FOIA Activity for the Week of December 31, 2010 – January 6, 2011
Privacy Office
January 10, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- NSTR

II. FOIA Requests

- On January 3, 2011, **Robert O'Harrow**, a reporter with the ***Washington Post*** in Washington, D.C., requested from the Department of Homeland Security (DHS) Domestic Nuclear Detection Office (DNDO) the following records: 1) The names of all employees of DNDO, their dates of employment, their salaries and the annual bonuses they received, by year, for each year, from the creation of the office to the present; and 2) Performance bonuses or fees paid to all DNDO contractors during the same time period. (Case Number DHS/OS/PRIV 11-0323).
- On January 3, 2011, **Michael H. Page**, a staff attorney with **Public Citizen Litigation Group** in Washington, D.C., requested from the Department of Homeland Security (DHS) all records dated on or after January 1, 2006, that discuss, refer to, or relate to private entities' (including but not limited to PayPal, MasterCard, Visa, and Amazon.com) business relationships with WikiLeaks, including efforts to deter or discourage such entities from doing business with WikiLeaks. (Case Number DHS/OS/PRIV 11-0311).
- On January 3, 2011, **Michael H. Page**, a staff attorney with **Public Citizen Litigation Group** in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) All records dated on or after January 20, 2009, containing communications between the agency or an agency employee and Bob Woodward, journalist for the Washington Post; and 2) All records dated on or after January 20, 2009, containing calendar entries or other notes of scheduled or past meetings between agency employees and Bob Woodward. (Case Number DHS/OS/PRIV 11-0318).
- On January 3, 2011, **Michael Ravnitzky**, an individual requester from Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) the following records: 1) Copy of the contents of the administrative file of the four oldest FOIA requests at (DHS) Office of the General Counsel (OGC) and 2) Copy of the contents of the administrative file for the 10 oldest pending FOIA Administrative appeals at OGC. (Case Number DHS/OS/PRIV 11-0315).
- On January 3, 2011, **Michael Ravnitzky**, a self-proclaimed journalist from Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of the contents of the administrative file

of the four oldest FOIA requests at the Privacy Office. (Case Number DHS/OS/PRIV 11-0319).

- On January 3, 2011, United States Citizenship and Immigration Services (USCIS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Walter F. Roche**, a reporter with the ***Pittsburgh Tribune-Review***, in Pittsburgh, Pennsylvania, seeking records related to the authorization for the transport and admission of children from orphanages in Haiti to the United States following the January 12, 2010 earthquake. (Case Number DHS/OS/PRIV 11-0326).
- On January 3, 2011, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from U.S. Customs and Border Protection (CBP) records residing in the computer of Maria Luisa O'Connell (Assistant Commissioner for Public Affairs, CBP), as well as those working for her, for the date range January 2009 to the present entitled "talking points." (Case Number CBP FOIA #2011F01993).
- On January 3, 2011, the U.S. Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from **David Sobel**, Senior Counsel with the **Electronic Frontier Foundation** in San Francisco, California, seeking copies of all DOJ records created since January 20, 2009, relating to the United States-European Union High Level Contact (HLCG) on data privacy and law enforcement cooperation. (Case Number DHS/OS/PRIV 11-0327).
- On January 3, 2011, **R.M. Tipton**, a Special Assistant Attorney General with the **Mississippi Office of Attorney General** in Jackson Mississippi, requested from the Department of Homeland Security (DHS) records relating to the performance audit and review of the DHS-FEMA Public Assistance Grant Program (CDPA Program Number 97.036) in Mississippi. (Case Number DHS/OS/PRIV 11-0310).
- On January 4, 2011, **David A. Baay**, a representative of **Sutherland Asbill & Brennan L.L.P.** in Houston, Texas, requested from the United States Coast Guard (USCG) records related to the [redacted] (b) (6) inspection of the Deepwater Horizon blowout preventer ("BOP") at NASA's Michoud Assembly Facility in New Orleans, Louisiana. The document requested is a letter from the Climate Science Branch (CSB) requesting the removal of [redacted] (b) (6) from the BOP inspection site, received by the DNV on or around December 13, 2010. (Case Number 2011FOIA1034).
- On January 5, 2011, **N. MacKenzie**, an individual, requested from the United States Coast Guard (USCG) all documentation on the applications and the procedures thereof pertaining to chemicals, compounds, products, dispersants, shore cleaners, surfactants, and bioremediation products pertaining to the Gulf of Mexico since July 15, 2010, including but not limited to the Deepwater Horizon incident. (Case Number 2011FOIA1066).
- On January 5, 2011, U.S. Immigration and Customs Enforcement (ICE) referred to U.S. Customs and Border Protection (CBP) a request from

Michael Kiefer, a reporter with the ***Arizona Republic*** in Phoenix, Arizona, records regarding shipments of the drug sodium thiopental, a controlled substance under U.S. law, imported from the United Kingdom to the Arizona Department of Corrections or its representatives through Phoenix Sky Harbor from September 1, 2010 through the present. (Case Number CBP FOIA #2011F04452).

- On January 5, 2011, **Scott Thomas**, an attorney with the **City of Burlington, Washington**, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA's Technical and Scientific Data Notebook ("TSDN") used to determine proposed flood elevations for the Skagit River in Skagit County, Washington. (Case Number 11-190).

Late Request

- On December 30, 2010, **Cal Skinner**, a blogger with the ***McHenry County Blog*** in Crystal Lake, Illinois, requested from the Department of Homeland Security (DHS) the names of employers located in McHenry County, Illinois, for the last 12 months (or 2010, if such data is available), which were fined by DHS for having employed undocumented aliens. (Case Number DHS/OS/PRIV 11-0321).
- On December 30, 2010, **Cal Skinner**, a blogger with the ***McHenry County Blog*** in Crystal Lake, Illinois, requested from the Department of Homeland Security (DHS) the names of employers of those detained so far in McHenry County under the Safe Communities [sic] program. (Case Number DHS/OS/PRIV 11-0322).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- NSTR

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of January 7 - 13, 2011
Privacy Office
January 18, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On January 7, 2011, United States Citizenship and Immigration Services (USCIS) posted a draft memorandum entitled *Eligibility to Self-Petition as a Battered or Abused Parent of a U.S. Citizen; Adjudicator's Field Manual (AFM) Chapter 21.15, Update AD 06-32*, on its public website for feedback. This policy memorandum provides guidance to USCIS officers regarding the extension of the ability to self-petition to battered parents of U.S. citizens, as well as work authorization for approved Violence against Women Act (VAWA) self-petitioners. The final date for comments is January 24, 2011.
- On January 11, 2011, United States Citizenship and Immigration Services (USCIS) posted an interim memorandum entitled *Instructions for Handling Regressed Visa Number (Employment-Based and Family-Based) Adjustment of Status Cases Interviewed at USCIS Field Offices; Revision to Adjudicator's Field Manual (AFM) Chapter 20.1(e) (AFM Update AD 11-02)*, on its public website for feedback. This memorandum provides instructions to USCIS offices on handling regressed visa number Adjustment of Status cases (employment-based and family-based) interviewed at USCIS field offices on or after January 1, 2011. The final date for comments is January 26, 2011.

II. FOIA Requests

- On January 14, 2011, **Congressman Darrell Issa (CA-R),** Chairman, Committee on Oversight and Government Reform, U.S. Congress in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) Electronic communications and memoranda between and among personnel in the Office of the Secretary and the Office of General Counsel relating to FOIA request, review and response guidelines and procedures; 2) Electronic communications and memoranda between and among personnel in the Office of the Secretary and the Office of General Counsel relating to specific FOIA requests that were reviewed by any person outside of the DHS FOIA office; 3) Memoranda to or from Chief Privacy Officer Mary Ellen Callahan and staff in the DHS Privacy Office relating to FOIA request, review and response guidelines and procedures. (Case Number 01-14 DEI to Napolitano –DHS).
- On January 10, 2011, **Nate Carlisle**, a journalist with the ***Salt Lake Tribune*** in Salt Lake City, Utah, requested from the Department of Homeland Security (DHS) and the Federal Emergency Management

Agency (FEMA)the following records: 1) Records of all payments or expenditures related to security at Flaming Gorge Reservoir or Flaming Gorge Dam since Sept. 11, 2001; 2) Agendas, schedules or other plans issued in preparation for anti-terrorism or security exercises held at Flaming Gorge Reservoir or Flaming Gorge dam in 2003 and 2009 and the after-action reports or assessments made after both exercises; 3) Records of all real or perceived security threats made or executed against Flaming Gorge Dam or Flaming Gorge Reservoir since Sept. 11,2001; and 4) Records describing the likely or potential outcome of any man-made attacks or terrorism attacks against Flaming Gorge Dam or Flaming Gorge Reservoir. (Case Number DHS/OS/PRIV 11-0336 and 11-194).

