

THE WHITE HOUSE

WASHINGTON

January 20, 2021

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: The Chief of Staff



SUBJECT: Privacy Act Review of Certain Declassified
Materials Related to the FBI's Crossfire
Hurricane Investigation

By Memorandum dated January 19, 2021, the President declassified certain materials related the Federal Bureau of Investigation's Crossfire Hurricane investigation. The President's Memorandum specifically stated: "My decision to declassify materials within the binder is subject to the limits identified above and does not extend to materials that must be protected from disclosure pursuant to orders of the Foreign Intelligence Surveillance Court and *does not require the disclosure of certain personally identifiable information or any other materials that must be protected from disclosure under applicable law.*" (emphasis added). Based on directions provided to the Department of Justice and our understanding that a review for protecting privacy interests had been conducted by the Department of Justice and that additional redactions to protect privacy interests had been applied to the materials, the President also stated: "[A]t my direction, the Attorney General has conducted an appropriate review to ensure that materials provided in the binder may be disclosed by the White House in accordance with applicable law."

We understand that the Office of Legal Counsel has advised that the Privacy Act does not apply to the White House and thus would not apply to any disclosure of documents by the White House. Nevertheless, we do not intend to disclose materials that would violate the standards of the Privacy Act and, in particular, materials the disclosure of which would constitute "an unwarranted invasion of personal privacy." Accordingly, I am returning the bulk of the binder of declassified documents to the Department of Justice (including all that appear to have a potential to raise privacy concerns) with the instruction that the Department must expeditiously conduct a Privacy Act review under the standards that the Department of Justice would normally apply, redact material appropriately, and release the remaining material with redactions applied.