

FREEDOM OF INFORMATION ACT REPORTING REQUIREMENTS

I. Purpose

This Instruction implements the Department of Homeland Security (DHS or the Department) Directive 262-11, "Freedom of Information Act Compliance," concerning DHS Reporting on the Freedom of Information Act (FOIA).

II. Scope

This Instruction applies throughout DHS, on behalf of, or in coordination with the Department.

III. References

- A. Title 5, United States Code (U.S.C.), § 552, "Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings" [The Freedom of Information Act, as amended]
- B. Title 6, Code of Federal Regulations (C.F.R), Part 5, "Freedom of Information Act Regulations"
- C. DHS Delegation 13001, "Delegation to the Chief Privacy Officer"
- D. DHS Directive 262-11, "Freedom of Information Act Compliance"

IV. Definitions

- A. ***Chief FOIA Officer***: DHS Chief Privacy Officer serves concurrently as the Chief FOIA Officer, as designated by the DHS Secretary.
- B. ***Deputy Chief FOIA Officer***: Individual reporting to the Chief FOIA Officer who serves as the DHS principal point of contact and agency representative on FOIA-related matters.

C. **FOIA Officer**: Designated DHS official appointed by the Component Head to receive FOIA requests and to provide assistance in administrative matters pertaining to FOIA request processing.

V. Responsibilities

A. The **Chief FOIA Officer**:

1. Provides oversight of the Department's FOIA enterprise through the implementation of a reporting program.
2. Monitors the status of Component FOIA programs and makes recommendations as necessary to improve implementation.
3. Reports to both the Attorney General and the Director of the Office of Government Information Services on the Department's administration of FOIA.¹

B. The **Deputy Chief FOIA Officer**:

1. Implements the Department's reporting program and monitors the administration of the FOIA and Component FOIA Requester Service Center performance.
2. Monitors the status of Component FOIA programs and raises issues with Department and Component leadership as necessary to support efficient and appropriate compliance with FOIA.
3. Submits to the Department and Component management, on a monthly basis, key performance statistics including the number of requests and appeals received and processed, the 10 oldest pending requests and appeals, and the age of requests in the Component's backlog.
4. Provides Components with guidance and assistance in collecting and reporting data for agency annual FOIA reports.
5. Collects, reviews, consolidates, and submits quarterly performance data to the Department of Justice's Office of Information Policy.

C. The **FOIA Officers**:

1. Designate a responsible official to collect, review, consolidate, and submit required reports.

¹ 5 U.S.C. §§ 552(i)(2)(B) and 552(i)(2)(D).

2. Ensure that all reporting requirements are followed, accurate, and submitted in a timely manner.

VI. Content and Procedures

A. Applicability of the Notification Process:

1. The 1-Day Notification Process is solely to notify DHS leadership² of an impending release for awareness and does not allow political appointees an opportunity to approve, modify, or delay FOIA releases.
2. FOIA professionals are responsible for making determinations on whether information is to be released or withheld under FOIA's exemptions and should consult with the Office of the General Counsel and subject matter experts, as appropriate, during their decision-making process.
3. With respect to matters in litigation, FOIA professionals should coordinate with appropriate DHS personnel in order to ensure consistency within the Department with respect to the disclosure of agency records.

B. 1-Day Awareness Notification Process:

1. DHS has a 1-Day FOIA Release Notification process for FOIA records related to significant FOIA requests. The 1-day notification means the notification must happen one business day before the FOIA records are released.
2. Significant FOIA requests are defined when one of the following criteria are met. The FOIA:
 - a. Request relates to a Presidential or agency priority;
 - b. Requester or requested documents will garner media attention or is receiving media attention;
 - c. Request is for records associated with meetings with prominent elected, business, and/or community leaders;
 - d. Request is for congressional correspondence;
 - e. Request is from a member of Congress;

² <https://www.dhs.gov/leadership>

- f. Request is from a member of the media;
- g. Request is from a member of an advocacy group, watchdog organization, etc.;
- h. Request is for records associated with a controversial or sensitive subject; or
- i. Request is for records associated with a senior official of the Component.

3. The notification is provided by the Privacy Office to the Department's Offices of Legislative Affairs, Public Affairs, General Counsel, and the Office of the Secretary to ensure awareness of significant FOIA releases, proper communication and coordination.

4. Releases that are considered significant are submitted via email to FOIAReleaseNotifications@hq.dhs.gov by FOIA Officers or their staff in the format provided in Appendix A.

