

"complete ownership, possession, and control of Presidential records," 44 U.S.C. 2202, which the law defines to include all records "created or received by the President" or his staff "in the course of conducting activities which relate to or have an effect upon" the President's official duties, 44 U.S.C. 2201(2). The PRA specifies that when a President leaves office, NARA "shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President." 44 U.S.C. 2203(g) (1).

In response to repeated requests from NARA, applicant ultimately provided NARA with 15 boxes of records in January 2022. App. D at A44 (May 10, 2022 letter from NARA to applicant's counsel). NARA discovered that the boxes contained "items marked as classified national security information, up to the level of Top Secret and including Sensitive Compartmented Information and Special Access Program materials." Ibid.; see App. A at 3. Material is marked as Top Secret if its unauthorized disclosure could reasonably be expected to cause "exceptionally grave damage" to national security. Exec. Order No. 13,526, § 1.2(1), 75 Fed. Reg. 707, 707 (Jan. 5, 2010). Sensitive Compartmented Information and Special Access Program material are subject to additional restrictions. Special Access Programs, for example, may be created only by cabinet-level officials or their deputies and must be based on "a specific finding" that "the vulnerability of, or threat to,