



Homeland
Security

October 18, 2022

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

Dear Senator Wyden:

I appreciated our conversations during my confirmation process about the Office of Intelligence and Analysis's (I&A) policies and practices around the application of FOIA to unclassified information relating to intelligence sources and methods. This letter follows up on those conversations and on my letter to you of March 7, 2022, in which I agreed to undertake a review of I&A's FOIA handling of source and method information.

As I have discussed with Mr. Gottesman, my I&A colleagues and I have completed that review, which has resulted in the issuance of a new policy that will permit greater disclosure of source and method information under FOIA and thereby increase the public transparency of our work. The new guidance supplants any prior practice of withholding all material specifically referencing sources and methods and requires disclosure thereof unless its "*disclosure would materially negate or impair the effectiveness of those sources and methods.*"

I am enclosing an interim policy guidance memorandum about this new disclosure standard that I have sent to the I&A FOIA personnel, which guidance will also be incorporated into a forthcoming official policy instruction. I also enclose the reports about the 2020 events in Portland, Oregon – the DHS OGC report and the internal I&A report – with redactions in accordance with the new policy guidance.

Thank you for your focus on this important transparency issue and your continued support of DHS and I&A. Please feel free to contact me if you have any questions about the new policy or would like to discuss this matter further. Identical copies of this letter will be provided to the recipients listed below.

Sincerely,

A handwritten signature in black ink that reads "Kenneth L. Wainstein".

Kenneth L. Wainstein
Under Secretary for Intelligence and Analysis

Enclosure(s)

- 1) Interim Guidance for Disclosing Intelligence Sources and Methods
- 2) I&A and OGC Portland Reports – Revised Redactions

cc: Mark Warner
Chairman, Senate Select Committee on Intelligence

Marco Rubio
Vice Chairman, Senate Select Committee on Intelligence