- On January 12, 2010, (b) (6) a blogger in Wilburn, Arkansas, requested from the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) the following records: 1) Any and all documents related to the (b) (6) allegation of an alleged threat against him by the requester and any and all documents on his 2002 order for Naval Criminal Investigative Service (NCIS) Europe Division investigation of the requester and any and all documents on the findings of from NCIS clearing the requester of USCG allegations; 2) Any and all documents related to the requester PETITION FOR RULEMAKING: NATIONAL OPEN CARRY HANDGUN AND/OR SMALL ARMS AND LIGHT WEAPONS ENDORSEMENT FOR THE MERCHANT MARINER'S DOCUMENT under the MERCHANT MARINERS DOCUMENTS PILOT PROGRAM, Section 611 of the USCG AND MARITIME TRANSPORTATION ACT OF 2004 (HR 2443) Public Law No. 108-293, August 9, 2004; 3) Any and all documents relating to the U.S. DEPARTMENT OF TRANSPORTATION'S (DOT) BAR NOTICES of 2004 and 2006, and any and all correspondence between the USCG and the DOT including but not limited to between (b) (6) Special Agent, U.S. COAST GUARD INVESTIGATIVE SERVICE (CGIS) and the DOT or any other agency of the United States; 4) Any and all documents and correspondence relating to MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE (MERPAC) regarding the requester's recommendation for recognition of Second Amendment rights of U.S. merchant seaman in the form of an endorsement on the Merchant Mariner's Document and/or the Merchant Mariner's Credential; 5) Any and all documents and correspondence relating to Second Amendment rights of U.S. merchant seamen receiving mandatory federal small arms qualification training in accordance with OPNAVINST 3591.1C (May 13. 1992) through OPNAVINST 3591.1F (August 12, 2009) SMALL ARMS TRAINING AND QUALIFICATION in relation to the MERCHANT MARINER'S DOCUMENT, the MERCHANT MARINER'S CREDENTIAL, and the TRANSPORTATION WORKER'S IDENTIFICATION CREDENTIAL (TWIC); 6) Any and

all documents and correspondence related to the requester's proposal for a Commandant Instruction Manual titled, THE MANUAL FOR THE U.S. MERCHANT MARINE AUXILIARY AND THE PRIVATEER (MODELED AFTER THE COAST GUARD AUXILIARY MANUAL); 7) Any and all documents and correspondence related to the requester's proposal to the USCG for THE U.S. MERCHANT MARINE AUXILIARY AND THE PRIVATEER ACT OF 2005 as Part III to Title 14 of the U.S. Code; 8) Any and all USCG and DHS documents and correspondence related to the requester's lawsuits in the federal courts from 2002 to the present; 9) Any and all USCG and DHS documents and correspondence related to the role of U.S. merchant seaman in homeland security when DHS has general superintendence over the U.S. merchant marine and of merchant marine personnel in relation to the Second Amendment rights of U.S. merchant seamen; 10) Any and all USCG and DHS documents and correspondence related TWIC cards excluding or including the Second Amendment rights of U.S. merchant marine personnel; and 11) Any and all USCG documents and correspondences about whether any and all documents and correspondences were or were not acts or instances of retaliation in violation of the USCG Non-Retaliation Policy because the requester questioned or lodged an administrative complaint regarding a USCG policy or action, to the USCG or to anyone else, or because the requester filed a civil complaint against the members of the USCG about a USCG policy or action. (Case Number DHS/OS/PRIV 11-0346).

- On January 13, 2011, **Ginger McCall**, Assistant Director of **Electronic Privacy Information Center (EPIC)** Open Government Project in Washington, D.C., requested from the U.S. Secret Service (USSS) records concerning investigations by the USSS into the identities of donors to Wikileaks or the identities of Internet users who accessed data from Wikileaks. (Case Number USSS 1-13-2011).

<u>Late Request</u>

- On January 7, 2011, **Christine Ng**, a representative of **Environ Corporation** in Arlington, Virginia, requested from the United States Coast Guard (USCG) all reports, summaries, analysis, correspondence, or logs that pertain to the determination by the USCG or others of flame and plume heights associated with the April 20-22, 2010, DWH rig fire, and all of the underlying data and documents on which any such determination is based, as well as electronic copies of photographs and videos taken of the DWH incident and the associated metadata, including, but not limited to, information on the aircraft and/or vessel location from which the image was taken (including camera height), photograph time, camera model and focal length, aircraft or vessel velocity, camera angle, and camera calibration file. (Case Number 2011FOIA1110).
- On December 17, 2010, **Bobby Roseberry**, a representative of the **National Society of Government Employees**, requested from the United

States Coast Guard (USCG) a current list containing the names and work addresses of all Civilian Federal Employees working in District 13. (Case Number 2011FOIA1134).

- On December 19, 2010, **Steven Roberts**, an attorney with **Sutherland Asbill & Brennan L.L.P.** in Houston, Texas, requested from the United States Coast Guard (USCG) all written communications between the Joint Investigation Team and any person concerning the Blowout Preventer (BOP) testing protocols, procedures, results of testing and attendance by any individual during the examination and/or testing process in the matter of the Fire and Explosion on the Deepwater Horizon. (Case Number 2011FOIA1086).
- On December 30, 2010, **Anthony Buancore**, a representative of **AB Marine Consulting, L.L.C.** in Baton Rouge, Louisiana, requested from the United States Coast Guard (USCG) the following records: 1) All information possessed by the USCG on oil spill decontamination issues related with the BP Oil Spill response involving the following USCG buoy tenders: FIR, JUNIPER, ELM, ASPEN and WALNUT; 2) The Unified Command Oil Spill Trajectory overlay maps for the Gulf of Mexico for the following days - June 8, 22, 28 and 30, and July 3, 6 and 11; and 3) All communications, records and documents relative to the decontamination of the Tug MARTIN SPIRIT, the Barge MARTIN ENDEAVOR, the Tug ORION and the Barge POSEIDON. (Case Number 2011FOIA1090).
- On January 3, 2011, **Jeff Hampton**, a reporter with ***The Virginian-Pilot*** in Norfolk, Virginia requested from the United States Coast Guard (USCG) the final report on the H-60 Helicopter crash that occurred in Utah in March 2010. (Case Number 2011FOIA1092).
- On January 4, 2011, **Bruce Buckerfield**, an individual in Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of Region IV contracts listing Bruce Buckerfield as the Contracting Officer's Technical Representative (COTR) since 1994. (Case Number 11-202).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of a potential (2005) lawsuit against the City of Belhaven, North Carolina, and the North Carolina Department of Crime Control and Public Safety. (Case Number 11-203).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of emails between Rob Lowe and [redacted] (b) (6) regarding Bruce Buckerfield. (Case Number 11-204).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA Region IV travel vouchers for six Region IV employees. (Case Number 11-205).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency

(FEMA) a copy of the job description for FEMA Region IV Administrator's lead administrative assistant. (Case Number 11-206).

- On January 4, 2011, **Natasha Minsker**, the Death Penalty Policy Director with the **American Civil Liberties Union (ACLU)** of Northern California in Burlingame, California, and **Tim Redmond**, a reporter with ***The San Francisco Bay Guardian*** in San Francisco, California, requested from U.S. Customs and Border Protection (CBP) all documents regarding importations of the drug sodium thiopental, to include all memorandums, letters, communications, policies or directives. (Case Number CBP FOIA 2011F04665).
- On January 4, 2011, **G.W. Schulz**, a reporter with the **Center for Investigative Reporting** in Austin, Texas, requested from the Office of Inspector General (OIG) a list of investigations conducted by the OIG from 2003 to the present. (Case Number OIG FOIA #2011-046).
- On January 7, 2011, **Eileen Sullivan,** a reporter with ***The Associated Press*** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) all inspection, incidents, and any other reports on mistreated or dead CBP and Border Patrol K-9's. (Case Number CBP FOIA 2011F04813).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 12, 2011, United States Citizenship and Immigration Services (USCIS) released to **Michael Ravnitzky**, a self-proclaimed journalist from Silver Spring, Maryland, 372 pages responsive to his request seeking a copy of each report produced for congress by USCIS for the past 3 years. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On January 10, 2011, U.S. Customs and Border Protection (CBP) released to **Kathy Roberts**, a staff attorney with **The Center for Justice & Accountability** in San Francisco, California, 1 page of material consisting of a report that list trainees from a particular country responsive to her appeal of the response from CBP to her request for eight categories of information related to U.S. Government trainings and joint operations involving the Nepalese military, the Royal Nepalese Army (RNA), Nepalese intelligence, or any other Nepalese security forces or officers during the Nepalese civil war. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On January 11, 2011, the United States Coast Guard (USCG) released to **Claudette Juska**, a research specialist with **Greenpeace** in Washington, D.C., 980 pages of responsive documents to her request seeking the following records: 1) Records of all meetings and correspondence between the USCG, BP and the EPA concerning directives on the use of dispersants; 2) Exemptions granted to BP by the USCG concerning EPA

ordered limitations of surface and subsurface dispersants; 3) The affects of the exemptions to the dispersant application limits; and 4) BPs efforts to be transparent in their use of dispersants. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4), (b)(5), and (b)(6).

V. Lawsuits

- In the matter of Electronic *Frontier Foundation vs. DOD, et a*l, (ND Cal. CV-09-5640), in which the plaintiff is seeking injunctive relief in connection with FOIA requests for information concerning the government's use of social-networking websites as investigative, surveillance, and data collection tools, United States Secret Service (USSS) on January 13, 2011, the U.S. Secret Service (USSS) sent a response outlining an updated search and the decision not to release any additional documents to the plaintiff.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of January 14 - 20, 2011
Privacy Office
January 24, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On January 13, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum *Requests to Expedite Adjudication of Form I-601, Application for Waiver of Grounds of Inadmissibility, filed by individuals outside the United States; Adjudicator's Field Manual (AFM) Update AD 11-10* on its public website for review and comment by stakeholders. This memorandum would provide guidelines on how USCIS processes requests to expedite the adjudication of Forms I-601 filed by individuals outside the United States. The final day to submit comments is January 28, 2011.
- On January 14, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum *Extension of Validity of Medical Certifications on Form I-693; Adjudicator's Field Manual (AFM) Update AD11-13, Chapter 40.1(c) Validity of Form I-693* on its public website for review and comment by stakeholders. This memorandum would temporarily extend the validity of civil surgeon endorsements on Form I-693 for adjustment of status applicants. The final day to submit comments is January 31, 2011.
- On January 14, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum *Adjudication of Adjustment of Status Applications from Aliens Present in the Commonwealth of the Northern Mariana Islands (CNMI) on or after November 28, 2009. Addition of Chapter 36.3 to the Adjudicator's Field Manual (AFM); AFM Update AD10-19* on its public website for review and comment by stakeholders. This memorandum would provide guidance and update the AFM regarding adjudication of family and employment-based Adjustment of Status Applications from aliens present in the CNMI. The final day to submit comments is January 31, 2011.
- On January 14, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that the Department of Homeland Security, in conjunction with the Department of State, has identified 53 countries whose nationals are eligible to participate in the H-2A and H-2B programs for the year. These programs allow U.S. employers to bring foreign nationals into the country to fill temporary agricultural and nonagricultural jobs, respectively. The new list does not affect current holders of valid H-2A or H-2B visas.
- On January 18, 2011, United States Citizenship and Immigration Services (USCIS) posted an item on its public website about the recent high marks the E-Verify program has received in customer satisfaction, as a

determined by an independent survey by a consulting firm that specializes in measuring customer satisfaction. The news item also addressed a report by GAO that acknowledged E-Verify's improvement in ensuring employer compliance and creation of additional safeguards to minimize and secure the handling of employee information. Links to both reports, which are also posted on the website, are included in the article.

