

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

ELECTRONIC PRIVACY INFORMATION CENTER	)	
	)	
Appellant,	)	
	)	
v.	)	No. 13-5369
	)	
NATIONAL SECURITY AGENCY	)	
	)	
Appellee.	)	
	)	

**STATEMENT OF ISSUES TO BE RAISED AND CERTIFICATE  
AS TO PARTIES, RULINGS, AND RELATED CASES**

Pursuant to the district court's October 21, 2013 Order, F.R.A.P. 26.1, and D.C. Cir. Rules 27(a)(4) and 28(a)(1)(A), EPIC certifies as follows:

**I. Statement of Issues to be Raised**

- a. Whether the district court erred in holding that a Presidential Directive in the possession of a federal agency is not an agency record subject to the FOIA.

**II. Certificate as to Parties, Rulings, and Related Cases**

**a. Parties and Amici:**

Appellant is the Electronic Privacy Information Center (EPIC). EPIC is a 501(c)(3) non-profit corporation. EPIC has no parent, subsidiary, nor affiliate. EPIC has never issued shares or debt securities to the public. EPIC

is a public interest research center in Washington, D.C., which was established in 1994 to focus public attention on emerging civil liberties issues and to protect privacy, the First Amendment, and other Constitutional values.

Appellee is the National Security Agency (NSA). The NSA is a federal agency subject to the FOIA.

**b. Rulings Under Review:**

Appellant seeks review of the Order of Judge Beryl Howell of the United States District Court for the District of Columbia as set forth below:

1. Grant of Summary Judgment for the National Security Agency;
2. Denial of Summary Judgment for the Electronic Privacy Information Center.

**c. Related Cases:**

This case was appealed from the United States District Court for the District of Columbia, *EPIC v. NSA*, No. 1:10-cv-00196-BAH. The court closed the case on October 21, 2013. The court recently ordered the disclosure of a different Presidential Policy Directive (PPD), held by a federal agency, in *Center for Effective Government v. U.S. Dep't of State*, No. 1:13-cv-00414-ESH (D.D.C. Dec. 17, 2013).

Respectfully submitted,

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