EXHIBIT D

U.S. Department of Justice
Drug Enforcement Administration
FOIA and Privacy Act Unit
8701 Morrissette Drive
Springfield, Virginia 22152

February 10, 2022

Case Number: 22-00352-F

Subject: All records concerning spyware developed or provided by NSO Group; all policies, procedures, or guidelines regarding the use of spyware, including but not limited to spyware developed or provided by NSO Group; and all policy or legal memoranda addressing spyware, including but not limited to spyware developed or provided by NSO Group

Carrie DeCell
Senior Staff Attorney
Knight First Amendment Institute
at Columbia University
475 Riverside Drive, Suite 302
New York, New York 10115
Sent via e-mail: carrie.decell@knightcolumbia.org

Dear Carrie DeCell:

This letter responds to your Freedom of Information Act/Privacy Act (FOIA/PA) request dated February 2, 2022, addressed to the Drug Enforcement Administration (DEA), FOIA/PA Unit, seeking expedited treatment.

In your request letter, you request expedited treatment pursuant to the first, second, third, and/or fourth standards enumerated in the Department of Justice's regulations. Expedited treatment pursuant to the first standard will be granted where not doing so "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual." 5 U.S.C. § 552(a)(6)(E)(v)(I). *See also* 28 C.F.R. § 16.5(e)(1)(i) (2019). Under the second standard, you must show that there is "[a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). *See also* 28 C.F.R. § 16.5(e)(1)(ii) (2019). Under the third standard, you must show that the request involves "[t]he loss of substantial due process rights." 28 C.F.R. § 16.5(e)(1)(iii) (2019). Under the fourth standard, you must show that the subject matter of your request is a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." *Id.* at § 16.5(e)(1)(iv). This office makes determinations regarding the first three standards, while the Department's Director of Public Affairs makes determinations regarding the fourth standard. *See id.* at § 16.5(e)(2).

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." 28 C.F.R. § 16.5(e)(1)(ii) (2019). Based on the information you have provided, we have determined that your request for expedited processing under this

standard should be denied. This office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally. Please be advised that, although your request for expedited processing has been denied; it has been assigned to a FOIA/PA Unit representative in this office.

If you are not satisfied with DEA's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact our FOIA Requester Service Center at (571) 776-2300, e-mail your correspondence to DEA.FOIA@dea.gov, or mail your correspondence to the above address. In addition, you may contact our FOIA Public Liaison at (571) 776-2300 to discuss any aspect of your request.

Sincerely,

YVETTE DAVIS Digitally signed by YVETTE DAVIS
Date: 2022.02.10 16:24:52 -05'00'

Yvette D. Davis, Chief
Intake Sub-Unit
Freedom of Information and Privacy Act Unit