510)277-2025 FAX:(510)578-6595 ckh@caitlinkellyhenry.com

March 28, 2016

David M. Hardy Chief, Record/Information Dissemination Section, Records Management Division Federal Bureau of Investigation 170 Marcel Drive Winchester, VA 22602-4843 foiparequest@ic.fbi.gov

Transmitted Via Email

Re: Freedom of Information Act Request Related to Hackers On Planet Earth (HOPE)

Dear FOIA Officer:

Under the Freedom of Information Act I hereby request the following records that mention Hackers On Planet Earth (HOPE).

Context For Search

I request records regarding intelligence gathering and law enforcement activities that mention or reference the HOPE conference, which takes place bi-annually in July. I request records beginning with the first conference held in August 1994 to the date the request is fulfilled.

Search Terms

Associated key words may include, but should not be limited to:

Key Words: HOPE, Hackers on Planet Earth, Hacking/Hackers; Conference; Con; White Hat; Gray Hat; Black Hat; Counterterrorism; Cyber Entities: Hackers On Planet Earth (HOPE); 2600: The Hacker Quarterly Subjects of Interest: Steven Rombom; Jullian Assange; Edward Snowden; Thomas Drake; Daniel Ellsberg; William Binney; J. Kirk Weibe Addresses: 401 7th Avenue (15 Penn Plaza), Hotel Pennsylvania, New York, NY; 295-307 Lafayette Street, Puck Building, New York New York Statutes: Computer Fraud and Abuse Act 18 U.S. Code §1030; Wiretap Act 18 U.S.C. § 2511(1); Unlawful Access to Stored Communications: 18 U.S.C. § 2701. Section 2701; Identity Theft and Aggravated Identity Theft: 18 U.S.C. § 1028A; Access Device Fraud: 18 U.S.C. § 1029; CAN-SPAM Act: 18 U.S.C. § 1037; Wire Fraud: 18 U.S.C. § 1343.; Communication Interference: 18 U.S.C. § 1362; Digital Millennium Copyright Act (17 U.S.C. §§ 512, 1201-1205, 1301-1332; 28 U.S.C. § 4001)

Subject matter (narrative context) (7)

The agency will decide how the narrative fits into its systems and search methods.

CAITLIN KELLY HENRY, ESQ. ATTORNEY AT LAW, CASBN #287949 1201 Martin Luther King Jr. Way, Suite 200, Oakland CA 94612 TEL:(510)277-2025 FAX:(510)578-6595 ckh@caitlinkellyhenry.com

March 28, 2016

David M. Hardy Chief, Record/Information Dissemination Section, Records Management Division Federal Bureau of Investigation 170 Marcel Drive Winchester, VA 22602-4843 foiparequest@ic.fbi.gov

Transmitted Via Email

Re: Freedom of Information Act Request Related to Hackers On Planet Earth (HOPE)

Dear FOIA Officer:

Under the Freedom of Information Act I hereby request the following records that mention Hackers On Planet Earth (HOPE).

Context For Search

I request records regarding intelligence gathering and law enforcement activities that mention or reference the HOPE conference, which takes place bi-annually in July. I request records beginning with the first conference held in August 1994 to the date the request is fulfilled.

Search Terms

Associated key words may include, but should not be limited to:

Key Words: HOPE, Hackers on Planet Earth, Hacking/Hackers; Conference; Con; White Hat; Gray Hat; Black Hat; Counterterrorism; Cyber

Entities: Hackers On Planet Earth (HOPE); 2600: The Hacker Quarterly Subjects of Interest: Steven Rombom; Jullian Assange; Edward Snowden; Thomas Drake; Daniel Ellsberg; William Binney; J. Kirk Weibe Addresses: 401 7th Avenue (15 Penn Plaza), Hotel Pennsylvania, New York, NY; 295-307 Lafayette Street, Puck Building, New York New York Statutes: Computer Fraud and Abuse Act 18 U.S. Code §1030; Wiretap Act 18 U.S.C. § 2511(1); Unlawful Access to Stored Communications: 18 U.S.C. § 2701. Section 2701; Identity Theft and Aggravated Identity Theft: 18 U.S.C. § 1028A; Access Device Fraud: 18 U.S.C. § 1029; CAN-SPAM Act: 18 U.S.C. § 1037; Wire Fraud: 18 U.S.C. § 1343.; Communication Interference: 18 U.S.C. § 1362; Digital Millennium Copyright Act (17

U.S.C. §§ 512, 1201-1205, 1301-1332; 28 U.S.C. § 4001)

Subject matter (keywords) 7 The agency is not obligated to use keywords. But you should provide it with the terms you want used. It goes a long way in appeals and litigation.





