

Withdrawn/Redacted Material

Obama Presidential Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Fax Cover Sheet	[Fax Cover Sheet] - To: ISCAP	1	10/14/2010	P6/b6; b7e;
002	Letter	[Letter] - To: William J. Bosanko - From: Emil Volcheck	1	10/14/2010	P6/b6;
003	Letter	[Letter] - To: Emil Volcheck - From: William J. Bosanko	1	10/25/2010	P6/b6;

COLLECTION TITLE:

Interagency Security Classification Appeals Panel (ISCAP) - Appeal Files

SERIES:

Unclassified and Closed Appeal Files

FOLDER TITLE:

Volcheck, Emil 10/14/2010 NSA Classification Challenge 2011-008

FRC ID:

53582

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

UNCLASSIFIED FAX HEADER SHEET

SYSTEMS AND NETWORK ANALYSIS CENTER

173

9800 Savage Road
Ft. George G. Meade, MD 20755-6000

FAX #:

b(7)e

DATE: Oct 14, 2010

TO: ISCAP

ORG: _____

PHONE #: (202) 357-5250

FAX #: (202) 357-5907

TIME: _____

NUMBER OF PAGES (Including Coversheet): 3

SUBJECT: Classification Challenge

FROM: Emil Volcheck

PHONE #:

SPECIAL INSTRUCTIONS:

P6/b(6)

Emil Volcheck

[Redacted]

October 14, 2010

William J. Bosanko
Executive Secretary, ISCAP
c/o Information Security Oversight Office
The National Archives Building
700 Pennsylvania Ave., NW, Room 500
Washington, DC 20408

Dear Mr. Bosanko,

On June 24, 2010, I submitted a classification challenge to the Deputy Associate Director of Policy and Records for the National Security Agency. On June 25, I received an email from the Deputy Associate Director that did not recognize my challenge and stated that my submission must be directed to ISCAP because it is an "appeal" of the 2003 prepublication review action. My submission clearly states that it is a classification challenge and cites the proper authorities. Over 90 days have passed without an acknowledgment of my challenge by NSA. In accordance with Executive Orders 12958 and 13526 and ISOO Directives, I wish to forward my challenge to ISCAP for review.

Attached is a copy of the staff processing form initiating the challenge marked as received by a Policy and Records staff member.

If I can be of any assistance, please contact me by phone at [Redacted] or by email at [Redacted]

P6/b(6)

Sincerely,

Emil Volcheck

Emil Volcheck

Interagency Security Classification Appeals Panel

MEMBERS

DEPARTMENT OF DEFENSE
Laurence K. Burgess
DEPARTMENT OF JUSTICE
Mark A. Bradley
DEPARTMENT OF STATE
Margaret P. Grafeld
OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE
Corin Stone
NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION
Michael J. Kurtz
NATIONAL SECURITY STAFF
William H. Leary, Chair

c/o Information Security Oversight Office
700 Pennsylvania Avenue, N.W., Room 100
Washington, D.C. 20408
Telephone: (202) 357-5250
Fax: (202) 357-5907
E-mail: iscap@nara.gov

EXECUTIVE SECRETARY

William J. Bosanko,
Director
INFORMATION SECURITY
OVERSIGHT OFFICE

October 25, 2010

P6/b(6)

Mr. Emil Volcheck


Dear Mr. Volcheck:

Upon review of your letter dated October 14, 2010, concerning a classification challenge you filed within the National Security Agency, I have determined that the Interagency Security Classification Appeals Panel (the Panel) cannot accept your appeal. Section 1.8(c) of Executive Order 13526, "Classified National Security Information," states that, "Documents required to be submitted for prepublication review or other administrative process pursuant to an approved nondisclosure agreement are not covered by this section." Appeals of classification challenges for documents submitted for prepublication review can no longer be accepted by the Panel.

If you have any questions regarding this matter, please contact William C. Carpenter or John F. Bell at (202) 357-5250 and reference ISCAP No. 2011-008.

Sincerely,



WILLIAM J. BOSANKO
Executive Secretary