

THE PROCESS OF ANALYZING POSTPONEMENTS IN FBI RECORDS

Disclaimer: These steps, and particularly the order in which they are taken, are my best attempt to lay out a comprehensive, efficient approach to this task, based on my own work experience. You may find better ways to skin this cat, or at least equally viable ways that are more to your liking. If you do, please share them with me and the rest of the team.

Step One: Review the packet as copied by the FBI

-- Make sure that you have a copy of each branch, and a copy of each page that is relevant to review of the claimed postponements. If you need one or more pages that were not copied by the FBI from the postponement package and "new browns," try to locate them in the old "Gloria browns" (that is, old FOIA work copies at the FBI) or in the FOIA-sanitized copies of FBI files we have in the SCIF (stacked in the brown cartons on the left as you enter). As a last resort, ask Martha Murphy to fax you what you need from College Park or arrange to have someone in our office who is going there on other business get copies for you.

-- Verify that the trunk and branches are "perfect duplicates" -- that is, that none of the locations contains redacted information that does not appear (in redacted or unredacted form) in each of the other locations. If you have a problem along these lines, please consult with me (as I'm not entirely sure that we have gotten all the kinks out of the reviewtrack on this particular point).

-- Check for any inconsistent redactions among the duplicate locations. Information that is redacted in the trunk but released in a branch should be counted as a former postponement (and not reviewed in a postponement detail). Information that is released in the trunk but redacted in a branch does not need to be accounted for at all on the reviewtrack (but the FBI understands that the Board vote will have the effect of releasing the inconsistently-redacted information).

Step Two: Review FBI's response to our request for evidence

This response may take one of three forms:

Form One: The FBI may put the packet on its "release in full" list. If this happens, please write "consent release" on the front of the packet and give it to me. (I will move the RIFs for the packet from the reviewtrack into the consent release database.)

Form Two: The FBI may put the packet on its "protect numeric only" list. By doing so, the FBI is communicating:

(a) its willingness to release any redacted information *except* the numeric part of informant symbol numbers and the "case number" part of informant file numbers. Count the previously

redacted information as former postponements. (A symbol number that had been redacted in full counts as one former postponement for the release of the prefix and suffix; similarly, an informant file number that had been redacted in full counts as one former postponement for the partial release of the file number.)

(b) its desire and expectation that the Review Board will sustain postponements for the numeric part of the symbol numbers and the “case number” part of informant file numbers. Just because the FBI lists a record as “protect numeric” doesn’t necessarily mean you should recommend that the Board sustain these postponements. See discussion in “FBI Postponement Criteria Guidelines” (forthcoming).

Form Three: The FBI may provide evidence in support of the postponements it would like the Board to sustain. This evidence usually consists of one or more of the following:

(a) An unclassified, non-sensitive cover sheet that describes any new information that the FBI is willing to release. Sometimes, if the FBI is unilaterally releasing significantly more than what is already available to the public at College Park, it will attach pages of the record on which it has highlighted redactions it still wants to retain. If you have any question about what the FBI is releasing and what it is asking the Board to postpone, ask for clarification. The Task Force is usually happy to provide highlighted pages upon request.

(b) One or more “Informant Evidence Postponement Forms,” which are sensitive when filled out. (A blank form is attached for reference.) If one of the forms is ambiguously filled out, or if you do not have a form for an informant you should have one for, point this out to Carol.

(c) If any of the postponements are classified, Carl usually writes a separate narrative justification. If you have questions about Carl’s justification, try running it by me first; I may be able to shed some light.

Step Three: Make sure you have a current, accurate, complete working copy of the record, with postponements the FBI wants the Review Board to sustain highlighted, and the subsections of Section 6 on which the Bureau is relying indicated. Attach the FBI’s evidence to the front of this copy.

Step Four: Make a final tally of former postponements and write the total number on the front of the record.

Step Five: Check released names/numbers database (in reviewtrack) for informant names and symbol numbers the Bureau wishes to postpone. See “FBI Postponement Criteria Guidelines” (forthcoming) for details.

Step Six: Enter your recommendations in the reviewtrack. (I know there are many substeps to this. *See* “FBI Postponement Criteria Guidelines” (forthcoming) for some further details. I also hope to cover reviewtrack issues in a session very soon.)