

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GOVERNMENT ACCOUNTABILITY)
PROJECT,)
))
Plaintiff,)
))
v.)
))
UNITED STATES DEPARTMENT OF)
STATE, et al.)
))
Defendants.)
))
_____)

Civil Action No. 19-0449 (RDM)

PLAINTIFF’S STATEMENT OF ADDITIONAL UNDISPUTED MATERIAL FACTS

Pursuant to Local Civil Rule 7(h), Plaintiff Government Accountability Project (“GAP”) hereby submits its Statement of Additional Undisputed Material Facts in support of its cross-motion for summary judgment:

1. Defendant’s renewed motion for summary judgment rests on the proposition that revealing the existence of unsolicited documents the CIA received concerning some unidentified aspect of Plaintiff’s FOIA request would cause specific and concrete harm to the national security because it would disclose said documents’ relevance to the CIA’s mission. Mem. of Pts. and Auth. in Support of CIA’s Renewed M. for S. Judg. (Dkt 79) at 2 (“CIA’s SJM”); Executive Order 13526 § 1.4.

2. Defendant has not provided any evidence that any unsolicited documents responsive to Plaintiff’s FOIA request have been evaluated for their relevance to the CIA’s mission pursuant to the Federal Records Act. *Id.*

3. Defendant has not provided any evidence that any unsolicited documents responsive to Plaintiff’s FOIA request “pertain[] to a type of information enumerated in

Executive Order 13526” and that their disclosure “could reasonably be expected to cause identifiable or describable damage to the national security.” *Id.* at 3; Executive Order 13526 § 1.4.

4. Defendant has not provided any evidence to support its claim that conducting a search for unsolicited records responsive to Plaintiff’s FOIA request is impractical. *Id.* at 3-4.

Dated: March 2, 2022

Respectfully submitted,

/s/ Anne L. Weismann

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