

Requester

United States of America
Office of the Director of National Intelligence

[REDACTED],

Requester

v.

OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE,

Agency.

FREEDOM OF INFORMATION ACT/
PRIVACY ACT APPEAL

Ref. no. [REDACTED]

Name: [REDACTED]

DOB: [REDACTED]

SSN: [REDACTED]

Request filed: 10/29/2010

This is an appeal of your 11/3/2010 denial of my FOIPA
request dated 10/29/2010.

Each request is set forth, followed by your response,
followed by argument as to why your denial is improper.

REQUEST NO. 1:

1. All data in the Scattered Castles database pertaining
to requester, including but not limited to:

a. National Agency Check data;

1 b. Information about Requester's application for
2 employment with the FBI (FBI file no. 67B-HQ-[REDACTED]);

3 c. All information provided to you by the FBI
4 concerning Requester.

5 d. All information about Requester's application for
6 employment with the CIA.

7 e. All information about Requester that was placed
8 into SC at the behest of the FBI.

9 **YOUR RESPONSE TO REQUEST NO. 1:**

10 "All other portions of your request [including item 1 and 2]
11 should be submitted to the Federal Bureau of Investigation...."

12 "With respect to Item 1(d), you should submit this portion
13 of your request by mail or facsimile to the Central Intelligence
14 Agency...."

15 **ARGUMENT FOR FURTHER RESPONSE TO REQUEST NO. 1:**

16 The FBI and CIA do not maintain the Scattered Castles
17 database and therefore are not the appropriate agencies for this
18 request.

19 ODNI is the appropriate agency for this request, because
20 Scattered Castles is maintained by the DNI Special Security
21 Center, which is a component of ODNI. Please see Intelligence
22 Community Policy Guidance no. 704.5, dated 10/2/2008, which is
23 attached. Please note the highlighted sections, which read:

24 "The DNI Special Security Center shall...[o]versee, operate,
25 and maintain the SC database...." (page 2).

26 "The SC database shall...[p]rovide a National Agency Check
27 data source to avoid duplicative background investigations and,

1 where applicable, polygraph examinations." (page 1).

2 Your constructive denial of a legitimate request for
3 personnel information about me is disconcerting. First, so far
4 as I am aware none of my personnel information is classified.
5 Second, your database contains negative information about me
6 that I have a right to know. Third, the existence of Scattered
7 Castles and its purposes are publicized worldwide on your own
8 website. It was improper of you to constructively deny my
9 request by purporting to refer me to agencies that have no
10 control over Scattered Castles.

11 The FBI and CIA are not the "agencies" with possession,
12 custody, or control of Scattered Castles. As shown in the policy
13 directive, the FBI and CIA are responsible only to
14 "[p]opulate the SC database with relevant and comprehensive
15 personnel security information." (page 2). Thus my request for
16 all information "placed into SC at the behest of the FBI," among
17 other requests in request no. 1.

18 Please produce the information requested forthwith or I may
19 be forced to initiate FOIPA litigation.

20 **REQUEST NO. 2:**

21 2. All National Agency Check data pertaining to Requester.

22 **YOUR RESPONSE TO REQUEST NO. 2:**

23 All other portions of your request should be submitted to
24 the Federal Bureau of Investigation....

25 **ARGUMENT FOR FURTHER RESPONSE TO REQUEST NO. 2:**

26 The same argument in response to your denial of request no.
27 1 applies to request no. 2.

1 **REQUEST NO. 3:**

2 3. All other data in your possession, custody, or control
3 pertaining to Requester.

4 **YOUR RESPONSE TO REQUEST NO. 3:**

5 "[N]o classified records systems were searched and this
6 response should not be taken as an indication that records do or
7 do not exist with respect to Item 3 [sic] your request."

8 **ARGUMENT FOR FURTHER RESPONSE TO REQUEST NO. 3:**

9 Scattered Castles is not a classified records system;
10 otherwise it would not be published on your website with
11 detailed information from which the public may infer various
12 features of the system. In addition, Scattered Castles/ODNI/
13 CIA request forms are freely circulating on the internet or
14 otherwise available and show what data fields are necessary in
15 order to search the systems. Presumably, you have entire records
16 systems for more sensitive matters such as counterterrorism
17 and counterintelligence, among other areas. This request only
18 pertains to personnel information, not classified information.

19 Your response, as phrased, does beg the question of whether
20 personnel information in my case was "properly" classified.