II. FOIA Requests

- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the Department of Homeland Security (DHS) a copy of any written or electronic correspondence between Congressman Darrell Issa (R-CA) of California, or his personal or committee staff and DHS that dealt with any specific individual or corporation. (Case Number 11-0352)

Late Request

- On January 7, 2011, **Bruce Buckerfield**, an individual in Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of emails between FEMA Office of Chief Counsel and the Office of the Inspector General regarding a December 4, 2010 92-page document emailed by the requester entitled "Complaint Regarding FEMA Region IV Management." (Case Number 11-222)
- On January 7, 2011, **Scott Amey**, General Counsel for the **Project on Government Oversight** in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) the following records: 1) Contracts that were authored by, directed or copied to, mention, reference and/or involve any contract award to an Alaskan Native Corporation [ANC]; 2) All contracts and grants awarded by FEMA's OCC; 3) Records that allege, mention, reference, and/or involve any ethical or legal misconduct by a FEMA contract officer or contract officer technical representative, or responds thereto; 4) Records that identify FEMA officials and/or employees who traveled abroad, the purpose or mission of their travel, the function or activity attended, the destination of their travel, and the cost to the government for such travel; 5) request or provide information, guidance, and/or directives concerning the availability of cash awards and/or funds for continuing legal education travel and/or attendance; 6) A list of all FEMA's sole source contracts; and 7) A copy of FEMA's regulations or guidance governing sole source contracts and/or personal service contracts, and/or fees, costs, and payments allowed under such contracts. (Case Number 11-227).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 20, 201, the Office of Inspector General (OIG) released to **Jennifer Lynch**, a Staff Attorney with **Electronic Frontier Foundation**

(EFF) in San Francisco, California, a 6-page list of complaints received by OIG responsive to her request seeking the following records: 1) All complaints from travelers submitted to DHS concerning new screening procedures at airports including the "enhanced pat down" procedure and body scanners; 2) Any internal agency communications leading to the resolution of such complaints; and 3) Any agency follow-up or formal response to individuals submitting such complaints. Portions of this response were withheld pursuant to FOIA exemption (b)(7)(A). Additionally, personally identifiable information was withheld as non-responsive.

- On January 21, 2011, the Department of Homeland Security (DHS) released to **Adam Rosen**, an attorney with the **Murthy Law Firm** in Owings Mills, Maryland, 16 pages of record pertaining to Homeland Security Delegation No. 0150.1, and 7030.2 and all subsequent Homeland Security Delegations and Directives that may have superseded Homeland Security Delegation No. 0150.1 and 7030.2 in whole or in part. The records were release in full with no deletions.
- On January 24, 2011, the Department of Homeland Security (DHS) released to **Edward Hasbrouck**, with **The Identity Project** in Oakland, California, 202-pages of records relating to his request seeking documents created in the course of processing, investigating, or action on his complaints of FOIA and Privacy Act violations. Portions of this response were withheld pursuant to FOIA Exemption (b)(5) and (b)(6).

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of January 21 - 27, 2011
Privacy Office
January 31, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- NSTR

II. FOIA Requests

- On January 21, 2011, **Monica Alonzo,** a reporter with the ***Phoenix New Times*** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) Copies of Investigative reports related to any and all CBP law enforcement officers and agents who have been arrested or indicted on mission-critical corruption charges, including drug smuggling, alien smuggling, money laundering and conspiracy from 2000 to 2010; 2) Annual reports from 2005 to 2010 regarding how many weapons CBP has seized annually by or at all U.S. – Mexico border ports of entry; 3) Statistics regarding the number of complaints filed from 2005 to 2010, against CBP agents/officers with assignments along the U.S. – Mexico border; 4) Letters of complaints received from 2005 to 2010, by the Chief Patrol Agent at CBP Border Sectors along the U.S. – Mexico border; and 5) Reports/statistics from 2005 to 2010, that reveal how many CBP employees with assignments along the U.S. – Mexico border have been disciplined for mistreatment of illegal aliens in their custody. (Case Number CBP FOIA #2011F04972).
- On January 21, 2011, **Aileen B. Flores**, a reporter with the ***El Paso Times*** in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) copies of photographs of an individual taken into custody by CBP at the El Paso International Airport on January 20, 2011. (Case Number CBP FOIA #2011F04992).
- On January 25, 2011, **Jacques Billeaud**, a reporter with ***The Associated Press*** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) records regarding the details of the death of CBP Agent Brian Terry. (Case Number CBP FOIA #2011F05045).
- On January 26, 2011, **Rebecca Guiterman**, an individual with ***The New Yorker*** in New York, New York, requested from the United States Coast Guard (USCG) a list of all FOIA requests pertaining to the Gulf oil spill of 2010. (Case Number 2011FOIA1331).

<u>Late Requests</u>

- On January 5, 2011, **Peter Kuitenbrouwer**, a reporter with ***The National Post*** in Toronto, Ontario, Canada, requested from United States

Citizenship and Immigration Services (USCIS) all records relating to an individual. (Case Number NRC2011010113).

- On January 7, 2011, **Virginia Benzan**, a staff attorney with the **Massachusetts Law Reform Institute** in Boston, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) all decisions of the Northeast Region Director from January 8, 2008 until January 7, 2011, granting or denying deferred action status. (Case Number COW2011000071).
- On January 10, 2011, **Katie Cribbs**, a reporter with **WINK-TV** in Fort Myers, Florida, requested from United States Citizenship and Immigration Services (USCIS) the following records for the years 2009-2010: 1) A list of all employers participating in the H-2B program in the state of Florida; 2) The number of employees involved in the program; 3) Copies of all employer applications; 4) The total number of businesses in Florida that apply for this status; and 5) The number of applications approved each year in the state. (Case Number COW2011000032).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the United States Coast Guard (USCG) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and the USCG regarding Microsoft. (Case Number 2011FOIA1250).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the United States Coast Guard (USCG) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and the USCG regarding Chevron Corporation. (Case Number 2011FOIA1251).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and FEMA regarding Qualcomm, Inc. (Case Number 11-236).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and FEMA regarding any specific individual or corporation. (Case Number 11-236).
- On January 19, 2011, **Kevin Rogerson**, a City Attorney in Mount Vernon, Washington, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA's Technical and Scientific Data Notebook (TSDN). (Case Number 11-254).
- On January 20, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) and the Federal Emergency Management Agency (FEMA) copies of any correspondence between Congressman Darrell Issa (R-CA), or his staff and USCIS or FEMA regarding United Parcel Service. (Case Number COW2011000061).
- On January 16, 2011, **David Perera**, a reporter with ***FierceGovernmentIT*** in Washington, D.C., requested from U.S.

Customs and Border Protection (CBP) copies of an Analysis of Alternatives conducted on border technology possibilities encompassing the El Paso, San Diego, and Rio Grande Valley sectors. (Case Number CBP FOIA #2011F04873).

- On January 20, 2011, **Gordon Arbuckle**, Principal, EMSNet, L.L.C. in Boulder, Colorado, requested from the United States Coast Guard (USCG) the following records: 1) Copies of any and all claims submitted to the National Pollution Funds Center (NPFC) seeking compensation from the Oil Spill Liability Trust Fund for damages as defined in 33 U.S.C. §2702(b)(2) resulting from the Gulf of Mexico Deepwater Horizon Oil Spill event of April 20, 2010; 2) Any and all orders, statements of policy, agency guidance, or other interpretation setting forth any policy within the NPFC's possession or control setting forth any applicable policy for position regarding the eligibility for compensation of damages resulting from or affected by any governmental action taken in response to the Gulf of Mexico Deepwater Horizon Oil Spill event of April 20, 2010; 3) The "Deepwater Offshore Drilling Moratorium" imposed by the Obama Administration on July 12, 2010; and 4) Any and all interim or final determinations regarding any of the claims identified above. (Case Number 2011FOIA1263).
- On January 20, 2011, **Vivek Mittal**, an Equal Justice Works Fellow/Staff Attorney with the **National Immigration Law Center** in Los Angeles, California, requested from United States Citizenship and Immigration Services (USCIS) records regarding Interim Employment Authorization Documents pursuant to 8 C.F.R. § 274a,13(d). (Case Number COW2011000062).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 24, 2011, the United States Coast Guard (USCG) released to **Alexander Nicholson**, founder and executive director of **Servicemembers United**, the number of service personnel that were separated from the USCG under the "Homosexual Conduct Policy" during 2010. These records were released in full. (Case Number 2011FOIA0288).
- On January 25, 2011, the United States Coast Guard (USCG) issued to **Larry Bryant**, a writer with ***UFO Magazine***, Lambertville, New Jersey, a no records determination in response to his request seeking all records pertaining to the 1973 UFO-intrusion incident in 1973 involving the USCG Cutter SPENCER 73. (Case Number 2010FOIA3411).
- On January 25, 2011, United States Citizenship and Immigration Services released to **Suzanne Gamboa**, a reporter with ***The Associated Press*** in Washington, D.C., 1,977 pages responsive to her request seeking agency records from January 2007 through the end of February 2009, regarding

proposals for Administrative Alternatives to Comprehensive Immigration Reform. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number COW2010000521).

- On January 26, 2011, the Office of Inspector General (OIG) released to **G.W. Schulz**, a reporter with the ***Center for Investigative Reporting*** in Austin, Texas, a 234-page list of investigations conducted by the OIG from 2003 to the present. These records were released in full. (Case Number OIG FOIA #2011-046).
- On January 27, 2011, United States Citizenship and Immigration Services released to **Paul Higbee, Jr.**, an attorney from Cumming, Georgia, 279 pages pertaining to the USCIS Verification Division. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2009026711).
- On January 27, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal,** from **Schuster Institute for Investigative Journalism** in Oakland, California, 27 pages in response to her request seeking records relating to DNA fraud in the adoptions of Guatemalan children by United States citizens. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).

