NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Case: 121079/Appeal: 6097
08 August 2025

NATHANIEL LINDZEN
LAW OFFICE OF NATHANIEL M. LINDZEN
57 SCHOOL STREET
WAYLAND MA 01778

Dear Nathaniel Lindzen:

This letter is in response to your correspondence dated 25 July 2025, appealing the National Security Agency's (NSA or Agency) response to your client's 24 and 26 June 2025 Freedom of Information Action (FOIA) request for ". . .[F]inished intelligence products produced by the National Security Agency (NSA) from November 1, 2019 to November 1, 2020, based on signals intelligence (SIGINT) and referencing "Wuhan" OR "WIV" OR "lab," as well as other specified COVID-related terms. Your request and appeal were processed under the provisions of FOIA.

I have reviewed your request, the Agency's 24 July 2025 response to you, and your letter of appeal. Your appeal addresses your request for expedited processing and the denial of records. Because NSA responded to your request in full, your request for expedited processing is moot. However, I conducted a review of NSA's substantive response to your request. Upon my review, I concluded that the appropriate response in this case is to neither confirm nor deny the existence or nonexistence of any responsive material pertaining to any NSA intelligence programs or activities including the collection of intelligence on a specific incident or event. Were we to disclose this in your case, we would have to do so for other requesters. This would enable, for example, an adversary of the United States to file a FOIA request with us to determine whether a specific incident, event, or subject was of interest to the Agency. This in turn would allow that individual to better assess whether they could successfully act to damage the national security of the United States. For such reasons, the appropriate response in these cases is to neither confirm nor deny the existence or non-existence of intelligence records on a specific incident or event. Such an acknowledgment of responsive records or the lack thereof would result in the exposure of, or the lack of, intelligence information, sources, methods or activities, which could harm our national security and severely undermine the NSA mission. Your appeal is, therefore, denied because the FOIA exempts the release of classified[1] and/or protected[2] information.

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[1] The first exemption under the FOIA indicates that the FOIA does not apply to matters that are authorized by Executive Order to be kept secret and are properly classified in the interest of national defense or foreign relations. The fact of the existence or non-existence of intelligence records on any individual is an appropriately classified matter. Paragraph 3.6(a) of Executive Order 13526 ("Classified National Security Information") specifically authorizes this type of response, also known as a Glomar response, to such requests made under the FOIA.

[2] The third exemption under the FOIA authorizes the withholding of information specifically protected from disclosure by statute. The fact of the existence or non-existence of records responsive to your request is currently exempted from disclosure by the following statutes: Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i); and Section 6, Public Law 86-36 (50 U.S. Code 3605).

You are hereby advised of your right pursuant to 5 U.S.C. § 552(a)(4)(B) to seek judicial review of this matter in the United States District Court in the district in which you reside, in which you have your principal place of business, in which the Agency records are situated (U.S. District Court of Maryland), or in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Rd - OGIS
College Park, MD 20740
ogis@nara.gov / (877) 684-6448 / (202) 741-5770 / Fax (202) 741-5769

Sincerely,

Adam C. DeMillio

ADAM DEMILLIO
Freedom of Information Act Appeal Authority