5. 1-Day FOIA Release Notifications are used only for records being released. Full denials and no records determinations are not reported through FOIA Release Notifications; Components, however, still report the activity in the Chief FOIA Officer Weekly Report.

6. FOIA Officers ensure that their staff submits 1-Day Awareness Notification Process for significant FOIA releases, appeals, FOIA litigation, and additions to the FOIA Library, prior to any release of information to the requester.

C. Weekly Significant FOIA Reports:

1. Components report significant FOIA requests for the preceding workweek to the Deputy Chief FOIA Officer. This requirement includes reporting out that there were no significant FOIA requests during the past week.

2. The Deputy Chief FOIA Officer or designee compiles the significant FOIA requests received by the Department in the Chief FOIA Officer Weekly Cabinet Report. The criteria and formatting for this report is listed in [Appendix A](#).

3. FOIA Officers provide the weekly significant FOIA Report to the Deputy Chief FOIA Officer by close of business Thursday of each week. Reporting period is Thursday through Wednesday. The Chief FOIA Officer publishes this report, generally, on Monday.

4. The Chief FOIA Officer Weekly Cabinet Report includes: significant incoming FOIA requests and appeals; significant FOIA and appeal releases; and FOIA litigation information.

D. Monthly Reporting:

1. FOIA Officers are required to compile and submit a monthly FOIA Report to the Deputy Chief FOIA Officer by the 1st Monday of each month.

2. The monthly report captures key performance statistics, including the number of requests and appeals received and processed, the 10 oldest pending requests and appeals, and the age of requests in the Component's backlog. It also provides the number of pages released, reports the full and accurate cost of the Component FOIA Program, and details FOIA staff training.

3. The Deputy Chief FOIA Officer provides monthly reporting as a snapshot of FOIA activity within the Department and its Components, but it is also a call to action to reduce backlogs, close the 10 oldest cases and 10 oldest appeals, and also close the open requests.

4. Components send their reports to the Deputy Chief FOIA Officer or designee using predesignated template.

E. **DHS Annual Report:**

FOIA Officers compile the Component data required for the annual FOIA Report to the Attorney General of the United States and the Director of the Office of Government Information Services. These reports contain detailed statistics on the numbers of requests received and processed by each agency, the time taken to respond, and the outcome of each request, as well as many other vital statistics regarding the administration of the FOIA at federal departments and agencies. Component fiscal year data should be provided to the Deputy Chief FOIA Officer or designee by the 2nd Friday of October.

F. **Chief FOIA Officer Report:**

The Department of Justice 2009 FOIA Guidelines require the Chief FOIA Officer for each federal agency to submit a report to the Attorney General containing a detailed description of the steps taken by the agency to improve FOIA compliance and transparency. These reports contain details of FOIA administration at each agency, as well as the steps taken to implement the FOIA Guidelines during each reporting year. Each FOIA Officer provides information on the steps their office and/ or Component has taken to improve FOIA compliance and transparency, including non-action, and provides this information to the Deputy Chief FOIA Officer or designee by November 1.

VII. Questions

Address any questions or concerns regarding these Instructions to the DHS Privacy Office or to the relevant Component FOIA Office.



Philip S. Kaplan
Chief FOIA Officer

11/14/18
Date

Appendix A: 1-Day Awareness Notification Process and Weekly Significant FOIA Reports

I. Criteria

Criteria for 1-Day Awareness Notification Process and Weekly Significant FOIA Reports Appendix.

- A. Pertains to significant FOIA releases, Appeal releases, FOIA litigation information releases and additions to the FOIA library.
1. FOIA request relates to a Presidential or Agency priority;
 2. FOIA requester or requested documents will garner media attention or is receiving media attention;
 3. FOIA request is for records associated with meetings with prominent elected, business, and/or community leaders;
 4. FOIA request is for congressional correspondence;
 5. FOIA request is from a member of Congress;
 6. FOIA request is from a member of the media;
 7. FOIA request is from a member of an advocacy group, watchdog organization, etc.;
 8. FOIA request is for records associated with a controversial or sensitive subject;
 9. FOIA request is for records associated with a senior official of the Component; and
 10. A FOIA appeal if it meets one of the criteria above.
- B. Items listed above in Section I.A. are suggestive and not exclusive-- exercise prudent judgment and submit items that reflect the spirit and intent of this report. If in doubt, please submit.
- C. Submissions that do not meet the above criteria will not be included in the final "Weekly Significant FOIA Reports."
- D. Unless Section I.A. criteria are met, do not report the following (not an exhaustive or exclusive list):
1. Requests for contracts or grants