V. Lawsuits

- In the matter of *Janina Molek vs. Janet Napolitano, Eric Holder, Alejandro Mayorkas and Ruth Dorochof*, (10 CV 5551), the Plaintiff filed a complaint January 18, 2011, claiming that her entire record was not disclosed under the FOIA/PA Act.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of January 28 – February 3, 2011
Privacy Office
February 7, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On January 27, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that it has reached the statutory cap of 65,000 H-1B petitions for FY 2011. Accordingly, January 26, 2011, is the final receipt date for new H-1B specialty occupation petitions requesting an employment start date in FY 2011. Applications received on January 26, 2011, will be selected using a computer-generated random selection process to meet the cap. Unselected applications will be rejected and the fee returned. This cap does not apply to petitions exempt from the cap due to the "advanced degree" exemption, which continues to be processed. Additionally, petitions filed on behalf of current H-1B workers who were previously counted against the cap will not be counted again, so USCIS will continue to accept and process those petitions.

II. **FOIA Requests**

- On January 28, 2011, **David Shapiro**, staff attorney with the **American Civil Liberties Union's National Prison Project** in Washington, D.C., requested from the Department of Homeland Security (DHS) and the Office of Inspector General (OIG) records concerning sexual abuse of detainees in the custody of U.S. Immigration and Customs Enforcement (ICE) from January 1, 2007 to the present. (Case Number DHS/OS/PRIV 11-372 and OIG FOIA #2011-062).
- On February 1, 2011, **Laura Strickler**, a producer with **CBS News** in Washington, D.C., requested from the United States Coast Guard (USCG) records related to a 27-foot National Oceanic and Atmospheric Administration (NOAA) law enforcement vessel that was inspected by the USCG in 2008 and is currently located in Seattle, Washington. (Case Number 2011FOIA1375).
- On February 2, 2011, **John Althen**, a reporter with **Judicial Watch Inc.,** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) statistical records from the ENFORCE database concerning breaches of the U.S.-Mexico border fence between FY 2009-FY 2010. (Case Number CBP FOIA #2011F05204).
- On February 2, 2011, **Kim Murphy**, a reporter with ***The Los Angeles Times***, Northwest Bureau, Bainbridge Island, Washington, requested from U.S. Customs and Border Protection (CBP) records by CBP in regards to the details of the death of CBP Agent Brian Terry. (Case Number CBP FOIA #2011F05207).

- On February 2, 2011, **Scott Taylor**, an investigative reporter with **19 Action News** in Cleveland, Ohio, requested from the United States Coast Guard (USCG) a copy of the USCG Hearing Office letter to (b) (6) or his lawyer regarding the final decision on his citation of (b) (6) (Case Number 2011FOIA1383).

Late Request

- On January 19, 2011, **Kevin Rogerson**, City Attorney of Mount Vernon, Washington, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA's Technical and Scientific Date Notebook (TSDN) used to determine proposed flood elevations for the Skagit River in Skagit County, Washington. (Case Number 11-254).
- On January 26, 2010, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all DHS Weekly Cabinet Reports to White House created between December 22, 2010 to the present. (Case Number DHS/OS/PRIV 11-384).
- On January 27, 2010, **Martha Mendoza**, a national writer with ***The Associated Press***, requested from the Department of Homeland Security (DHS) the following records: 1) Any documents, memos, reports, or other records that would show how many people have been arrested and how many convicted each year for the past ten years under U.S. federal anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 – TERRORISM; 2) Any documents, memos, reports, or other records that would show how many people have been detained without arrest each year for the past ten years for ties to terrorism; 3) Any documents, memos, reports, or other records that would show the current status of people convicted and the sections and subsections of crime under which they have been convicted under anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 - TERRORISM. during the past 10 years; 4) Any documents, memos, reports, or other records that would show the nationality of those arrested and convicted under anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 – TERRORISM; 5) Any documents, memos, reports, or other records that would show the names, dates and circumstances for people arrested under U.S. federal anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 - TERRORISM each year for the past ten years; and 6) Any audits, surveys or studies of U.S. federal anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 - TERRORISM published in the last 10 years. (Case Number DHS/OS/PRIV 11-0375).
- On January 27, 2011, **Sam Oxman**, a journalist with **CBS News 13** in Fairbanks, Alaska, requested from the Department of Homeland Security (DHS) copies of a letter that details a plan for the federal government to

declare martial law over the Trans Alaska pipeline sent to Alyeska Service Company from DHS. (Case Number DHS/OS/PRIV 11-0381).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 12, 2011, United States Citizenship and Immigration Services (USCIS) released to **Byron Harris**, a journalist with **WFAA-TV** in Dallas, Texas, one page of statistical data on the number of H-2B petitions applied for and granted to San Antonio Aerospace and Mobile Aerospace Engineering for the last five years. These records were released in full.
- On February 1, 2011, Office of Inspector General (OIG) released to **David Shapiro**, a staff attorney with the **American Civil Liberties Union's National Prison Project** in Washington, D.C., 99 pages of OIG investigative records pertaining to U.S. Immigration and Customs Enforcement (ICE) detainee deaths in detention from December 3, 2009 to the present. Portions of this response were withheld pursuant to FOIA exemptions (b)(2)(high), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C). (Case Number OIG FOIA #2011-028).

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of February 4 - 10, 2011
Privacy Office
February 14, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On January 31, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum *Notice to Applicants and Petitioners Concerning Ability to File Motions to Reopen or Reconsider; Revisions to the Adjudicator's Field Manual (AFM) Chapter 10.7; AFM Update AD11-09* on its public website for stakeholder review and comment. This memorandum documents USCIS policy for including information about the opportunity to file a motion to reopen or reconsider when issuing a written denial of a petition or application. The comment period ends February 14, 2011.
- On February 8, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum *Guidance for Coordinating the Adjudication of Applications and Petitions Involving Individuals in Removal Proceedings; Revisions to the Adjudicator's Field Manual (AFM) New Chapter 10.3(i): AFM Update AD 11-16* on its public website for stakeholder review and comment. This policy memorandum provides guidance for coordination with U.S. Immigration and Customs Enforcement (ICE) on the adjudication of applications and petitions involving individuals in removal proceedings before the Executive Office of Immigration Review (EOIR). This memorandum concerns only applications and petitions over which USCIS has jurisdiction. The comment period ends on February 22, 2011.

II. FOIA Requests

- On February 4, 2011, **Suzanne Gamboa**, a reporter with **The Associated Press** in Washington, D.C., requested from the Department of Homeland Security (DHS) records from January 2007 through the end of February 2009, regarding proposals for administrative alternatives to comprehensive immigration reform. (Case Number DHS/OS/PRIV 11-0405).
- On February 8, 2011, **Josh Margolin**, a reporter with ***The New York Post*** in New York, New York, requested from the Office of Inspector General (OIG) all records used to reach conclusions in report #OIG-11-30 entitled, *The State of New York's Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Year 2006 through 2008*. (Case Number OIG FOIA #2011-065).
- On February 8, 2011, **Erin Maskell**, a representative of the **National Security Archive** in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents, including but not limited to reports, white papers, briefing papers and memoranda written for and/or

read by DHS Secretary Michael Chertoff relating to Luis Posada Carriles between March 2005 and the end of May 2005. (Case Number DHS/OS/PRIV 11-0412).

- On February 8, 2011, **Andrew Medici**, a journalist with the **Federal Times** in Springfield, Virginia, requested from the Department of Homeland Security (DHS) copies of all relevant contact information for all public affairs officers within the Department of Homeland Security. (Case Number DHS/OS/PRIV 11-0411).
- On February 9, 2011, **Corinne Reilly**, a journalist with ***The Virginian-Pilot*** in Norfolk, Virginia, requested from the United States Coast Guard (USCG) records pertaining to the USCG's investigation into the death of Petty Officer Third Class Shaun Lin, who was on duty in waters off Virginia when he died in October 2010. (Case Number 2011FOIA1476).

Late Request

- On January 19, 2011, **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, requested from United States Citizenship and Immigration Services (USCIS) records regarding fraud or waste in the EB-5 visa program from FY 2003 to date. (Case Number COW2011000111).
- On January 22, 2011, **Michael Ravnitzky**, a self-proclaimed journalist from Silver Spring, Maryland, requested from United States Citizenship and Immigration Services (USCIS) a copy of the USCIS Employee Misconduct Reporting Form and a copy of the Management Inquiry Handbook. (Case Number COW2011000109).
- On January 26, 2011, **Benny Agosto, Jr.**, a representative of the **Law Offices of Abraham, Watkins, Nicholas, Sorrels, Agosto, and Friend** in Houston, Texas, requested from the United States Coast Guard (USCG) documents concerning injuries sustained by an individual while onboard the vessel LEROY JONES on July 13, 2010, during the clean-up of the Deepwater Horizon oil spill. (Case Number 2011FOIA1402).
- On February 2, 2011, **David Fallis**, a staff writer with ***The Washington Post*** in Washington, D.C., requested from the United States Coast Guard (USCG) copies of the database and/or tables known as Merchant Vessels of the United States. Specifically, the data sought is contained within the computer databases known as MISLE and VDS and is a registry of all merchant and recreational vessels ever documented by the USCG. (Case Number 2011FOIA1421).
- On February 2, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **J.M. Berger**, a journalist with **Intelwire.com** in Cambridge, Massachusetts, seeking all documents relating to non-military American citizens killed in Somalia from 2001 to the present. (Case Number DHS/OS/PRIV 11-0393).
- On February 3, 2011, **Darrell K. Cherry**, a representative of the **Law Office of Deutsch, Kerrigan, and Stiles** in New Orleans, Louisiana,

requested from the United States Coast Guard (USCG) communications between the USCG and BP concerning dispersants from April 20, 2010 to the present. (Case Number 2011FOIA1449).