Exclusions: FOIA Doesn't Apply

Exemptions: FOIA Applies but Agency Isn't Obligated to Release







FOIA Doesn't Apply

- Ongoing criminal law proceedings
- Law enforcement information on confidential informants
- Certain classified materials, counterintelligence, and international terrorism

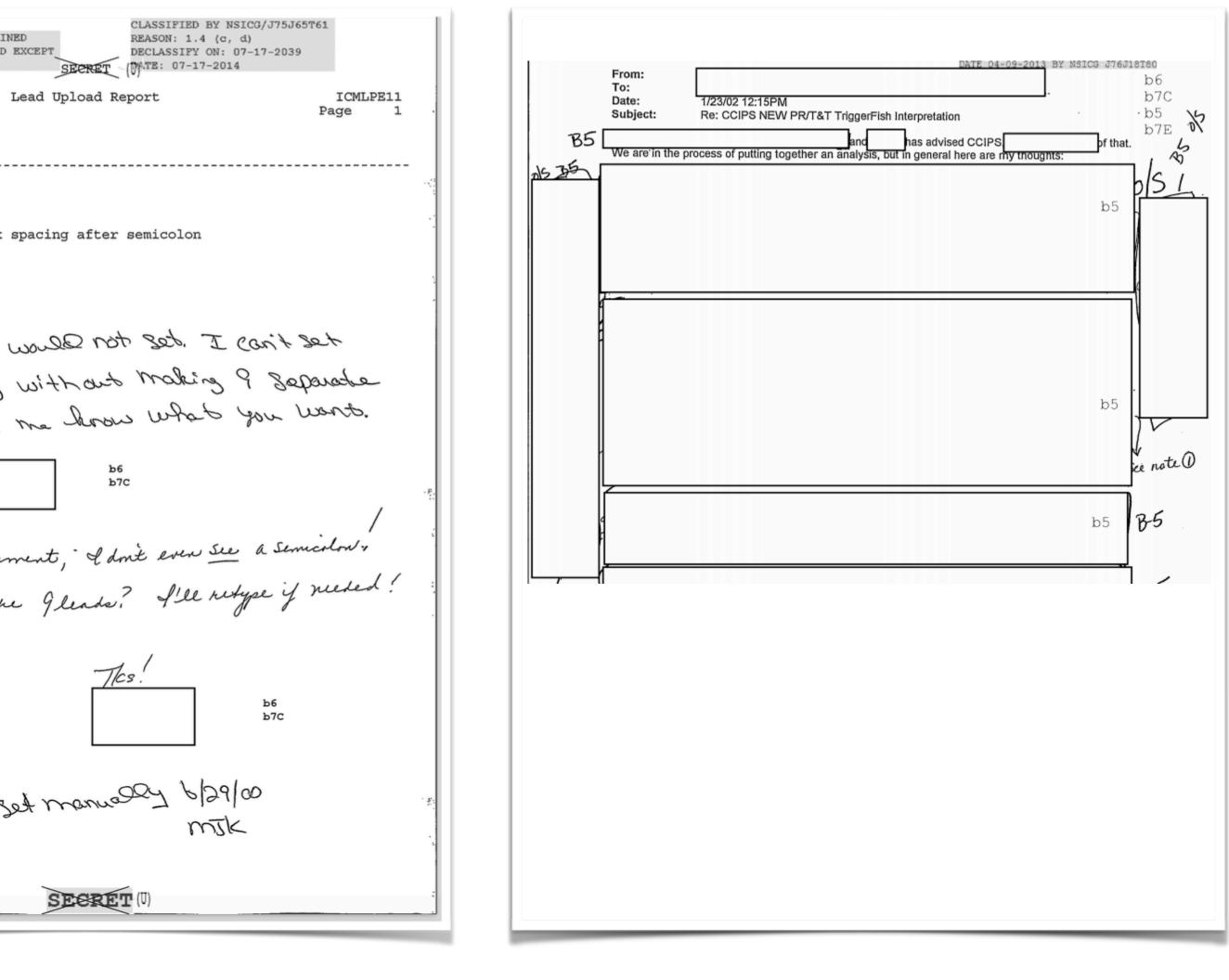


FOIA Applies, But Agency Doesn't Have to Release

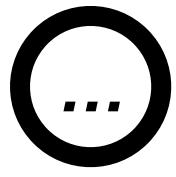
- National defense
- Internal personnel regulations*
- Other law
- Trade secrets*
- Inter/intra-agency communications*
- Personal privacy
- Law enforcement
- Audits and reports
- Geological, geophysical data & maps