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2. Requests for "A" files
3. Requests for FOIA logs
4. Requests for incident reports (including boating incidents, etc.)
5. Requests for budget documents
6. Requests for genealogy documents
7. Third-party requests for personnel training or employee records, and
8. Privacy Act requests

II. Process

A. General Process - For 1-Day Awareness Notification Process and Weekly Significant FOIA Reports

1. Submit items by e-mail within the text of the e-mail.
2. Identify the requester's name, city, and state (spell out name of state).
3. Identify the requester by affiliation (individual, organization membership, etc.).
4. Identify your Component as the receiving Component (in the case of transfers within DHS, the initial Component receiving the request will report the item).
5. The first time an acronym is used it should follow its full title and be in parentheses.
6. Provide a brief summary of the requested records.
7. Italicize large publications and news organizations. Use quotes for smaller units within publications. Do not abbreviate media names.
8. Any reference to an elected official needs to include party and state affiliation, if applicable: Senator John Smith (R-NY), Representative John Smith (D-IN).

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9. If the FOIA request has been assigned to Subcomponent(s), identify the Subcomponent(s) to which it has been assigned.
10. If the Component does not report a FOIA request during the reporting week, it is considered a late request.
11. If submitting FOIA items related to FOIA releases, please indicate the scope of the submission (number of released pages), consisting of what type of records (e-mails, incident reports, etc.) as well as any exemptions that have been used.

B. Additions to the FOIA Library – For 1-Day Awareness Notification Process and Weekly Significant FOIA Reports

1. If submitting items for efficiency and transparency, please ensure the items posted to the Component library include the name of the item and the number of pages.

a. Format:

(1) On [MONTH, DAY, YEAR][FULL COMPONENT NAME (ABBR.)] [description of action taken, to include purpose or intended outcome].

(2) On [MONTH, DAY, YEAR][FULL COMPONENT NAME (ABBR.)] [description of action taken, to include posting records to the Component library, include page count].

b. Examples:

(1) On February 14, 2013, the Department of Homeland Security (DHS) FOIA Office began using GovDelivery. GovDelivery allows website visitors to subscribe to information of specific interest to them. Individuals are able to create a personalized subscription list of content. When this content changes, GovDelivery automatically sends alerts informing subscribers that the information has changed.

(2) On February 14, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the January 2013 FOIA Log (10 pages).

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C. FOIA Requests – For Weekly Significant FOIA Reports

1. Media Requesters – Representatives of the News Media

a. Format:

On [MONTH, DAY, YEAR], [REQUESTER NAME], a reporter/representative/editor/etc. with the [News Organization] in [CITY, FULL STATE NAME], requested from the [FULL COMPONENT NAME (ABBR.)] [description of the records sought]. (Case Number COMPONENT ABBR Number)

b. Example:

On January 17, 2013, John Doe, a reporter with ACME-TV in New York, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to Hurricane Sandy recovery funds intended for New York University Hospitals Center (a/k/a New York University Medical Center). (Case Number FEMA 13-244)

2. Individuals – All Requesters Not Affiliated with a News or Other Organization

a. Format:

On [MONTH, DAY, YEAR], [REQUESTER NAME], an individual in [CITY, FULL STATE NAME], requested from the [FULL COMPONENT NAME (ABBR.)] [description of the records sought]. (Case Number COMPONENT ABBR Number)

b. Example:

On January 3, 2013, Jane Doe, an individual in Saint Petersburg, Florida, requested from the Department of Homeland Security (DHS) various records created by DHS pertaining to protests, marches, and rallies from 2006, through 2012, for: (1) Florida; (2) Washington, DC; (3) Colorado; (4) New York; and (5) North Carolina. (Case Number HQ 2013-HQFO-00341)

3. Organizations – Requesters Using Company Letterhead and/or Stating Their Association with an Organization

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a. Format:

On [MONTH, DAY, YEAR], [REQUESTER NAME], a [ENTER JOB TITLE, IF UNKNOWN USE 'representative'] with [Organization name] in [CITY, FULL STATE NAME], requested from the [FULL COMPONENT NAME (ABBR.)] [description of the records sought]. (Case Number COMPONENT ABBR Number)

b. Example:

On February 6, 2013, John Doe, Co-director with the Acme Corporation (ACME) in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, alien-by-alien, detention facility-by-detention facility data covering all individuals who have been detained, released, or were in ICE custody from January 1, 2013, through January 31, 2013. (Case Number ICE 2013FOIA12571)

4. Multiple Items Requested – May Be Used Along With Any Of The Above Templates

a. Format:

On [MONTH, DAY, YEAR], [REQUESTER NAME], a reporter/representative/editor/etc. with the [News Organization or Organization] in [CITY, FULL STATE NAME] requested the following from the [FULL COMPONENT NAME (ABBR.)]: (1) [FIRST ITEM]; (2) [SECOND ITEM]; (3) [THIRD ITEM]; and (4) [FOURTH ITEM]. (Case Number COMPONENT ABBR Number)

b. Example:

On January 22, 2013, Jane Doe, an attorney with ACME Corporation (ACME), in New York, New York, requested from the Department of Homeland Security (DHS) a copy of the following records submitted by the agency's Chief Information Officer to the Office of Management and Budget (OMB), as required by OMB memorandum titled "Increased Shared Approaches to Information Technology Services," dated May 2, 2012: (1) all Enterprise Roadmaps; (2) all Appendix submissions covering the Business and Technology Architecture; (3) IT Asset Inventory; (4) Commodity IT Consolidation Plan; and (5) the Line of Business Service Plan. (Case Number HQ 2013-HQFO-00367)

D. Requests for Congressional Correspondence – For 1-Day Awareness Notification Process and Weekly Significant FOIA Reports

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1. Format:

On [MONTH, DAY, YEAR], [REQUESTER NAME], a [ENTER JOB TITLE, IF UNKNOWN USE 'representative'] with [News Organization or Organization name] in [CITY, FULL STATE NAME] requested from the [FULL COMPONENT NAME (ABBR.)] all correspondence between [COMPONENT ABBREVIATION] and Senator/Congressman/Congresswoman [Enter Full Name] [(PARTY AFFILIATION-STATE)] [ENTER DATE RANGE IF APPLICABLE]. (Case Number COMPONENT ABBR Number)

2. Example:

On February 12, 2013, John Doe, a representative with the Acme Corporation (ACME) in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of former Montana State Senator Corey Stapleton (R-MT) from 2000 through 2008. (Case Number HQ 2013-HQFO-00438)

E. FOIA Releases – For 1-Day Awareness Notification Process and Weekly Significant FOIA Reports

1. Format:

a. On [MONTH, DAY, YEAR], the [FULL COMPONENT NAME (ABBR.)] released to [REQUESTER NAME], [REQUESTER AFFILIATION, USING APPROPRIATE STYLE], in [CITY, FULL STATE NAME], [PAGE COUNT] of records consisting of [description of type of records] pertaining to [description of the records sought]. Portions of the release were withheld pursuant to FOIA Exemption(s) [LIST EXEMPTIONS USED]. (Case Number COMPONENT ABBR Number)

b. On [MONTH, DAY, YEAR], the [FULL COMPONENT NAME (ABBR.)] released to [REQUESTER NAME], [REQUESTER AFFILIATION, USING APPROPRIATE STYLE], in [CITY, FULL STATE NAME], [PAGE COUNT] of records consisting of [description of type of records] pertaining to [description of the records sought]. These records were released in full. (Case Number COMPONENT ABBR Number)

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c. On [MONTH, DAY, YEAR], the [FULL COMPONENT NAME (ABBR.)] issued to [REQUESTER NAME], [REQUESTER AFFILIATION, USING APPROPRIATE STYLE] in [CITY, FULL STATE NAME], a full denial in response to his/her request pertaining to [description of the records sought]. These records were withheld pursuant to FOIA Exemption(s). [LIST EXEMPTIONS USED]. (Case Number COMPONENT ABBR Number)

2. Examples:

a. On January 28, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to Jane Doe, a representative with the Acme Corporation (ACME) in Washington DC, six pages of records consisting of correspondence to DHS from Congressman Cornelius McGillicuddy IV (R-FL). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number NPPD 12F421)

b. On February 13, 2013, the Transportation Security Administration (TSA) released to John Doe, a reporter with County Register in Anytown, California, six pages of records consisting of utilization data for Advanced Imaging Technology units from 2010 through 2012. These records were released in full. (Case Number TSA 12-0496)

c. On January 31, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to Jane Doe, a reporter with the Reporting in Anytown, California, a full denial in response to her request seeking a copy of the report of investigation pertaining to the shooting death of Sergio Hernandez-Guereca along the El Paso, Texas, border. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number OIG 2013-039)