- On February 3, 2011, **Scott P. McClintock**, State's Attorney, Henderson County in Oquawka, Illinois, requested from the Federal Emergency Management Agency (FEMA) copies of all documentation pertaining to the Henderson County application of grant assistance related to FEMA declaration No. FEMA-IL-DR1771. (Case Number 11-286).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 14, 2011, Department of Homeland Security (DHS) issued to **Michael Page**, a staff attorney with the **Public Citizen Litigation Group** in Washington, D.C., a no records determination in response to his request seeking all records dated on or after January 6, 2006, that discuss, refer to, or relate to private entities' business relationships with Wiki Leaks, including but not limited to PayPal, MasterCard, Visa, and Amazon.com.
- On February 7, 2011, Department of Homeland Security (DHS) released to **Frank Bass**, a reporter with **Bloomberg News** in Washington, D.C., 46 pages of records pertaining to correspondence sent to DHS between January 1, 2010, and the present from the following members of the U.S. House of Representatives: 1) John Boehner (R-OH); 2) Eric Cantor (R-VA); 3) Jeb Hensarling (R-TX); 4) Paul Ryan (R-WI); 5) Peter King (R-NY); 6) Michele Bachman (R-MN); 7) Dave Camp (R-MI); and 8) Darrell Issa (R-CA). Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On February 7, 2011, Department of Homeland Security (DHS) released to **Robert O'Harrow**, a reporter with ***The Washington Post*** in Washington, D.C., 22 pages of records pertaining to the names of all Domestic Nuclear Detection Office (DNDO) employees, to include their dates of employment, their salaries, and the annual bonuses they received, by year, for each year, from the creation of the office to the present and the performance bonuses or fees paid to all DNDO contractors for the same time period. These records were released in full.
- On February 8, 2011, U.S. Customs and Border Protection (CBP) issued a full denial to **Jacques Billeaud**, a reporter with **The Associated Press** in Phoenix, Arizona, regarding his request seeking reports, videos, autopsy reports, radio communications, and other reports written by Border Patrol in regards to the details of the death of Border Patrol Agent Brian Terry.
- On February 9, 2011, United States Citizenship and Immigration Services (USCIS) released to **Joan Friedland**, from **National Immigration Law Center** in Washington, D.C., 715 pages responsive to his request seeking records related to a free 1.5 Webinar on the use of the SAVE Program for Georgia Cities and Counties that are required to use SAVE by the Georgia

Security and Immigration Compliance Act. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).

- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Bobbi Jo Alexis**, an attorney with the Prince William County Government in Prince William, Virginia, a Microsoft Excel spreadsheet containing information on individuals encountered, arrested, and/or removed from Prince William County. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On February 11, 2011, United States Citizenship and Immigration Services (USCIS) released to **Henry Schuck**, an attorney in Vancouver, Washington, 8 pages in response to his request seeking an organizational chart for the Office of Chief Information Officer, and a chart for the Information Technology Division of the Bureau of Citizenship and Immigration Services. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of February 11 - 17, 2011
Privacy Office
February 22, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On February 9, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a list of all detainee deaths from October 2003 through February 1, 2011.
- On February 11, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that it is issuing employment and travel authorization on a single card for certain applicants filing an Application to Register Permanent Residence or Adjust Status, Form I-485. This new card represents a significant improvement from the current practice of issuing paper Advance Parole documents. USCIS will continue to issue separate Employment Authorization Document (EAD) and Advance parole documents as warranted. Employers may accept the new card as a List A document when completing the Employment Eligibility Verification, Form I-9.
- On February 11, 2011, United States Citizenship and Immigration Services (USCIS) posted a draft memorandum entitled *Issuance of Advance Parole Employment Authorization Document; Revisions to Adjudicator's Field Manual (AFM) Chapters 54.2 (b), 54.3 (d) (3), 54.3 (e) - (h), and 55.3 and addition of Appendices 55-4, 55-5, 55-6, and 55-7 (AFM Update AD07-27)* on its public website for stakeholder review and comment. The purpose of the memorandum is to permit issuance of an Employment Authorization Document (EAD), Form I-766, with an advance parole endorsement. The period for comments ends on February 28, 2011.

II. FOIA Requests

- On February 11, 2011, **John A. Konrad V.**, founder and CEO of **Unofficial Networks, LLC,** requested from the United States Coast Guard (USCG) all available photographs of the Deepwater Horizon spill incident taken on and after April 23, 2010. (Case Number 2011FOIA1522).
- On February 14, 2011, **Cynthia Sarthou**, with the **Gulf Restoration Network** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) the following records: 1) Any guideline, rule, regulation or protocol promulgated, created or used by any employee of the Coast Guard or by any contractor working for the USCG or British Petroleum ("B.P.") in deciding whether beaches should be augured to determine the presence of oil beneath the surface sand; 2) Copies of memoranda, letters, emails, or other communications made between

April 20, 2010, and the date of this request between the USCG and its contractors, B.P. or any of B.P.'s contractors regarding any guideline, rule, regulation, or protocol guiding decisions on which beaches in the states of Texas, Louisiana, Mississippi, Alabama and Florida, as well as beaches on barrier islands known as the Gulf Islands National Seashore belonging to the U.S. Park Service, should be augured to determine the presence of oil beneath the surface sand; and 3) Copies of memoranda, letters, emails, or other communications made between April 20, 2010, and the date of this request between the USCG and its contractors, B.P. or any of B.P.'s contractors regarding decisions made regarding the auguring of beaches in the states of Texas, Louisiana, Mississippi, Alabama and Florida, as well as beaches on barrier islands known as the Gulf Islands National Seashore belonging to the U.S. Park Service, to determine the presence of oil beneath the surface sand. (Case Number 2011FOIA1532).

- On February 16, 2011, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration referred to the Department of Homeland Security (DHS) documents responsive to a request from , **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, D.C., seeking the following records: 1) Copies of any and all video feeds that capture in whole or in part any aspect of the British Petroleum (BP) Deepwater Horizon Oil Spill in the Gulf of Mexico (BP Oil Spill), including but not limited to the ongoing live video feed of the BP Oil Spill provided by BP, as referenced in Brian Ross "BP Releases Oil Spill Video After Pressure >From White House and Media, ABC News May 12,2010, available at http://abcnews.go.comIBlotterlbp-releasees-oil-spillvideo-pressure-white-house/story?id= 1 0629165; and 2) All documents that mention, refer, or relate to NOAA communications concerning the use of dispersants in the course of any efforts to mitigate or clean up the BP Oil Spill, including but not limited to, all internal NOAA communications as well as all communications to, by, or from NOAA to the EPA, the Dept of Interior, BP, Halliburton, or Transocean regarding the use of dispersants in the course of any efforts to mitigate or clean up the BP Oil Spill. (Case Number DHS/OS/PRIV 11-0462).
- On February 10, 2011, **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, D.C., requested from the Department of Homeland Security (DHS) records of communications among and between Congressman Darrell Issa (R-CA) and/or anyone acting on behalf of Rep. Issa or the House of Representatives Committee on Oversight and Government Reform, Rep. Issa's personal staff, any staff of, and any investigators internal or external to the Oversight Committee including but not limited to (b) (6) [redacted] and: any Employee of the DHS Privacy Office

including but not limited to: 1) William Holzerland; 2) Catherine M. Papoi; and 3) Vania T. Lockett. (Case Number DHS/OS/PRIV 11-0423).

- On February 10, 2011, **Russell Carollo**, a journalist, in Pueblo, Colorado, requested from the Department of Homeland Security (DHS) copies of all correspondence since January 1, 2000, to or from U.S. Darrell Issa (R-CA). (Case Number DHS/OS/PRIV 11-0429).
- On February 15, 2011, **Gregory Korte**, a staff writer with ***USA Today*** in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between DHS and the House Committee on Oversight and Government Reform, its chairman, Rep. Darrell Issa (R-CA), or subcommittees, from January 1, 2010 to the present. (Case Number DHS/OS/PRIV 11-0451).
- On February 17, 2011, **William Bransford**, an attorney with Shaw, Bransford & Roth, requested from the Department of Homeland Security (DHS) the following records on behalf of his client: 1) His client's personnel file, including but not limited to each of their annual performance appraisals; 2) All records pertaining to the decision to grade and compete the Deputy Chief Freedom of Information Act Officer position at the Senior Executive Service Level in 2010; 3) All records pertaining to the competition of, and selection of, the Deputy Chief Freedom of Information Act Officer, Senior Executive Service, position announced in Job Announcement No. CHCO-l 0-023DHS-DHS353532; and 4) Other related records. (Case Number 11-0465).
- On January 31, 2011, **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding an ICE detainee who died January 13, 2011, apparently suffering from leukemia. (Case Number 2011FOIA5077).
- On January 31, 2011, **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) reports generated by ICE's Management Inspection Unit, Detention Facilities Inspection Group from February 26, 2010 to the present. (Case Number 2011FOIA5082)
- On February 9, 2011, **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) any records regarding the Automated Threat Prioritization (ATP) from FY 2008 to date. (Case Number 2011FOIA5642).
- On February 14, 2011, **Susan Carroll,** a reporter with ***The Houston Chronicle*** **in Houston**, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records related to Secure Communities Program Management Office criminal alien population projection. (Case Number 2011FOIA5829)
- On F**ebruary 14, 2**011, **Susan Carroll,** a reporter with ***The Houston Chronicle*** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) communication to or from David C.

Palmatier regarding staffing, resources, and/or technical (including IT) issues for ICE's Law Enforcement Support Center (LESC) from October 1, 2008. (Case Number 2011FOIA5842).

- On February 15, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from (b) (6) a self-proclaimed publisher, author and blogger in Harrison, Arkansas, seeking a copy of any and all communications received from the Department of Defense (DOD), U. S. Health and Human Services (HHS), DHS, or any state or federal agency regarding (b) (6) and or Tyson Foods. (Case Number DHS/OS/PRIV 11-0457).
- On February 15, 2011, **Sean Caincross**, Chief Counsel with the **National Republican Senatorial Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) correspondence between U.S. Senator Robert Menendez (D-NJ) and any DHS official regarding the Center of Excellence in Port Security at Stevens Institute of Technology for the period of January 1, 2002 to the present. (Case Number DHS/OS/PRIV 11-0444).
- On February 15, 2011, **Jennifer Kay**, a reporter with The Associated Press in Miami, Florida, requested from the Department of Homeland Security (DHS) the following records: 1) Copies of any and all correspondence, including e-mails, faxes and letters, among members of the Office of Secretary of Homeland Security, including Secretary Janet Napolitano and her deputy secretary, chief of staff, executive secretary and military adviser, regarding the resumption of deportations to Haiti on Jan. 20, 2011; and 2) Copies of any and all correspondence between the Office of the Secretary of Homeland Security and the Office of Immigration and Customs Enforcement Director John Morton regarding the resumption of deportations to Haiti. (Case Number DHS/OS/PRIV 11-0457).
- On February 15, 2011, **Stuart Megaw**, a representative of **Blue Star Energy Solutions** in Chicago, Illinois, requested from the Federal Emergency Management Agency (FEMA) information pertaining to the purchase of electricity and natural gas from competitive suppliers for DOJ (*sic*) facilities in Illinois, Texas, California, New York, Michigan, Ohio, Massachusetts, Maryland, Connecticut, Washington, D.C., New Jersey, Delaware, Oregon, Maine, New Hampshire and Pennsylvania. (Case Number 11-296).