CLASSIFIED BY NSICG/J75J65T61 (Rev. 10-01-1999) DECLASSIFY ON: 07-16-2039 DATE: 07-16-2014 CLASSIFIED BY NSICG/J75J65T61 REASON: 1.4 (c, d) DECLASSIFY ON: 07-16-2039 DATE: 07-16-2014 CLASSIFIED BY NSICG/J75J65T61 REASON: 1.4 (c, d) DECLASSIFY ON: 07-16-2039 DATE: 07-16-2014 CLASSIFIED BY NSICG/J75J65T61 REASON: 07-16-2039 DATE: 07-16-2014 CLASSIFIED BY NSICG/J75J65T61 REASON: 07-16-2039 DATE: 07-16-2014	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXC WHERE SHOWN OTHERWISE 06/23/00 Let 12:42:26
Precedence: ROUTINE Date: 06/05/2000	Case ID: (5) Serial: b3
To: Las Vegas	
From: Las Vegas Squad 6 Contact: SA	*** Unable to be set. *** Reason: Lead Number not numeric, check spa
Approved By:	
Title: DEF CON 00; b1 b3	This lead w it manually v
(U) Synopsis: (S) Source information.	it manually v
(U) Derived From : G-3 Declassify On: X1 C/	leads. Let n
(5) Details: S (5) CON 00."	
(U) Writer has consulted information provided by b6 and found no information to confirm or denv b7C b7D	of checked the docume
(U) Through a text search in Federal Bureau of Investigation (FBI) indices, writer was able to review various communications regarding previous DEF CON conventions.	How hard is it to make
(U) Office (WFO), who is not in a position to testify, provided information that The source further advised b6 that	
b7E $b1$ $b1$ $b1$ $b2$ $b1$ $b2$ $b1$ $b2$ $b2$ $b2$ $b2$ $b2$ $b2$ $b2$ $b2$	Zed
¥9 43431.00 #6	
-72751100	









(+) Discretion

(+) Segregability

(?) Urgency

Remind agency 1. it has discretion to release. 2. it must segregate releasable portions of records (not withhold entire document)

3. If qualify for expediting (due process interest, matters of government integrity)



Indication of record types Examples from the FBI

- Emails
- Complaint forms
- Memorandum of investigation
- Field notes
- Report of investigation
- Field operation worksheets
- Arrest reports
- Agent's notes
- Arrest evaluations
- Investigations

Types of Records Requested

Signals intelligence, Communication Intelligence, and Human Intelligence including: Special Events Readiness Level (SERL) assessments; Special Events Management Units Communications (SEMU) Special Event Supervisors communications; Field Intelligence Groups and SSA Communications; Cyber Division communications; Emails; Complaint Forms; Memorandums of Investigation; Reports of Investigation; Field Operation Worksheets; Arrest Reports; Agents' notes; arrest evaluations; and investigation documents.

Search Locations

I request the search be performed in the following locations: ELSUR, Sentinel, IDW, CRS, FBIHQ Human Intelligence Division and Field Office Confidential Human Source information. In CRS I request a search of both the automated and the older general (manual) indices for all records (in any form or format, including multimedia and all types of electronic records) related in whole or in part. I request that the CRS search not be limited to UNI index, but also include use of the ECF to search for associated keywords.

Fee Waiver or Reduction

I request a fee waiver on a public interest basis pursuant to the public's interest in knowing about surveillance privacy activists and security professionals. I anticipate that the requested documents will be made available to the general public free of charge as public information on the Internet and at the conference. This request is made in the process of news-gathering about surveillance of security and privacy professionals and anti-surveillance activists. It is not for commercial usage. Publication of information will contribute significantly to a public understanding of how federal agencies monitor the conference.

Release

As FOIA requires the release of all reasonably segregable portions of records, please release all segregable information and do not withhold an entire document if only a portion is exempt.

Cost

Please inform me of the total charges in advance of fulfilling my request. I am willing to pay up to \$50 initially. I would prefer the request filled electronically, by e-mail attachment if available, or CD-ROM if not. Likewise, if documents are not available electronically, please indicate the approximate cost of copying and shipping.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request by April 18, 2016 (within 20 business days), as the statute requires. Please feel free to contact me for any clarifications.