F. FOIA Appeals – For Weekly Significant FOIA Reports

1. Format:

On [MONTH, DAY, YEAR], [REQUESTER NAME], [REQUESTER AFFILIATION, USING APPROPRIATE STYLE], in [CITY, FULL STATE NAME] appealed the [FULL COMPONENT NAME (ABBR.)] response to his or her request for [description of the records sought]. The requester is contesting [provide reason or if redactions, provide page count, and exemptions cited]. (Case Number COMPONENT ABBR Number)

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2. Examples:

a. On January 7, 2013, John Doe, an attorney, on behalf of Jane Doe, an investigative reporter with ACME in Anytown, California, appealed the Department of Homeland Security (DHS) National Protection and Programs Directorate's (NPPD) response to his request regarding "Occupy Guidance" and/or "Protest Activity Guidance," which was sent to unnamed DHS officials in the Office for Civil Rights and Civil Liberties (CRCL) Division and the Federal Protective Service on November 10, 2011. The requester is contesting the redactions on 13 pages of records made pursuant to FOIA Exemptions 5, 7(C), 7(E), and 7(F). (Case Number HQ 2013-HQAP-00016)

b. On January 7, 2013, John Doe, a staff reporter with the C Reporting in Anytown, California, appealed the Department of Homeland Security (DHS), Office of Inspector General's (OIG) response to his request for vehicle trip logs for Acting Inspector General Jacques Clouseau and all records pertaining to the transportation of a third party in a government vehicle from March 2012, through the present. The requester is contesting the decision to withhold such records absent the individuals' consent to release the information, proof the individuals are deceased, or clear demonstration that the public interest in disclosure outweighs personal privacy interests and that significant public benefit would result from disclosure. (Case Number OIG 2013-A07)

G. FOIA Appeals Releases – For 1-Day Awareness Notification process and Weekly Significant FOIA Reports

1. Format:

On [MONTH, DAY, YEAR], the [FULL COMPONENT NAME (ABBR.)] released to [REQUESTER NAME], [REQUESTER AFFILIATION, USING APPROPRIATE STYLE] in [CITY, FULL STATE NAME], [PAGE COUNT] of records consisting of [description of type of records] pertaining to [description of the records sought]. Portions of the release were withheld pursuant to FOIA Exemption(s) [LIST EXEMPTIONS USED]. (Case Number COMPONENT ABBR Number)

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2. Example:

On January 31, 2013, U.S. Customs and Border Protection (CBP) released to Jane Doe, a staff reporter with Reporting in Anytown, California, 28 pages of records consisting of summaries of admissions of criminal activity by CBP employees. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), 7(E), and 7(F). (Case Number CBP H235830)

H. Litigation releases - For 1-Day Awareness Notification Process and Weekly Significant FOIA Reports

1. Format:

In the matter of [FULL CASE NAME], [DESCRIPTION OF COMPLAINT].
[COMPONENT ACTION TO DATE]

2. Examples:

a. In the matter of WeCount!, Inc. v. DHS (D.D.C. 11-00143), the plaintiff filed a complaint on January 21, 2011, seeking release of records regarding a sex trafficking operation in Southern Florida. The operation (Operation Res-Q) was conducted from November 18, 2009, through November 20, 2009, and resulted in some allegations of abuse by several of the individuals arrested. On January 10, 2013, U.S. Immigration and Customs Enforcement (ICE) issued the eighteenth interim release, consisting of 2,357 pages of investigatory records.

b. In the matter of National Immigrant Justice Center v. DHS (N.D. Ill. 12-cv-05358), plaintiff filed a FOIA request on April 27, 2011, seeking copies of all Intergovernmental Service Agreements (IGSA) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On January 31, 2013, ICE released its seventh interim response, consisting of 500 pages of records to the plaintiff.

III. Sample Formatting for Weekly Reporting

A. Additions to the FOIA Library

On January 4, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the FY 2012 Secure Communities Nationwide Interoperability Report (55 pages) and the FY 2013 year-to-date Secure Communities Nationwide Interoperability Report (57 pages).

