

Certain other information, which originated with other Federal agencies and components, is also being withheld. Department of Defense Directive 5400.7, which implements the FOIA for all DoD agencies, provides that when records requested under the FOIA originate with another agency or component, the request shall be referred to that agency or component for disposition. The agencies to which we have referred records will correspond directly with you concerning those records.

Since your request has been denied in part, you are hereby advised of this Agency's appeal procedures.

Any person denied access to records may, within 30 days after notification of such denial, file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. Such appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority, National Security Agency, Fort George G. Meade, MD 20755. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority shall respond to the appeal within 20 working days after receipt.

Sincerely,

(original signed by)
ROY R. BANNER
Chief, Policy Staff

3 Encls:
a/s

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
Fort George G. Meade, Maryland 20755

Serial: N9044
2 March 1979

Peter A. Gersten, Esq.
Rothblatt, Rothblatt, Seijas
and Peskin
191 East 161st Street
Bronx, N.Y. 10451

Dear Mr. Gersten:

This replies to your letter of 29 January 1979 in which you appeal, under the Freedom of Information Act, the National Security Agency's (NSA) denial of eighteen (18) documents referred to us by the Central Intelligence Agency (CIA). I have reviewed your request to this Agency, dated 22 December 1978, the records the CIA referred to NSA, NSA's letter of denial dated 9 January 1979, and your letter of appeal. In particular, I have reviewed the information for relevance to this Agency's classified operations and activities, and the effect disclosure would have on NSA's mission, and have concluded that the denial is proper.

The reasons set forth in this letter for withholding the records referred by CIA are as responsive as possible without disclosing classified information; the protection required precludes my identifying them further. The U.S. Court of Appeals for the District of Columbia has recognized that information disclosed by an Agency about withheld documents would not have to contain facts that if