Sincerely, /s/ Caitlin Kelly Henry

Record Types: Electronic Data Software Database File Directory Products of Data Compilation

Likely location of records

Tell the agency where to look and how. Research "Systems of Records Notices" (SORNS).

This can get Kafkaesque again...

Types of Records Requested

Signals intelligence, Communication Intelligence, and Human Intelligence including: Special Events Readiness Level (SERL) assessments; Special Events Management Units Communications (SEMU) Special Event Supervisors communications; Field Intelligence Groups and SSA Communications; Cyber Division communications; Emails; Complaint Forms; Memorandums of Investigation; Reports of Investigation; Field Operation Worksheets; Arrest Reports; Agents' notes; arrest evaluations; and investigation documents.

Search Locations

I request the search be performed in the following locations: ELSUR, Sentinel, IDW, CRS, FBIHQ Human Intelligence Division and Field Office Confidential Human Source information. In CRS I request a search of both the automated and the older general (manual) indices for all records (in any form or format, including multimedia and all types of electronic records) related in whole or in part. I request that the CRS search not be limited to UNI index, but also include use of the ECF to search for associated keywords.

Fee Waiver or Reduction

I request a fee waiver on a public interest basis pursuant to the public's interest in knowing about surveillance privacy activists and security professionals. I anticipate that the requested documents will be made available to the general public free of charge as public information on the Internet and at the conference. This request is made in the process of news-gathering about surveillance of security and privacy professionals and anti-surveillance activists. It is not for commercial usage. Publication of information will contribute significantly to a public understanding of how federal agencies monitor the conference.

Release

As FOIA requires the release of all reasonably segregable portions of records, please release all segregable information and do not withhold an entire document if only a portion is exempt.

Cost

Please inform me of the total charges in advance of fulfilling my request. I am willing to pay up to \$50 initially. I would prefer the request filled electronically, by e-mail attachment if available, or CD-ROM if not. Likewise, if documents are not available electronically, please indicate the approximate cost of copying and shipping.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request by April 18, 2016 (within 20 business days), as the statute requires. Please feel free to contact me for any clarifications.

Sincerely, /s/ Caitlin Kelly Henry

Fee waiver eligibility information Costs you're willing to incur

State the category you fall under and how much you are willing to spend.

	Type of Request		Type of Charge	IRS Price		
	Commercial requesters		Copying charges	\$.20 per page.		
			Search charges	\$41 per hour or fraction of an hour (charges for compute searches may include search time expended by employ plus the actual direct costs to the IRS for performing the electronic search such as computer search time, runs, a operator's salary).		
			Review charges	\$45 per hour or fraction of an hour.		
			Minimum charge	No fee charged if total charges are \$25 or less.		
	Media requesters		Copying charges	No charge for first 100 pages; \$.20 per page thereafter.		
			Minimum charge	No fee charged if total charges are \$25 or less.		
	Educational or Non- commercial Scientific	Copying charges	No charge for first 100 pages; \$.20 per page thereafter.			
	institution requesters		Minimum charge	No fee charged if total charges are \$25 or less.		
	Other requestors(Individuals seeking records for their own use)		Copying charges	No charge for first 100 pages; \$.20 per page thereafter.		
		Search charges	No charge for first 2 hours (or equivalent computer sear cost); \$41 per hour or fraction of an hour plus any direct electronic search costs thereafter.			
			Minimum charge	No fee charged if total charges are \$25 or less.		
	services These s certifica transport		services o These ser certificatio transporta	be assessed at actual cost for any request that requires r materials. vices are provided at the discretion of the IRS and may in n fees (\$1 per certified document); shipping costs; emplo tion; contractor duplication costs; video tapes; computer of ing, etc. The charge for a copy of tax return as filed is \$50		





Anticipating responses





Know what you've sent! Keep a log of requests including subjects, dates of delivery and receipt, and methods of transmission.

to TROTMO), LEA is conju you the following reneral observe

responsibility of secting a

legal proceedings

2.4

OF Sproriacely three years USTINGOT STU JO Legat, Rio de Janeiro (76-11) (c) DILECCOL' ARI : 01 59/03/T 1/50/65 mpupious M UNITED STATES OF TRUMENT