<u>Late Request</u>

- On December 15, 2010, **Michael Ravnitzky**, a self-proclaimed journalist in Silver Spring, Maryland, requested from U.S. Customs and Border Protection (CBP) records about the seizure of passport documents by CBP. (Case Number CBP FOIA 2011F02703).
- On January 31, 2011, **Shannon Dininny**, a correspondent with **The Associated Press** in Yakima, Washington, requested from U.S. Immigration

and Customs Enforcement (ICE) the number of officers and other staff members involved with the January 20, 2011, arrest in Ellensburg, Washington, related to an investigation into counterfeit citizenship documents. (Case Number 2011FOIA5068).

- On February 16, 2011, **Sarnata Reynolds**, a representative of **Amnesty International USA** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) copies of records of "voluntary return" forms signed with a thumbprint, specifically completed form I-826 Notice of Rights and Request for Disposition, for the following sectors from 2007-2011: 1) Yuma; 2) Tucson; 3) Del Rio; 4) Laredo; and 5) Rio Grande Valley. (Case Number 2011F05515).
- On January 31, 2011, **Sarnata Reynolds**, a representative of **Amnesty International USA** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following records: 1) Any record reflecting the policy or statement of ICE, DHS, or local agency regarding the procedure for identifying a victim of trafficking, other crimes covered under a U Visa, or instances of domestic abuse; and 2) Any record suggesting, or otherwise discussing the parameters and/or definition of "compliance with requests to assist in the investigation/prosecution of the crime of trafficking" and/or "cooperation" for the purposes of Form I-914, Supplement B (Declaration of Law Enforcement Officer for Victim of Trafficking in Persons). (Case Number 2011FOIA5576).
- On January 31, 2011, **Sarnata Reynolds**, a representative of **Amnesty International USA** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records of agreement between ICE and any corporation regarding the entity's security officers, regular employees, any other employee, and/or contractors for attempting to determine the immigration status of anyone in or around the premises of the entity, calling ICE to report on an individual or group of individuals, and/or making arrests due to a suspicion that a person is not permitted to be in the US. (Case Number 2011FOIA5577).
- On February 7, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to request made to the Department of Foreign Affairs Canada seeking the complete text of the Civil Assistance Plan signed by Canada and the United States on February 14, 2008. (Case Number DHS/OS/PRIV 11-0441).
- On February 8, 2011, **John Reinstein**, legal director with the **American Civil Liberties Union (ACLU) of Massachusetts** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) copies of records pertaining to (b) (6) [redacted] specifically: (1) Any and all records pertaining to, mentioning or describing (b) (6) (2) Any and all communications relating to, mentioning or describing (b) (6) (3) Any and all records pertaining to or describing (b) (6) known or alleged associations,

including associations with political organizations; (4) Any and all suspicious activity reports that include (b) (6) name; (5) Any and all reports of investigations mentioning (b) (6) and (6) a copy of form CBP-6051-D and any other documentation showing the chain of custody for (b) (6) items and any documentation made pursuant to CBP or ICE (or other government agency) regulations documenting that copies determined to be of no legal value have been destroyed. (Case Number DHS/OS/PRIV 11-0442, 2011FOIA5579 and 2011F05681).

- On February 8, 2011, **Alison Parker**, director of **Human Rights Watch's US Program** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following information pertaining to anyone detained or in custody for the period starting October 1, 1998 to the present: 1) ID Seq #; 2) Nationality Code; 3) Gender Code; 4) DCO; 5) Detention Location Code; 6) Initial Book in Date; 7) Book in Date; 8) Release Date; 9) Release Type; 10) Date Entered (into database); 11) Apprehension Date; 12) Apprehension Location (city, state); 13) Initial book in facility; 14) Detention Location Code for receiving facility; and 15) 1st, 2nd, 3rd, etc facility held in. (Case Number 2011FOIA5621).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Bobbi Jo Alexis**, a representative of **Prince William County** in Prince William, Virginia, one Microsoft Excel spreadsheet containing information on individuals encountered, arrested, and/or removed from Prince William County. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and(b)( )7(C). (Case Number 2011FOIA2245).
- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Chris Collins**, a reporter with ***The Fresno Bee*** in Fresno, California, a spreadsheet responsive to his request for information related to the final orders stemming from I-9 inspections and investigations of companies in northern California. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(7)(A).
- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Tony Corbo,** a lobbyist with the non-profit consumer advocacy organization **Food & Water Watch** in Washington, D.C., six pages of records referred by the United States Department of Agriculture (USDA) pertaining to the applications made by the People's Republic of China for equivalence determinations for all products covered under the Federal Meat Inspection, the Poultry Products Inspection and Egg Product Inspection Acts, and the decisions rendered by the Food Safety and Inspection Service (FSIS) since January 1, 2000. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Frank Knaack**, an attorney with the **American Civil Liberties Union (ACLU) of Texas** in Austin, Texas, 104 pages of records concerning funding of and contracts pertaining to ICE programs in Texas; specifically related to the 287(g) program, the Criminal Alien Program, and the Secure Communities program. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(4), (b)(6) and (b)(7)(C),
- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Lauren Smiley**, a reporter with the ***San Francisco Weekly*** in San Francisco, California, a spreadsheet containing information on I-9 inspections and investigations on companies in northern California. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(7)(A). (Case Number 2010FOIA4867).
- On February 15, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Rene Kathawala**, an attorney with **Orrick, Herrington & Sutcliffe LLP**, in New York, New York, 81 pages of records responsive to her request seeking copies of all drafts and supporting documentation pertaining to the October 6, 2009 report entitled *Immigration Detention Overview and Recommendations*, authored by Dr. Dora Schriro. Portions of this response were withheld pursuant to FOIA Exemption (b)(5).
- On February 15, 2011, United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, a Fellow at **Schuster Institute for Investigative Journalism at Brandeis University** in Waltham, Massachusetts, records relating to DNS fraud in the adoptions of Guatemalan children by Unites States Citizens. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2010005938).

V. Lawsuits

- In the matter of *Robert A. Bloomer, Jr. v. U.S. Department of Homeland Security*, (USDC Vt. 2:11-CV-35), Plaintiff filed a complaint February 4, 2011, claiming constructive denial pertaining to their request to United States Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) for records pertaining to an individual, his imprisonment, and subsequent deportation.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), (Secure Communities Case): A supplemental declaration on the exemptions claimed in the opt-out records was submitted Friday, January 28, 2011. An Order requiring U.S. Immigration and Customs Enforcement (ICE) to produce all responsive documents as single files, individually Bates numbered, and with the accompanying metadata was filed on February 3, 2011. ICE intends to appeal this decision.

- In the matter of *CASA de Maryland v. DHS,* (USDC Maryland 08-3249): On January 31, 2010, the Fourth Circuit upheld the District Court's ruling and ordered ICE to disclose the information previously withheld under FOIA Exemptions (b)(6) and (b)(7)(C).
- In the matter of *National Immigration Law Center v. DHS,* (USDC CD California 08-07092), Plaintiffs and ICE settled the case for $86,243.00, and an Order dismissing all remaining claims was filed on February 1, 2011.
- In the matter of *Judicial Watch v. DHS,* (D.D.C. 10-2054-EGS), ICE responded to the FOIA request on February 11, 2011. All pages of the draft report were withheld in full pursuant to FOIA Exemption (b)(5). ICE filed its answer with the Court on Monday, February 14, 2011.
- In the matter of *WECOUNT!, INC. v. DHS,* (D.D.C. 11-00143), Plaintiff filed a FOIA request (2010FOIA1262) seeking records relating to enforcement actions in the Miami area between November 18 and 20, 2009. The records were withheld in their entirety pursuant to FOIA Exemption (b)(7)(A) on March 8, 2010. Plaintiffs appealed on the grounds that (b)(7)(A) was overbroad. The appeal was denied on July 29, 2010, and plaintiffs filed suit on January 21, 2011 seeking to compel the release of the records.
- In the matter of *Olivas Castillo v. DHS, et al.,* (D.N.M. 11-00069), the Plaintiff filed a FOIA request with USCIS in November 2007 seeking records related to an investigation into his previous marriage. USCIS referred 15 pages of records to ICE (7 pages of which were duplicates). ICE received the request on June 19, 2009 (2009FOIA4061). Portions of the remaining 8 pages were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and k2. Plaintiff filed suit on January 20, 2011 challenging ICE's claimed exemptions.
- In the matter of *Bloomer v. DHS,* (D. Vt. 11-CV-35), Plaintiff submitted FOIA requests to USCIS and ICE in December 2006 seeking records relating to a deceased individual. ICE referred the request to USCIS. Plaintiff filed suit on February 4, 2011 to compel the release of responsive records.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of February 18 - 24, 2011
Privacy Office
February 28, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On February 18, 2011, United States Citizenship and Immigration Services (USCIS) posted the transcript of a recently held press conference on its public website. The press conference served to introduce USCIS' strategic goals and initiatives for 2011 and to provide a forum for questions to be asked.

