

specific information is exceptional.” § 4.3(a)(1), 75 Fed. Reg. at 722.

NARA referred the matter to the Department of Justice (DOJ), noting that highly classified records appeared to have been improperly transported and stored. App. D at A63-A64 (affidavit in support of search warrant). DOJ then sought access to the 15 boxes under the PRA’s procedures governing presidential records in NARA’s custody. Id. at A44-A45; see 44 U.S.C. 2205(2)(B). After receiving notification of that request, applicant neither attempted to pursue any claim of privilege in court, see 44 U.S.C. 2204(e), nor suggested that any documents bearing classification markings had been declassified. App. A at 4; App. D at A45.

2. The FBI developed evidence that additional boxes remaining at applicant’s residence at the Mar-a-Lago Club in Palm Beach, Florida, were also likely to contain classified information. On May 11, 2022, applicant’s counsel was served with a subpoena issued by a grand jury in the District of Columbia for “[a]ny and all documents or writings in the custody or control of Donald J. Trump and/or the Office of Donald J. Trump bearing classification markings.” App. D at A48 (subpoena).

In response, applicant’s counsel and his custodian of records produced an envelope containing approximately three dozen documents bearing classification markings. App. D at A76-A77. Applicant did not assert any claim of privilege and did not suggest