TOP TOTAL OF COADE tol as at entrance in frots Led to furning the following section as following to the following the f sun sol end bedoetnop vilenosted INISTACE TOTAN HELLES THE EAT SEVEN Piron : 270° Tos yuseres : DRECLOSS ARI

whods wore designed for use in a ba ton (n.S. to uncover warmy plans, de

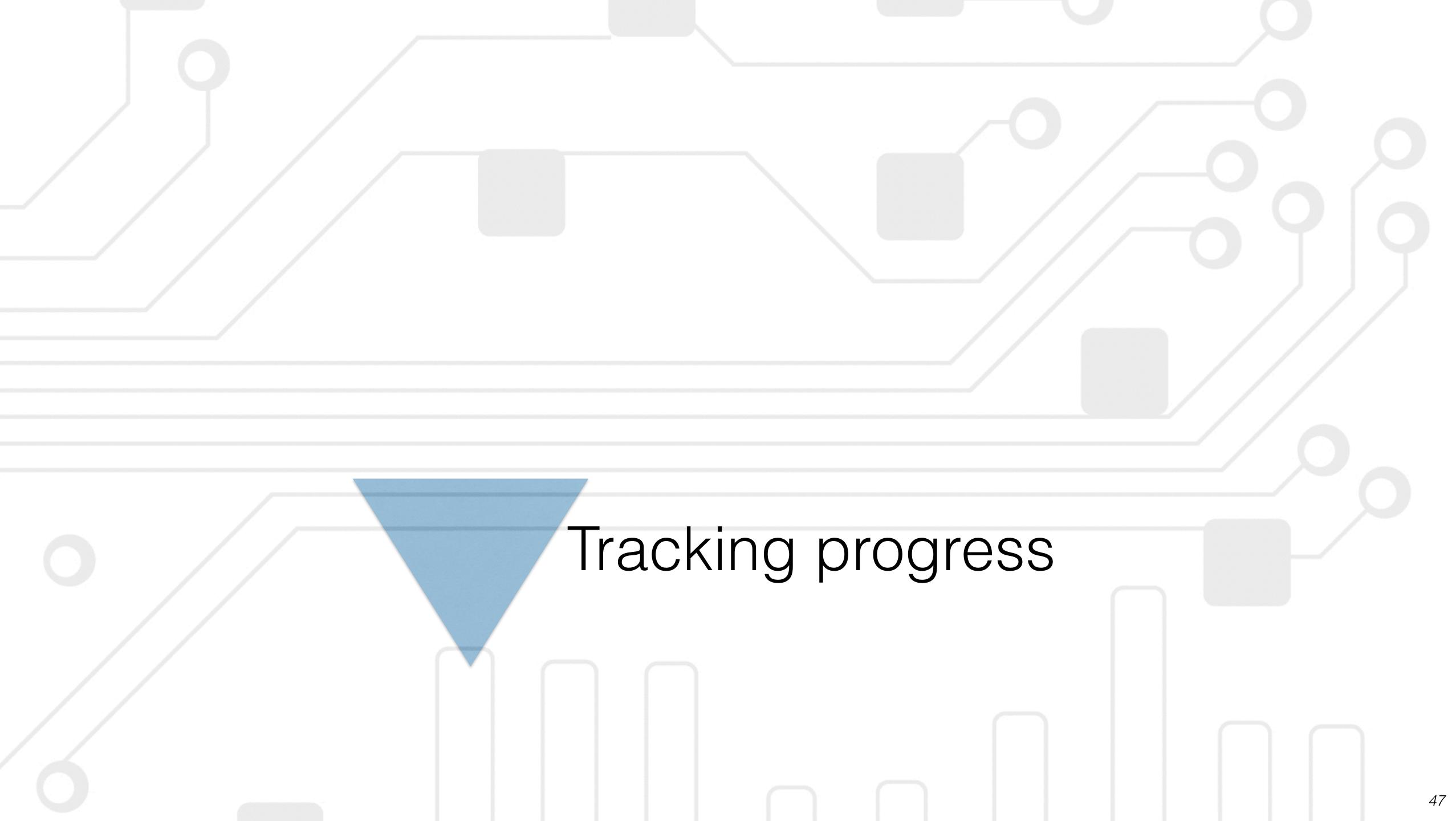


alla



*DEBOAED:

CREETERT DIATOTON LISS



Tracking progress





Know what you've sent & received! Responses will include agency tracking numbers, dates, names and titles, and contact information.

