



# National Archives and Records Administration

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College Park, Maryland 20740-6001

October 4, 2002

William Ferroggiaro  
Director, Freedom of Information Project  
The National Security Archive  
Gelman Library, Suite 701  
2130 H Street, NW  
Washington, DC 20037

RECEIVED OCT 08 2002

Dear Mr. Ferroggiaro:

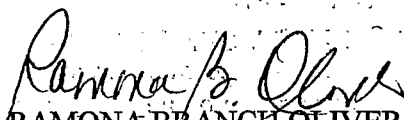
This is in response to your Freedom of Information Act (FOIA) request of September 4, 2002, for copies of "all records, including guidance, directives, memoranda, training materials, or legal analyses concerning NARA's implementation of US Attorney General John Ashcroft's October 12, 2001 memorandum on the US Freedom of Information Act." Your request has been assigned the tracking number NGC02-200 (your reference 20020522NAR016).

NARA has not issued any new guidance, directives, memoranda, training materials, or legal analyses implementing the "sound legal basis" standard outlined in the Ashcroft FOIA memorandum of October 12, 2001. However, as you are aware, the Justice Department's Office of Information and Privacy (OIP) issued supplemental guidance that was attached as an appendix to the AG's memorandum. In the appendix, OIP reminded agencies that protection for information related to critical systems, facilities, stockpiles, and other assets from security breaches and harm -- and in some instances from their potential use as weapons of mass destruction in and of themselves -- is available under FOIA Exemption 2. Accordingly, NARA issued a factsheet on "Access to Archival Materials in the Context of Concern about Terrorism." Please see enclosed copy. An electronic version is available on our website at [www.archives.gov/research\\_room/whats\\_new/notices/access\\_and\\_terrorism.html](http://www.archives.gov/research_room/whats_new/notices/access_and_terrorism.html).

Consistent with the factsheet, NARA issued a memorandum to agency records officers advising them on their records of concern stored in NARA's records centers. In addition, NARA's Information Security Oversight Office (ISOO) was signatory on the memo enclosed with Andrew Card's memo of March 19, 2002, to departments and agencies focusing on the safeguarding and protection of sensitive homeland security information. Please see enclosed copies. Electronic versions of these documents are available at [http://www.archives.gov/records\\_management/policy\\_and\\_guidance/nwm18\\_2002.html](http://www.archives.gov/records_management/policy_and_guidance/nwm18_2002.html) and <http://www.usdoj.gov/oip/foiapost/2002foiapost10.htm>, respectively.

Please let us know if we may be of further assistance.

Sincerely,

  
RAMONA BRANCH OLIVER  
NARA FOIA Officer

Enclosures