



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

November 7, 2016

Andrew Crocker
Staff Attorney
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

RE: National Security Letter File No. NSL- [REDACTED]

Dear Mr. Crocker:

We are in receipt of your September 8, 2016 letter regarding a national security letter (“NSL”) delivered to your client, Internet Archive (“the Archive”) by Federal Bureau of Investigation (“FBI”) personnel on August 24, 2016. This letter is to notify your client that the FBI hereby withdraws the aforementioned NSL. In addition, the FBI does not object to publication of either the redacted NSL or your September 8, 2016 letter with your proposed redactions.

The FBI has also determined that the NSL template it used for its request to your client required further modifications to more accurately reflect certain amendments to the NSL statute made by the USA FREEDOM Act of 2015 (“USAFSA”). Although the NSL provided notice to the Archive of its right to have a court review the nondisclosure requirement imposed in connection with the NSL, and that the FBI would initiate such proceedings if the Archive wished to have a court conduct such a review, the language did not indicate that your client may request judicial review of the nondisclosure requirement at any time.

As such, the FBI has updated the text of its standard NSL template to clarify the means by which a recipient may obtain judicial review of an NSL nondisclosure requirement, as well as how the FBI must respond if a recipient so notifies the FBI of its wish to have a court to review a nondisclosure requirement. For your reference, below is the updated text with respect to judicial review now contained in the FBI’s standard NSL template:

In accordance with 18 U.S.C. § 3511(b), you have the right to have a court review the nondisclosure requirement imposed in connection with this letter. If you wish to have a court conduct such a review, you may file a petition for judicial review in any court described in 18

U.S.C. § 3511(a). In the alternative, you may notify the FBI of your desire for judicial review of the nondisclosure requirement. Written notice may be mailed or faxed to [the FBI Division Field Office that issued the NSL], with a copy mailed to FBI Headquarters, 935 Pennsylvania Avenue NW, Washington, DC 20535, Attention: General Counsel. Your notice should reference the date of this letter and the File Number listed on the upper left corner of this letter. If the FBI determines that the nondisclosure requirement continues to be appropriate, not later than 30 days after the date of the FBI's receipt of the notice, the FBI shall apply in a court described in 18 U.S.C. § 3511(b)(1)(B) for an order prohibiting the disclosure of the existence or contents of this letter. The nondisclosure requirement shall remain in effect during the pendency of the legal proceedings relating to the nondisclosure requirement.

We would like to thank you and the Archive for contacting us about this matter. In addition to updating the text of its standard NSL template, the FBI is providing notice of the update to entities that may have received NSLs during the relevant time period in order to clarify the means by which they may obtain judicial review of any such NSLs.

Should you have any questions, please contact [REDACTED] DOJ Federal Programs, at [REDACTED]

Sincerely,



Trisha B. Anderson
Deputy General Counsel
Federal Bureau of Investigation