EXHIBIT C

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information Act Program
Communications Center
245 Murray Lane, SW, Building T-5
Washington, D.C. 20223

Date: February 9, 2022

Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302
New York, NY 10115
Attn: Carrie DeCell
Email: carrie.decell@knightcolumbia.org

File Number: 20220207

Dear Requester:

This letter acknowledges the receipt of your recent Freedom of Information Act (FOIA) request, received by the United States Secret Service (Secret Service) on February 8, 2022, for information pertaining to records concerning "spyware," a form of digital surveillance technology, developed or provided by NSO Group:

1. All records concerning spyware developed or provided by NSO Group, including but not limited to:

a. All solicitation materials, including requests for proposals and responses to requests for proposals;
b. All marketing materials, including press releases, pam• phlets, brochures, PowerPoint presentations, and video presentations;
c. All contracts, including formal or informal agreements and memoranda of understanding; d. All testing materials, including records relating to any pilot programs;
e. All training materials, including instruction manuals, tuto-rials, PowerPoint presentations, and video presentations; and
f. All communications, including communications with any employees or other representatives of NSO Group.

2. All policies, procedures, or guidelines regarding the use of spyware, including but not limited to spyware developed or provided by NSO Group.

3. All policy or legal memoranda addressing spyware, including but not limited to spyware developed or provided by NSO Group.

Your request, for expedited treatment, has been granted.

Under the DHS/FOIA regulation, 6 C.F.R., Chapter I, Part 5 § 5.5, expedited processing of a FOIA request is warranted if the request involves "circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual" ((d)(1)(i)), or "an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information" ((d)(1)(ii)). Requesters that seek expedited processing must submit a statement explaining, in detail, the basis for the request. Additionally, FOIA regulation 6 C.F.R., Chapter I, Part 5 § 5.5(d)(3), requires that statements be certified, by the requester, to be "true and correct to the best of that person's knowledge and belief."

Your request has been granted because you have demonstrated a need, under DHS/FOIA regulation 6 C.F.R., Chapter I, Part 5 § 5.5(d)(1)(i) or 5.5(d)(1) (ii), for expedited processing. Your request for a fee waiver will be held in abeyance pending the quantification of responsive records. The FOIA regulations, Title 6 C.F.R., Chapter I, Part 5 § 5.11(k)(2)(3), set forth six factors to examine when determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors:

1. Whether the subject of the requested records concerns "the operations or activities of the government;"
2. Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
3. Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
4. Whether the contribution of public understanding of government operations or activities will be "significant;"
5. Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
6. Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

In the event that your fee waiver is denied, we shall charge you for the records in accordance with Interim FOIA regulations as they apply to "educational" requesters. The first 100 pages of duplication are free of charge. As a "educational" requester, you will be charged .10 cents a page for the duplication of each additional page.

Furthermore, the submission of your request is viewed as an agreement, by you, to pay duplication costs up to $25.00. A search for files responsive to your request is being conducted. The appropriate components of the Secret Service are being queried for responsive documents. If any responsive records are located, they will be reviewed for a disclosure determination. You will be contacted before any additional fees are accrued.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the FOIA regulations, 6 C.F.R, Chapter I, Part 5, the Service processes FOIA requests according to their order of receipt.

Your request has been assigned FOIA File No. 20220207. If you have any questions or would like to check the status of your request, please contact our FOIA Public Liaison Kevin Tyrrell, at (202) 406-6370. Alternatively, you may email this office at FOIA@usss.dhs.gov.

Please use the file number indicated above in all future correspondence with this office.

Thank you,

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