II. FOIA Requests

- On February 18, 2011, **Scott H. Amey**, General Counsel for the **Project On Government Oversight** (POGO) in Washington, D.C., requested from the Department of Homeland Security (DHS) and the Office of Inspector General (OIG) the following records involve or relating to: 1) the Secretary's exercise of discretion pursuant to the Homeland Security Act of 2002 Section 811(a) which states that the Inspector General (IG) is under the authority, direction, and control of the Secretary with respect to certain investigations and audits; 2) the Secretary's exercise of discretion pursuant to the Homeland Security Act of 2002 Section 811(b) which states that "the Secretary may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena"; 3) the DHS (IG) pursuant to Section 811(c) requiring "the Secretary [to] notify the Inspector General of the Department in writing stating the reasons for such exercise"; 4) notification by the Secretary to Congress pursuant to Section 811(c)(2); and 5) any response from the DHS IG, as authorized by Section 811(c)(1), as to whether the IG agreed or disagreed with the Secretary's exercise of authority to prohibit the IG's work. (Case Number DHS/OS/PRIV 11-0472 and 2011-074).
- On February 22, 2011, **Rob Koebel**, a reporter with ***Fox 4*** in Cape Coral, Florida, requested from the Department of Homeland Security (DHS) all emails, text messages, and voicemails between Secretary Janet Napolitano and Dennis Burke from July 2010 to December 2010 that reference Joe Arpaio. (Case Number DHS/OS/PRIV 11-0480).
- On February 22, 2011, **Josh Margolin**, a reporter with ***The New York Post*** in New York, New York, requested from the Department of Homeland Security (DHS) records concerning the review of events and responses to the May 1, 2010 attempt to detonate an explosive device in Times Square, New York City, by Faisal Shahzad. (Case Number DHS/OS/PRIV 11-0474).
- On February 23, 2011, **Sean Cairncross**, Chief Counsel for the **National Republican Senatorial Committee** in Washington, D.C.,

requested from the Department of Homeland Security (DHS) the following records: 1) correspondence between the office of Secretary Napolitano and David Plouffe for the period January 21, 2009 to the present; 2) correspondence between the office of Secretary Napolitano and the Democratic National Committee for the period January 21, 2009 to the present; 3) correspondence between the office of Secretary Napolitano and Obama For America for the period January 21, 2009 to the present; 4) correspondence between the office of Secretary Napolitano and Organizing For America for the period January 21,2009 to the present; 5) correspondence between the office of Secretary Napolitano and the Democratic Senatorial Campaign Committee or Democratic Congressional Campaign Committee for the period January 21, 2009 to the present; 6) correspondence between the office of Secretary Napolitano and the Arizona Democratic Party for the period January 21, 2009 to the present; 7) schedules or records reflecting Secretary Napolitano's activities for the period January 21, 2009 to the present, including any schedules arranged, noted, or otherwise recorded or created by Secretary Napolitano, or by any other person, computer program, or entity; 8) purchase orders (office supplies, furniture, etc.) for Secretary Napolitano's private office; and 9) documents or records of charges and payments to any government credit cards issued to Secretary Napolitano or provided for her use. (Case Number DHS/OS/PRIV 11-0482).

- On February 23, 2011, **Alison Young**, a reporter with the ***USA Today*** in McLean, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) any emails, memos, reports or other records (paper or electronic) involving TSA media relations staff (including but not limited to (b) (6) TSA staff in the office of the administrator (including but not limited to Administrator (b) (6) TSA legislative affairs staff, TSA health and safety staff (including but not limited to (b) (6) DHS media relations staff, DHS staff in the office of the secretary (including but not limited to Secretary Napolitano), DHS staff in the office of health affairs or DHS legislative affairs staff relating to why USA TODAY has not yet been granted access to the airport x-ray inspection records; 2) any risk assessment memos or public relations strategy documents (paper or electronic), including emails, memos, strengths-weaknesses-opportunities-threats (SWOT) memos or other records relating to USA TODAY's request to review radiation safety/x-ray inspection reports for airport full-body scanners and baggage screening devices; 3) any reports, memos, emails or other documents (paper or electronic) that summarize the contents of the documents that USA TODAY has been seeking to review; and 4) any reports, memos, emails or other documents (paper or electronic) that involve the method DHS/TSA may use to release the records. (Case Number DHS/OS/PRIV 11-0481).

Late Request

- On February 4, 2011, **John Althen**, a representative with **Judicial Watch,** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) copies of all correspondence including but not limited to email between USCIS Director Alejandro Mayorkas and David Shahoulian from December 3, 2010 and February 3, 2011, referring to agency regulations or policy issues of any kind. (Case Number COW20110000168).
- On February 11, 2011, **Alan Pearson**, an individual in New Orleans, Louisiana, requested from the Federal Emergency Management Agency (FEMA) all correspondence between [redacted] (b) (6) [redacted] of the U.S. Department of Justice (DOJ), U.S. Attorney Office, 500 Poydras Street, New Orleans, Louisiana, 70130. (Case Number 11-318).
- On February 15, 2011, **Dr. Tom Payne**, an attorney at **Tom Payne and Associates PLLC**, Biloxi, Mississippi, requested from the Federal Emergency Management Agency (FEMA) records on the following companies: 1) Recreational Management Group; 2) Outdoor Management Financial Group; Bayou RV Estates; and 3) 5 Star Resorts and Five Star Associates, Inc. (Case Number 11-308).
- On February 15, 2011, **Senator Jim Webb** (D-VA), requested from the Department of Homeland Security (DHS) information regarding five FOIA's submitted to Department of Homeland (DHS)/ Homeland Security Investigations (HSI) pertaining to an EEO complaint. (Case Number DHS/OS/PRIV 11-0464).
- On February 16, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **William Olson**, an attorney with **William J. Olson, P.C.**, in McLean, Virginia, records responsive to his request concerning or relating to the agreement between the United States and Mexico which would provide, in some manner, for the payment of U.S. Social Security benefits to Mexican nationals. (Case Number DHS/OS/PRIV 11-0470 and 11-0471).
- On February 17, 2011, **John Althen**, a representative of **Judicial Watch** in Washington, D.C., requested from the Department of Homeland Security (DHS) the following: 1) any and all records of communications, contracts, or correspondence with the White House and/or the Executive Office of the President concerning a report/memorandum prepared at the direction of the United States Secretary for Homeland Security Janet Napolitano related to Carlos Marinelly-Mantano, an unlawfully present alien charged with killing a Benedictine nun and injuring two others in an August 2010 drunk driving incident in Prince William County, Virginia; and 2) any and all records of communications, contracts, or correspondence within the DHS concerning a report/memorandum prepared at the direction of the United States Secretary for Homeland Security Janet Napolitano related to Carlos Marinelly-Mantano.

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On February 14, 2011, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A), issued to **Nate Carlisle**, a journalist with the ***Salt Lake Tribune*** in Salt Lake City, Utah, a no records determination in response to his request seeking the following: 1) records of all payments or expenditures related to security at Flaming Gorge Reservoir or Flaming Gorge Dam since September 11, 2001; 2) Agendas, schedules or other plans issued in preparation for anti-terrorism or security exercises held at Flaming Gorge Reservoir or Flaming Gorge Dam in 2003 and 2009 and the after-action reports or assessments made after both exercises; 3) records of all real or perceived security threats made or executed against Flaming Gorge Dam or Flaming Gorge Reservoir since September 11, 2001; and 3) records describing the likely or potential outcome of any man-made attacks or terrorism attacks against Flaming Gorge Darn or Flaming Gorge Reservoir. (Case Number 11-OIA-0029).
- On February 17, 2011, United States Citizenship and Immigration Services (USCIS) released to **Joan Friedland**, National Immigration Policy Director with the **National Immigration Law Center** in Washington, D.C., 715 pages responsive to her request seeking records pertaining to the 1.5 hour Webinar on the use of the SAVE Program for Georgia Cities and Counties that are required to use SAVE by the Georgia Security and Immigration and Compliance Act. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2009059273).
- On February 21, 2011, the Science and Technology (S&T) Directorate released to **Ginger McCall**, Assistant Director of **Electronic Privacy Information Center's (EPIC)** Open Government Project in Washington, D.C., 173 pages responsive to her request seeking documents concerning the development and deployment of body scanner (or Whole Body Imaging, Advanced Imaging Technology, Millimeter Wave or Backscatter) technology by law enforcement agencies in surface transit and in street roaming vans. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(4), and (b)(6).
- On February 22, 2011, U.S. Customs and Border Protection (CBP) issued to **Michael Ravnitzky**, a self-proclaimed journalist in Silver Spring, Maryland, a no records response to his request seeking information about the seizure of passport documents by CBP. (Case Number CBP FOIA #2011F02703).
- On February 24, 2011, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A), issued to **Jason Smathers**, a blogger for ***Witness Unto Me*** in Topock, Arizona, a no records determination in response to his request seeking copies of all regular

reports between January 1, 2010 and the date this request is processed which concern the DHS priority "threat of radicalization and extremism.

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of February 25 - March 3, 2011
Privacy Office
March 7, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 1, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a list of all detainee deaths from October 2003 through February 23, 2011.

