

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

ELECTRONIC FRONTIER FOUNDATION,)
)
Plaintiff,)
)
v.)
)
OFFICE OF THE DIRECTOR OF NATIONAL)
INTELLIGENCE and UNITED STATES)
DEPARTMENT OF JUSTICE,)
)
Defendants.)

Case No. 08-2997 JSW

SECOND SUPPLEMENTAL DECLARATION OF PAUL P. COLBORN

I, Paul P. Colborn, declare the following:

1. I am a Special Counsel in the Office of Legal Counsel (“OLC”), a component of the United States Department of Justice (the “Department”). I joined OLC in 1986, and have had the responsibility since 1987 of supervising OLC’s responses to requests under the Freedom of Information Act (“FOIA”), 552 U.S.C. § 552. In connection with that responsibility, I have supervised OLC’s responses to plaintiff’s FOIA requests in the above-captioned matter. I have submitted four previous declarations in this case—on March 18, 2008; April 21, 2008; December 10, 2008; and February 3, 2009. The information in this declaration is based on my personal knowledge, information, and belief, and on information provided to me in my official capacity.

2. On April 24, 2009, in response to this Court’s order of March 23, 2009, defendants filed a Joint Status Report explaining that they had applied the Attorney General’s new FOIA guidelines to the documents still at issue in this matter and had identified some information appropriate for discretionary release. The defendants also agreed to produce the materials appropriate for discretionary release to plaintiff by May 12, 2009 and to file revised Vaughn

indices with the Court by that date that reflected these additional releases. Today, an attorney under my supervision sent the nine documents that OLC has identified as appropriate for discretionary release to plaintiff by electronic mail (Vaughn #s 9, 88, 98-104). Attachment A to this declaration is a revised version of the OLC Vaughn index that was originally submitted to the Court as attachment L to my declaration dated December 10, 2008. The revised index reflects today's releases in its description of the responsive documents in OLC's possession that remain at issue in this litigation.

3. I declare under penalty of perjury that the foregoing is true and correct. Executed on May 12, 2009.


PAUL P. COLBORN