2.4

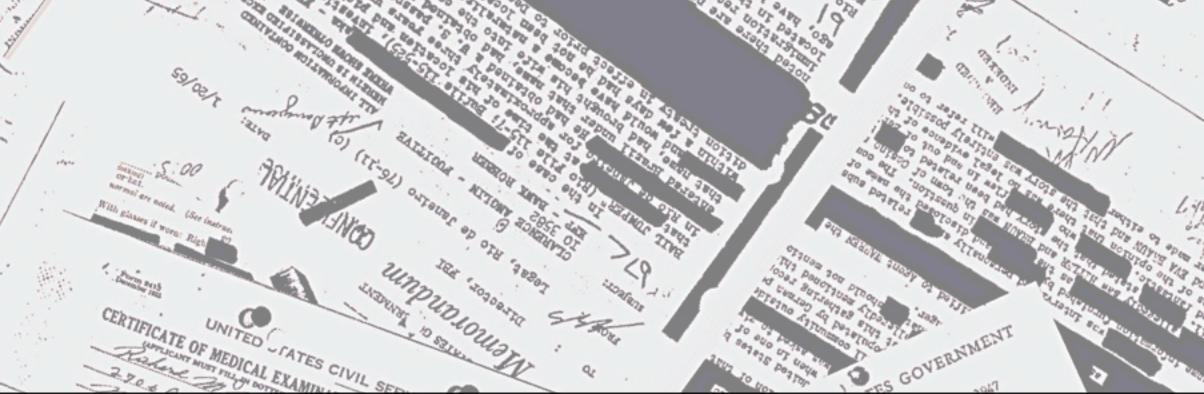
to TROTMO), LEA is conju you the following reneral observe responsibility of secting a legal proceedings

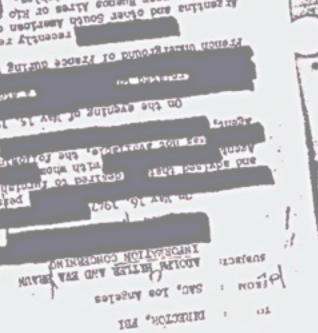
Legat, Rio de Janeiro (76-11) (c) DILECCOL' ARI 59/03/T 1/50/65 mpupious M UNITED STATES OF TRUMENT

tol as at entrance in frots Led to furning the following section as following to the following the f sun sol end bedoetnop vilenosted