B. FOIA Requests

1. On January 8, 2013, Jane Doe, Co-director ACME in Anytown, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, case-by-case, statistical data on each ICE removal (including returns) in December 2012. (Case Number ICE 2013FOIA08672)

2. On January 9, 2013, John Doe, a reporter with the Journal in Anytown, Oregon, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to I-9 audits and investigations of California employers from fiscal years 2008 through 2012. (Case Number ICE 2013FOIA08876)

3. On February 8, 2013, Jane Doe, a correspondent with TV in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of the following "Congressional files" held by DHS, including documents/filings from January 21, 2009, through the present pertaining to: (1) Representative John Mica (R-FL); (2) Senator Sherrod Brown (D-OH); (3) Senator Rob Portman (R-OH); (4) Representative John Lewis (D-GA); (5) Senator Saxby Chambliss (R-GA); (6) Representative Ander Crenshaw (R-FL); (7) Representative Steve Pearce (R-NM); (8) Representative Tim Murphy (R-PA); and (9) Senator Bob Casey (D-PA). (Case Number HQ 2013-HQF0-00436)

C. FOIA Releases

1. On January 7, 2013, the Department of Homeland Security (DHS) released to John Doe, an attorney in Anytown, Virginia, 17 pages of records consisting of correspondence regarding reviews of federal agencies that conduct polygraphs. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number HQ 2013-HQF0-00001)

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2. On January 29, 2013, the Federal Law Enforcement Training Centers (FLETC) issued to Jane Doe, a journalist with Broadcasting in Anytown, Maryland, a no records determination in response to her request seeking the following records paid for by the Department of Homeland Security during fiscal years 2010, 2011, and 2012: (1) parking tickets; (2) speeding tickets; (3) red light camera citations; (4) speed camera citations; and (5) other moving violations. (Case Number FLETC FOIA 13-041)

D. FOIA Appeals

On January 7, 2013, John Doe, a staff reporter with Reporting in Anytown, California, appealed the Department of Homeland Security (DHS), Office of Inspector General's (OIG) response to his request for vehicle trip logs for Acting Inspector General Charles Edwards and all records pertaining to the transportation of a third party in a government vehicle from March 2012, through the present. The requester is contesting the decision to withhold such records absent the individuals' consent to release the information, proof the individuals are deceased, or clear demonstration that the public interest in disclosure outweighs personal privacy interests and that significant public benefit would result from disclosure. (Case Number OIG 2013-AO)

E. FOIA Appeals Releases

On January 31, 2013, U.S. Customs and Border Protection (CBP) released to Jane Doe, a staff reporter with the Anytown Post in Anytown, California, 28 pages of records consisting of summaries of admissions of criminal activity by CBP employees. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), 7(E), and 7(F). (Case Number CBP H235830)

F. Litigation

1. In the matter of WeCount!, Inc. v. DHS (D.D.C. 11-00143), the plaintiff filed a complaint on January 21, 2011, seeking release of records regarding a sex trafficking operation in Southern Florida. The operation (Operation Res-Q) was conducted from November 18, 2009, through November 20, 2009, and resulted in some allegations of abuse by several of the individuals arrested. On January 10, 2013, U.S. Immigration and Customs Enforcement (ICE) issued the eighteenth interim release, consisting of 2,357 pages of investigatory records.

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2. In the matter of National Immigrant Justice Center v. DHS (N.D. Ill. 12-cv- 05358), plaintiff filed a FOIA request on April 27, 2011, seeking copies of all Intergovernmental Service Agreements (IGSA) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On January 31, 2013, ICE released its seventh interim response, consisting of 500 pages of records to the plaintiff.

IV. Editing Reminders

A. Editing reminders for 1-Day Awareness Notification Process and Weekly Significant FOIA Reports Appendix

1. Spell out the month.
2. Numbers 10 and above and periods of time, distance, percentage, money, age, and measurement should be expressed in numerals, not words, except when a number begins a sentence.
3. Spell out "percent."
4. Use comma before "and" or "or" in a series-i.e., "Federal, State, and local officials."
5. Capitalize "Federal," "State" (when referring to a unit or government), official titles.
6. "Nation" (when referring to the United States), and "Members of Congress."
7. Begin paragraph with "On (month) (date)." Do not add "th" or "st" after date. Also, use commas after dates unless the dates are adjectives.
8. If there is a continuous event, please type out "through" instead of adding a dash.
9. When defining an acronym it will always be singular. Add an "s" for plural uses. For example, Intergovernmental agreements would be "(IGA)," not "(IGAs)."
10. "When" refers to time or occurrence. "Where" refers to geographic places, "Who" and "whom" refer to people, not things. Use "which" to refer to things.