

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMNESTY INTERNATIONAL, et al.,)
)
 Plaintiffs,)
)
 v.) Case No. 07 Civ. 5435 (LAP)
)
CENTRAL INTELLIGENCE AGENCY,)
et al.,)
)
 Defendants.)

SECOND DECLARATION OF WENDY M. HILTON
INFORMATION REVIEW OFFICER
CENTRAL INTELLIGENCE AGENCY

I, WENDY M. HILTON, hereby declare and say:

1. I am the Information Review Officer ("IRO") for detainee-related matters in the Central Intelligence Agency ("CIA"). From March 2007 to November 2009, I was the Associate Information Review Officer in the National Clandestine Service ("NCS") responsible for detainee-related matters. I have held a variety of positions in the CIA since I became a staff officer in 1983.

2. As the IRO for detainee-related matters in the CIA, I am responsible for protecting information that originates with the CIA or otherwise implicates CIA interests. As part of my official duties, I ensure that any determinations as to the release or withholding of such information (including but not

limited to the information at issue in this litigation) are proper, do not endanger CIA personnel or facilities, and do not jeopardize the interests of the CIA.

3. Through the exercise of my official duties, I am familiar with this civil action. This declaration is based on my personal knowledge, information, and belief, and on information disclosed to me in my official capacity.

4. The purpose of this declaration is to provide additional factual support for the CIA's motion for summary judgment in this matter.

5. I hereby incorporate by reference paragraphs 5-261 of my unclassified declaration dated September 18, 2009, and filed with the Court on September 22, 2009 (the "First Hilton Declaration").

6. On February 19, 2010, the CIA completed processing 26 records, pursuant to the time frame set forth in paragraphs 7, 9 and 10 of the Second Stipulation and Order Between the Parties Regarding the Procedures Governing the CIA's Motion for Summary Judgment (the "Second Stipulation"), as amended by further orders of this Court. The CIA determined that 15 records - Document Nos. 77, 87, 154, 155, 157, 229, 362, 363, 366, 367, 368, 369, 373, 378, 379, and 380 - were properly withheld in full. The CIA determined that 11 of those records - Document Nos. 15, 22, 23, 38, 361, 362, 365, 371, 372, 381, and 382 -

were releasable in part, and released those records, with appropriate redactions, on February 19, 2010. In addition, on the same date, the CIA released a portion of additional material within a record, Document No. 95. Attached as Exhibit A to this declaration are true and complete copies of the 12 records in the form released by the CIA on February 19, 2010.

7. On or about March 5, 2010, the CIA completed processing an additional 5 records, likewise pursuant to the time frame set forth in paragraphs 7, 9 and 10 of Second Stipulation, as amended by further orders of this Court. The CIA determined that all 5 records - Document Nos. 370, 374, 375, 376, and 377 - were releasable in part, and released those records, with appropriate redactions, on or about March 5, 2010. Attached as Exhibit B to this declaration are true and complete copies of the 5 records in the form released by the CIA on or about March 5, 2010.

8. Attached as Exhibit C to this declaration, and incorporated by reference herein, is a supplemental Vaughn index. The supplemental Vaughn index includes detailed descriptions of the 32 records described in the preceding two paragraphs, including a revised entry for Document No. 95. These Vaughn entries describe the information withheld, to the extent possible in an unclassified manner on the public record, and state applicable FOIA Exemptions for those records. The

rationales set forth in the First Hilton Declaration apply equally to the information withheld from these 32 records.

9. The supplemental Vaughn index attached as Exhibit C provides an additional 25 entries revising the original Vaughn entries provided in Exhibit A to the First Hilton Declaration for Document Nos. 17, 24, 29, 32, 43, 45, 49, 51, 56, 62, 66, 103, 104, 107, 108, 109, 110, 111, 134, 163, 176, 178, 243, 265, and 267. These revised Vaughn entries either withdraw (or restrict the scope of) previously asserted exemptions (e.g., Document Nos. 43, 45, 49, 51, 56, 62, 66, 103, 104, 107, 108, 109, 110, 111, 134, 163, 176, 178, 243, 265, 267), and/or provide revised record descriptions (e.g., Document Nos. 17, 24, 29, 32, 43, 45), or, for a single record (Document No. 62), claim an additional exemption (Exemption (b)(2)).

10. For the Court's information, of the 382 records contained within the sample set in this matter, all but 107 documents are withheld in full on the grounds that they are properly classified, in full, pursuant to FOIA Exemption (b)(1) and, independently, that they are sources and methods protected, in full, from disclosure under the NSA and CIA Act, pursuant to Exemption (b)(3). Of the 107 documents not withheld in full pursuant on these two grounds, 50 documents have been previously released in part. As a result, 57 documents out of the 382-document sample set are withheld in full on grounds other than,

exclusively, reliance on Exemptions (b)(1) (classification) and (b)(3) (as sources and methods under the NSA and the CIA Act). The 57 documents are Document Nos. 1, 8-13, 16, 18-19, 25, 30, 32, 37, 40, 42-43, 62, 65, 67, 68, 77, 82, 98, 102-104, 107-111, 128, 130-132, 136, 149-152, 154, 158, 168, 170, 173, 184, 229, 237, 240, 243, 248, 279, 282, 283, 300, and 380. Although none of these 57 documents is withheld in full because of classification and/or the applicability of the NSA or the CIA Act, many of these records contain significant amounts of information protected as classified or as sources and methods under the NSA and the CIA.

11. The CIA is currently a defendant in a separate FOIA lawsuit specifically seeking, *inter alia*, records setting forth or discussing the duties and roles of health care personnel in the CIA's former detention and interrogation program. See *Bloche v. Department of Defense, et al*, Case No. 07-cv-2050 (HHK/JMF) (D. D.C.). In the course of its searching for and recent (and ongoing) processing of responsive documents in that case (which included searching the Directorate of Support, including the Office of Medical Services, as well as the Directorate of Science and Technology, including the Office of Technical Services) the CIA has identified documents that are potentially responsive to the plaintiffs' requests in this case. The CIA will add those documents to the universe of responsive

documents in this case (to the extent the documents are, in fact, responsive) and apply the Court's rulings regarding the CIA's withholding exemptions to those documents, as appropriate, consistent with paragraph 8 of the Second Stipulation.

12. Finally, the CIA is currently the defendant in two additional FOIA lawsuits specifically seeking, *inter alia*, documents reflecting briefings to Members of Congress regarding the CIA's prior detention and interrogation program. See *Judicial Watch, Inc. v. CIA*, Case No. 1:09-cv-01352-CKK (D. D.C.); and *Landmark Legal Foundation v. CIA*, Case No. 1:09-cv-01531 (D. D.C.). In the course of its recent searching for and ongoing processing of responsive documents in those cases, the CIA has located documents that are potentially responsive to the plaintiffs' requests in this matter. The CIA has not yet compared those potentially responsive records with the thousands of records already identified in this case to determine whether the potentially responsive records are or are not duplicative of the records included in this matter. If any newly identified records are responsive and not duplicative of records already compiled in this case, the CIA will add those documents to the universe of responsive documents in this case and apply the Court's rulings regarding the CIA's withholding exemptions to those documents, as appropriate, consistent with paragraph 8 of the Second Stipulation.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of February, 2010.



Wendy M. Hilton
Information Review Officer
Central Intelligence Agency