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

FREEDOM OF THE PRESS FOUNDATION, et al. Plaintiffs, v. DEPARTMENT OF JUSTICE, et al. Defendants.	Case No. 1:17-cv-09343-JGK

SUPPLEMENTAL DECLARATION OF MICHAEL G. SEIDEL

I, Michael G. Seidel, declare as follows:

(1) I submit this supplemental declaration on behalf of the Federal Bureau of Investigation ("FBI") in response to the Court's Order dated September 28, 2020, *see* ECF No. 64, directing the FBI to provide additional information with respect to paragraph 19 of my prior declaration, dated January 22, 2020, *see* ECF No. 47 ("First Seidel Declaration"). This declaration supplements, and hereby incorporates by reference, the information previously provided in the First Seidel Declaration and in the declaration of David M. Hardy dated March 13, 2020, *see* ECF No. 54 ("First Hardy Declaration").

(2) As described in Paragraph 19 of the First Seidel Declaration, given the distinctive character of the records requested, the FBI consulted a subject matter expert ("SME"), an attorney in the FBI's Office of General Counsel, who was the agency's designated point of contact regarding National Security Letter ("NSL") matters. The SME would be able to provide information necessary to locate any responsive records and was provided with the search

stipulation and the parties' final processing list. Upon review of the search stipulation and final processing list, the SME was able to identify the small, limited number of individuals within the agency who would know of the existence of responsive requests for NSLs.

(3) These individuals, who are line-level employees specifically responsible for NSLs and thus likely to have access to more detailed knowledge concerning the subject matter of the operative request, part 1.e of the agreed-upon final processing list, would have access to any responsive requests for NSLs, should they exist. As stated in paragraph 4 of the First Hardy Declaration, FBI's Record/Information Dissemination Section queried the potential custodians. Based on the custodians' knowledge of their work history relevant to the operative request, they searched for responsive records within their work documents, and advised that they were not aware of the existence of any responsive records.

(4) Accordingly, as described in paragraph 19 of the First Seidel Declaration, if records responsive to Plaintiff's request existed, their existence would have been known to the subject matter expert and/or the individual custodians consulted, and those custodians also conducted searches of their records based on their work history to confirm that no responsive records exist.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of September, 2020.

MICHAEL G. SEIDEL
Section Chief
Record/Information Dissemination Section
Information Management Division
Federal Bureau of Investigation
Winchester, Virginia