: 01

whods wore designed for use in a ba ton (n.S. to uncover warmy plans, de



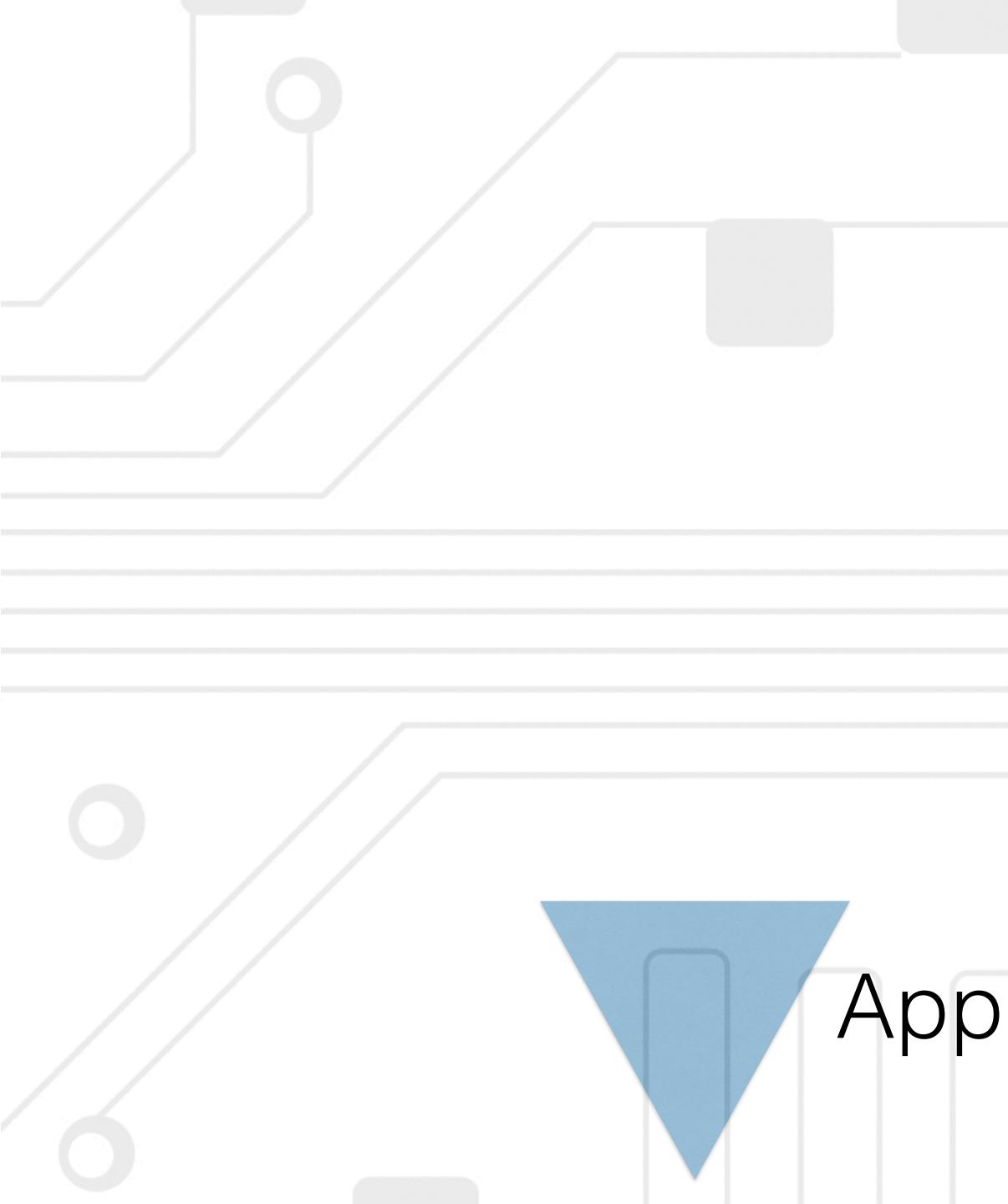


alla



*DEBOAED:

CREETERT DIATOTON LISS



Appealing and litigating

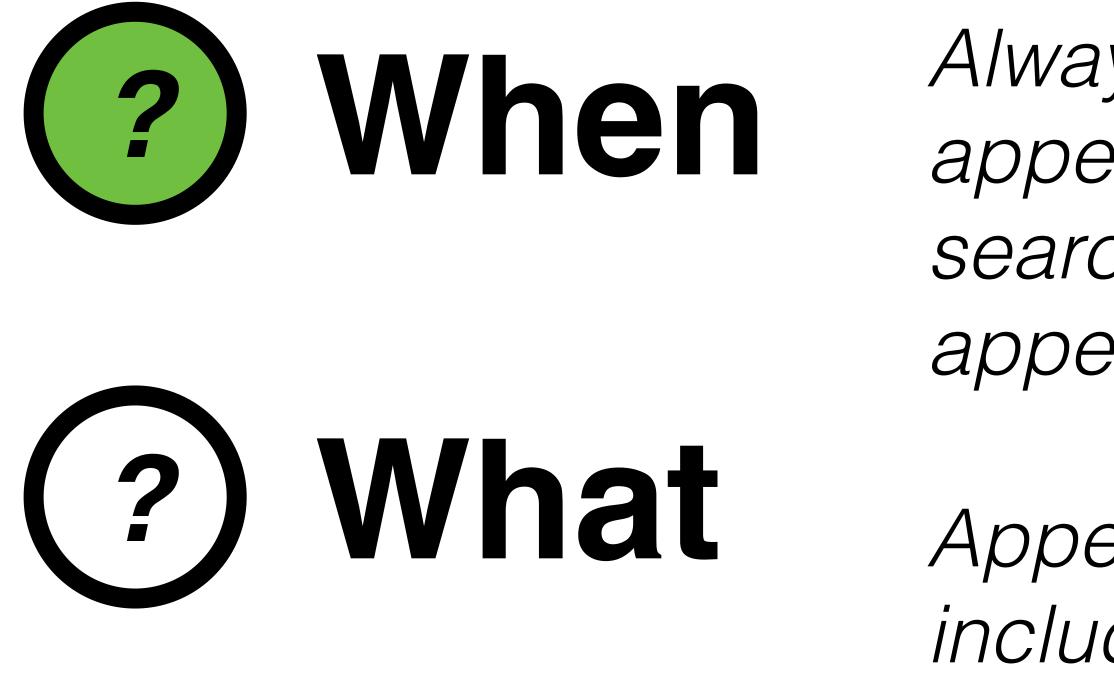






Plan for follow up 20 Business days following request delivery.

The agency legally owes a response. If it fails to meet this timeframe, appeal or begin litigation immediately.



Always! You can't litigate until you appeal, and many agencies won't even search where you want them to until an appeal against default search is filed.

Appeal "any adverse determination," including full or partial denials of requests, procedural denials, and exemptions and exclusions.



