information. 50 U.S.C. §403(d)(3) protects information pertaining to intelligence sources and methods. Section 6 of Public Law 86-36 provides that no law shall be construed to require disclosure of the organization or any function of the National Security Agency or any information with respect to the activities thereof. DoD Directive 5400.7 Sections III and VI.C.3 (32 C.F.R. §286.2, 286.4(c)(3)), specifically recognizes this exemption. Thus, I also find that the Chief, Policy Staff properly concluded that the records were exempt from release pursuant to 5 U.S.C. §552(b)(3), since each of the statutes and the Directive cited above provides adequate grounds upon which to base such an exemption. I therefore affirm his denial of your request for release of the records on these grounds.

In addition to being exempt from disclosure pursuant to 5 U.S.C. §552(b)(1) and (3), one of the records can also be properly exempt from disclosure pursuant to 5 U.S.C. §552(b)(5). Exemption 5 has been explained above.

This Agency previously adjudicated eighteen of the records described above, which had been referred to us by the CIA. See Daniel B. Silver's letter to you dated 2 March 1979 (Serial N9044).

As the result of the new search that was conducted, we located additional records that originated with other federal agencies and components. In accordance with DoD Directive 5400.7, we have referred those records to the originating agencies for their disposition. They will correspond directly to you concerning their records.

In summary, I find the matter covered by your request clearly within the statutory protections and exemptions cited above, and proper protection of classified information and intelligence sources and methods requires a denial of your appeal.

As your appeal is denied in its entirety, you are hereby advised of your rights under 5 U.S.C. §552 to seek judicial review. You may seek an order from a United States District Court in the district in which you reside, in which you have your principal place of business, or in which this Agency's records are situated (U.S. District Court, District of Maryland), or in the District of Columbia, for the production of any Agency records which you consider to have been improperly withheld by this Agency. 5 U.S.C. §552(a)(4)(B) sets out your rights in this matter with respect to such judicial action.

Sincerely,

DANIEL C. SCHWARTZ
Freedom of
Information Act/
Privacy Act Appeals
Authority