

From: [REDACTED]
Subject: Disclosure Request
Date: October 23, 2014 at 4:07 PM
To: andrew.evans@state.mn.us

Hello Andrew,

(U/LES) Thank you for talking with me yesterday about your pending disclosure request. As stated in our conversation, the protection of cell site simulator (CSS) information is a concern for all law enforcement agencies in the U.S. In light of the importance of the lawful usage of the CSS gear, my unit would like to assist you in protecting the data associated with the CSS gear from exposure to counter measures in criminal, terrorism, and foreign intelligence investigations. The first layer of protection for the CSS gear is the Non Disclosure Agreement (NDA), which your agency has signed in order to receive the CSS gear. From our conversation yesterday, my understanding is that you are being asked to disclose all or part of the NDA. In order to clarify our position, I have attached a letter that the FBI has created for the purpose of articulating the law enforcement and legal support for protecting the NDA. We can send a signed copy of the letter to a government official, if you believe that will assist you in protecting the NDA. Please note that the letter is marked (LES).

(U/LES) In addition, you mentioned that the requestor has claimed that other disseminations of CSS information have appeared in the public view, which classifies them as "public record" pursuant to Minnesota's laws, and therefore are subject to disclosure by your agency. When possible, would you be willing to send a sample of such information as we may be able to clarify the circumstances of the dissemination? Some disseminations may have been conducted unlawfully and therefore should not be considered "public record" or be subject to further authentication. In addition, we would like to be in a position to assist you in determining the scope and type of your pending response, so if we could set up a meeting with our FBI legal counsel and your office, that would be greatly appreciated.

Thank you.

[REDACTED]
Supervisory Special Agent
[REDACTED]
[REDACTED]

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[REDACTED]