21 I will be satisfied with your response if, without
22 disclosing what classified information systems you have, you
23 certify that no personnel information about me is contained in
24 any classified records systems that you have. Can you do this?

25 **CONCLUSION**

26 Please produce the requested material forthwith.
27

1 To the extent factual statements are made above that are
2 within my personal knowledge, I declare under penalty of perjury
3 that the foregoing is true and correct.

4
5 Date: 11/7/2010

6
7 Requester

INTELLIGENCE COMMUNITY POLICY GUIDANCE

NUMBER 704.5



INTELLIGENCE COMMUNITY PERSONNEL SECURITY DATABASE SCATTERED CASTLES

(EFFECTIVE: 02 OCTOBER 2008)

A. AUTHORITY: The National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 13355; EO 12958, as amended; EO 12968, and other applicable provisions of law.

B. APPLICABILITY: This directive applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended, and other departments or agencies that may be designated by the President, or designated jointly by the Director of National Intelligence (DNI), and the head of the department or agency concerned, as an element of the IC or those government entities designated to determine eligibility for Sensitive Compartmented Information (SCI) access.

C. SCOPE: This Intelligence Community Policy Guidance (ICPG) mandates the recognition and use of the Scattered Castles (SC) database, or successor database, as the IC's authoritative personnel security repository for verifying personnel security access approvals regarding SCI and other controlled access programs, visit certifications, and documented exceptions to personnel security standards.

D. KEY ELEMENTS

The SC database shall:

1. Consolidate personnel security data records within the IC;
2. Record all eligibility-for-access determinations to include approvals, denials, revocations and suspensions;
3. Record waivers, deviations, or conditions relating to eligibility-for-access determinations;
4. **Provide a National Agency Check data source to avoid duplicative background investigations and, where applicable, polygraph examinations;**
5. Record all individuals holding current access to SCI and other controlled access programs, with the exception of classes of individuals exempted due to specific mission concerns. In sensitive situations, IC organizations may record specific personnel under pseudonym. In these cases, the source IC organization must maintain internal records containing the true information for these individuals;

6. Include records of subjects previously holding SCI and other controlled access program access;
7. For subjects with active clearances, retain data records indefinitely; for subjects who have been debriefed or terminated, retain records for two years; for subjects whose clearances have been revoked or denied, retain records for seven years; and for subjects whose clearances have been suspended and are pending revocation, retain records indefinitely; and
8. Serve as the primary source for verifying and accepting visit certifications without additional hard copy or electronic documentation from the visitor's parent organization. Where database access constraints prevent entry of personnel security data into the SC database, hard copy or electronic visit certifications shall continue to be accepted by the organization to be visited.

E. RESPONSIBILITIES

1. The DNI Special Security Center shall:

a. Collaborate with the Department of Defense and the Office of Personnel Management (OPM) to ensure Senior Officials of the Intelligence Community -approved personnel security information contained in the SC database is accessible and the data is correlated with OPM's Clearance Verification System database at the appropriate level of classification to protect agency-specific classified information;

b. **Oversee, operate, and maintain the SC database in collaboration with the Scattered Castles Executive Steering Group (SCESG).**

2. The SCESG, comprised of representatives from each IC element, shall be responsible for database functionality and access management of the database.

3. Senior Officials of the Intelligence Community shall:

a. Designate representatives, with the appropriate levels of expertise, to the SCESG;

b. Identify security points-of-contact, access managers, technical representatives, and data load points-of-contact;

c. **Populate the SC database with relevant and comprehensive personnel security information;** and

d. Be responsible for updating the SC database regarding subjects granted crossover clearances or special access approvals;

e. Ensure all SC data is accurate and submitted in a timely manner; conduct a total records refresh at least once every thirty-one (31) days; update records, to include briefings and debriefings, at least weekly; and record all clearance denials, revocations and suspensions within twenty-four (24) hours of the decision.

F. EFFECTIVE DATE: This ICPG is effective on the date of signature.



Deputy Director of National Intelligence
for Policy, Plans and Requirements



Date

APPENDIX A – ACRONYMS**ICPG 704.5 -- INTELLIGENCE COMMUNITY PERSONNEL SECURITY DATABASE SCATTERED CASTLES**

DNI	Director of National Intelligence
EO	Executive Order
IC	Intelligence Community
ICPG	Intelligence Community Policy Guidance
SC	Scattered Castles
SCESG	Scattered Castles Executive Steering Group
SCI	Sensitive Compartmented Information