	=		gress.gov	Ċ	
	H.R.653 -	114th Congress (2015-2016): F	OIA Act Congress.	gov Library of Congress	
CONCRESS		ion Congressional Record	Committees M	embers	Sign I
CONGRESS.	Quick	Q Advanced Q	Browse	Search Tools 0	Blossary Resources Help Cor
Current Legislation	▼ Exam	ples: hr5, sres9, "health care"			٩
Home > Legislation > 114th C	ongress > H.R.653			📇 Print 🔊 Subscrib	e 🙆 Share/Save 🖓 Give Feedb
H.R.653 - FOIA	Act				
114th Congress (2015-2016					
BILL Hide Overview	×				
					More on This Bill
Sponsor:		CA-49] (Introduced 02/02/2015)	Constitutional Authority Statement		
Committees:	_	overnment Reform Senate - J	CBO Cost Estimates [1]		
Committee Reports					
Latest Action:	01/12/2016 Received in t Judiciary. (All Actions)	Received in the Senate and Read twice and referred to the Committee on the All Actions)			Subject — Policy Area:
					Government Operations a Politics
Tracker:					View subjects >
Introduced Pas	ssed House Passed Se	enate To President Bec	ame Law		

H.R.653 - 114th Congress (2015-2016) - FOIA Act

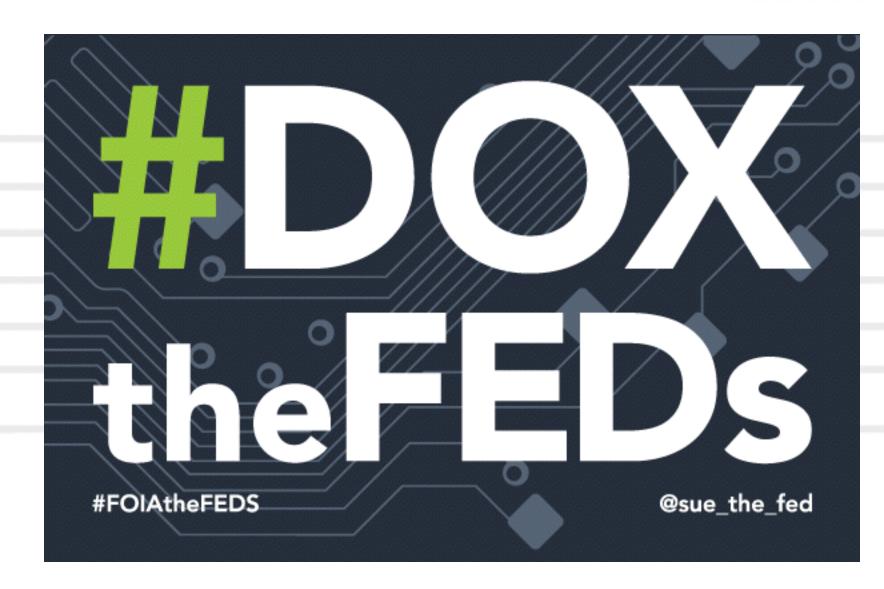
https://www.congress.gov/bill/114th-congress/house-bill/653

FOIA is a living, changing thing.

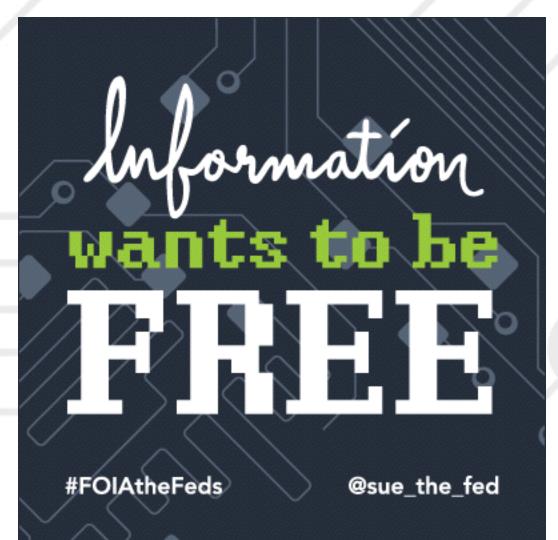












Caitlin Kelly Henry, Esq. *⊠* <u>foia@caitlinkellyhenry.com</u>





I'm also available for training and representation!

Caitlin Kelly Henry, Esq. ✓ @sue_the_fed ☑ foia@caitlinkellyhenry.com