

Central Intelligence Agency



Washington, D.C. 20505

16 March 2017

Ms. Anna Diakun  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004

Reference: F-2017-01094

Dear Ms. Diakun:

On 15 March 2017, the office of the Information and Privacy Coordinator received your 15 March 2017 Freedom of Information Act request, submitted on behalf of the American Civil Liberties Union Foundation, for **any and all records including legal and policy memoranda, guidance documents, before-the-fact assessments, and after-action reports that pertain to:**

- 1. The legal and policy bases in domestic, foreign, and international law upon which the government evaluated or justified the al Ghayil Raid, including but not limited to records related to the designation of parts of Yemen as “areas of active hostilities,” and the legal and factual basis that the government uses in designating such areas;**
- 2. The process by which the government approved the al Ghayil Raid, including which individuals possessed decision-making authority and the evidentiary standard by which the factual evidence was evaluated to support the determination;**
- 3. The process by which the decision was made to designate three parts of Yemen as “areas of active hostilities”;**
- 4. Before-the-fact assessments of civilian or bystander casualties of the raid and the “after action” investigation into the raid; and**
- 5. The number and identities of individuals killed or injured in the al Ghayil Raid, including but not limited to the legal status of those killed or injured, with these separated out by individuals intentionally targeted and collateral casualties or injuries.**

You have requested expedited processing. Generally, we handle all requests in the order we receive them; that is “first-in, first out.” We make exceptions to this rule when a requester establishes a compelling need in accordance with our regulations. We have reviewed your request and determined it does not meet the criteria for expedited processing. Specifically, the request neither involves an imminent threat to the life or physical safety of an individual, nor is it made “by a person primarily engaged in disseminating information, and the information is relevant to a subject of public urgency concerning an actual or alleged or Federal activity.” Therefore, we have determined that you have not established a “compelling need” for the information as set forth in 32 CFR § 1900.34. Your request for expedited processing is hereby denied. You may appeal this decision, in my care, within 90 days from the date of this letter. Should you choose to appeal the denial of your request for expedited processing, you are encouraged to provide an explanation supporting your appeal.

Our officers will review your request and will advise you should they encounter any problems or if they cannot begin the search without additional information. We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily. In accordance with our regulations, as a matter of administrative discretion, the Agency has waived the fees for this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Fong", with a long horizontal flourish extending to the right.

Allison Fong  
Information and Privacy Coordinator