II. **FOIA Requests**

- On March 3, 2011, **Anne L. Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** and **Damon Moglen**, Global Warming Campaign Director of **Greenpeace** in Washington, D.C., requested from the United States Coast Guard (USCG) the following records: 1) copies of all video feeds that capture in whole or in part any aspect of the British Petroleum (BP) Deepwater Horizon oil spill in the Gulf of Mexico (BP oil spill) including, but not limited to, the ongoing live video feed of the BP oil spill provided by BP, as referenced in Brian Ross, "BP Releases Oil Spill Video After Pressure From White House and Media" ABC News, May 12,2010, available at http://abcnews.go.com/Blotter/bp-releases-oil-spill-video-pressure-white-house/story/id=10629165; and 2) all documents that mention, refer, or relate to National Oceanic and Atmospheric Administration (NOAA) communications concerning the use of dispersants in the course of any efforts to mitigate or clean up the BP oil spill, including, but not limited to, all internal NOAA communications as well as all communications to, by, or from NOAA to the Environmental Protection Agency (EPA), the Department of the Interior (DOI), BP, Halliburton, or Transocean regarding the use of dispersants in the course of any efforts to mitigate or clean up the BP oil spill. (Case Number 2011FOIA1698).
- On February 25, 2011, the Federal Emergency Management Agency (FEMA) referred to the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) a request from **Bryant Adams**, an individual in Washington, D.C., seeking a log of correspondence between DHS and then Senator Barack Obama (D-IL). (Case Number DHS/OS/PRIV 11-0507 and 2011FOIA1638).
- On February 28, 2011, **M.L. Elrick**, a reporter with the ***Detroit Free Press*** in Detroit, Michigan, requested from U.S. Immigration and Customs Enforcement (ICE) all material related to ICE's investigation of (b)(6) [redacted] who was convicted of dealing ecstasy in the city of Detroit. (Case Number 2011FOIA6028).
- On February 28, 2011, **Leon Howard**, staff attorney with the **American Civil Liberties Union (ACLU) of New Mexico** in Albuquerque, New

Mexico, requested from U.S. Customs and Border Protection (CBP) the following records: 1) all records related to El Paso Sector Border Patrol access to private lands within 25 miles of the U.S.-Mexico border, including but not limited to, policy, procedures, directives, training materials, counsel legal updates, memoranda, information in the Border Patrol Handbook, etc.; 2) all records related to El Paso Sector Border Patrol stop, search and seizure authority within 25 miles of the U.S.-Mexico border, including but not limited to policy, procedures, directives, training materials, counsel legal updates, memoranda, information in the Border Patrol Handbook, etc.; 3) all records related to El Paso Sector Border Patrol stop, search and seizure authority within 100 miles of the U.S.-Mexico border, including but not limited to, policy, procedures, directives, training materials, counsel legal updates, memoranda, information in the Border Patrol Handbook, etc.; 4) a copy of all critical incident reports created by officers assigned to the Deming and Lordsburg substations of the El Paso Sector Border Patrol from February 1, 2010 through February 1, 2011; 5) all records pertaining to inquiries, investigations and actions taken in response to the incident; 6) a copy of all records and reports from February 1, 2010 through February 1, 2011, related to incidents in which officers assigned to the Deming and Lordsburg Substations of the El Paso Border Patrol Sector drew or fired a weapon, utilized an electronic control device, or otherwise engaged in use of force or use of deadly force; 7) records pertaining to inquiries, investigations, and actions taken in response to the incident; 8) a copy of all citizen complaints filed against stationed at the Deming and Lordsburg substations of the El Paso Sector Border Patrol from February 1, 2010 through February 1, 2011; and 9) a copy of each citizen complaint to include all records pertaining to inquiries, investigations, and actions taken in response to the complaint. (Case Number CBP FOIA 2011F06775).

- On February 28, 2011, **Jason Smathers**, a blogger with ***MuckRock.com*** in Somerville, Massachusetts, requested from U.S. Customs and Border Protection (CBP) the contents of the "My Documents Folder" (or any other location used as the primary location to store electronic documents) of the Director of CBP FOIA Division's workstation and laptop computer assigned to her. (Case number CBP FOIA 2011F06896).
- On March 1, 2011, **Jason Smathers**, a blogger with ***MuckRock.com*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) the contents of the "My Documents Folder" (or any other location used as the primary location to store electronic documents) of the I&A FOIA Officer assigned workstation and laptop computer; note, the individual is no longer an employee at DHS. (Case number DHS/OS/PRIV 11-0509).
- On March 1, 2011, **Michael Wereschagin**, a reporter with ***Pittsburgh Tribune-Review*** in Pittsburgh, Pennsylvania, requested from the Department of Homeland Security (DHS), U.S. Customs and Border

Protection (CBP), Federal Emergency Management Agency (FEMA), Federal Law Enforcement Training Center (FLETC), U.S. Immigration and Customs Enforcement (ICE), Transportation Security Administration (TSA), United States Coast Guard (USCG), and US-VISIT copies of an accounting of legal expenses charged to the agency for services involving Congressional testimony, hearings, investigations and inquiries from 2000 to date. (Case Number DHS/OS/PRIV 11-0426, 11-335, 2011FOIA6030, and 11-1742).

- On March 2, 2011, **Mike Baker**, a reporter with ***The Associated Press*** in Raleigh, North Carolina, requested from U.S. Customs and Border Protection (CBP) the following records: 1) complete databases of CBP arrests, detentions and apprehensions, from January 1, 2000 to present, including but not limited to locations, names, dates and dispositions; and 2) complete databases of CBP's temporary checkpoints from January 1, 2000 to present, including but not limited to locations, dates of activity, arrests and detentions. (CBP FOIA 2011F06912).
- On March 3, 2011, **Kate Brumback**, a reporter with ***The Associated Press*** in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any communication on Secure Communities between ICE and the Gwinnett County Sheriff's Office in Georgia from the time the program was in instituted there through the current date; 2) any internal ICE communications regarding the Secure Communities program in Gwinnett County; and 3) any communications or documents about failures, delays or problems of the Secure Communities program anywhere in the country from the time the program was first implemented to the present day. (Case Number 2011FOIA6153).
- On March 2, 2011, **Nafisha Ula**, a researcher with the **American Federation of Labor and Congress of Industrial Organizations** in Washington, D.C., requested from the Department of Homeland Security (DHS) documents regarding the administration of any contracts between DHS and T-Mobile USA, also known as T-Mobile. (Case Number DHS/OS/PRIV 11-0531).
- On March 3, 2011, **Karen Tumlin**, managing attorney with the **National Immigration Law Center** in Los Angeles, California, requested from U.S. Customs and Border Protection (CBP) the following records: 1) all records regarding border enforcement and persons encountered in the process of departing the United States; 2) aggregate statistical reports or data regarding information in cases of border enforcement involving a person encountered in the process of departing the U.S.; 3) records referring to how DHS and CBP decided to stop individuals who are in the process of voluntarily leaving the U.S., criteria used by CBP agents to decide who to stop at a crossing, and criteria used to decide which of those individuals to put through formal removal or charge with immigration violations; 4) records referring to arrest quotas, goals, and or targets to be fulfilled by CBP in its enforcement operations near or at the

U.S.-Mexico border from January 2010 until the present; 5) records describing the total number of persons stopped while voluntarily leaving the U.S. who were ordered removed under 8 U.S. § § 1225(b), 1228, 1229a(a), 1229a(d), 1229c, and1231(a)(5) from January 2010 until the present; and 6) all records referring to circumstances where persons stopped and/or arrested while voluntarily trying to depart the U.S. were or would be subject to detention. (Case Number CBP FOIA 2011F06900).

- On March 3, 2011, **Chris Young**, a reporter with ***Steel City Media*** in Pittsburgh, Pennsylvania, requested from U.S. Immigration and Customs Enforcement (ICE) a list of all the local law enforcement agencies that have a Memorandum of Agreement with ICE for the 287(g) program, as of March 1, 2011. (Case Number 2011FOIA6161)

Late Requests

- On February 18, 2011, **Bob Cusack**, Managing Editor with ***The Hill*** in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) and Federal Law Enforcement Training Center (FLETC) FOIA Logs from November 1, 2010 to the date of his request. (Case Number 11-337, 11-047).
- On February 23, 2011, **Randy Herrschaft**, a reporter with ***The Associated Press*** in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests and accompanying correspondence, processed from January 1, 2007 to the present by the Office of the Secretary of Homeland Security in which Michele Bachmann (R-MN-6), Bachmann & Associates Inc., Bachmann Clinic Property LLC, Minnesota Summit Project Inc. or Bachmann Farm Family Limited Partnership are the subject of the FOIA requests, or part of the subject of the FOIA requests. (Case Number DHS/OS/PRIV 11-0486).
- On February 23, 2011, **Amy Woodward**, an intern at **Independence Institute** in Golden, Colorado, requested from the Department of Homeland Security (DHS) copies of the 2009 inventory list of lost, damaged, or destroyed equipment and property for CBP. (Case Number DHS/OS/PRIV 11-0491).
- On February 24, 2011, the U.S. Department of Commerce referred to the Department of Homeland Security (DHS) documents responsive to a request from **Russell Carollo**, a Pulitzer Prize winning Journalist in Pueblo, Colorado, seeking copies of all records related in any way to Federal Information Security Management Act (FISMA) compliance (including applications) by Google and/or Microsoft. (Case Number DHS/OS/PRIV 11-0505).
- On February 23, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Dorelien Audrey**, a doctoral student at **Princeton University** in Princeton, New Jersey, seeking records of countries that

have made official requests for Temporary Protection Status (TPS) as a result of a natural disaster. (Case Number DHS/OS/PRIV 11-0510).

- On February 24, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Christopher Farrell**, Director of Investigations with **Judicial Watch** in Washington, D.C., seeking the following records: 1) the recommendation or decision not to prohibit or otherwise take action to prevent the acquisition of Peninsular and Oriental Steam Navigation Company ("P&O") by Dubai Ports World ("DPW") of Dubai, United Arab Emirates; 2) contracts obtained by DPW through its acquisition of P&O to manage seaport or terminal facilities in the following major U.S. cities: New York, Newark, Philadelphia, Baltimore, Miami, and New Orleans.; 3) any conditions or requirements requested or imposed by the United States Government from P&D or DPW regarding DPW's acquisition of P&O; 4) any and all assurances requested, negotiated, or obtained by the United States Government from P&O or DPW regarding DPW's acquisition of P&O, including but not limited to the assurances letter finalized on January 6, 2006; 5) DPW's management of seaport or terminal facilities in Beaumont, Texas; 6) DPW's management or operation of seaport or terminal facilities in Corpus Christi. Texas; and 7) DPW's management or operation of any and all other seaport or terminal facilities in the United States, including but not limited to seaport or terminal facilities utilized by United States military or the United States Department of Defense. (Case Number DHS/OS/PRIV 11-0506).
- On February 24, 2011, **Lisa Lerer** a reporter with ***Bloomberg Media*** in New York, New York, requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) materials related to the contingency plan in the event of a government shutdown. (Case Number 11-73).

III. FOIA Appeals

- On February 17, 2011, **Natasha Minsker**, Death Penalty Policy Director for the **American Civil Liberties Union (ACLU) of Northern California** and **Tim Redmond**, Executive Editor of the ***San Francisco Bay Guardian***, in San Francisco, California, appealed the response from U.S. Customs and Border Protection (CBP) denying their request for expedited processing and a fee waiver related to their FOIA request seeking documents pertaining to the acquisition of controlled substances by state officials for the purposes of carrying out executions of condemned prisoners by lethal injection.
- On February 18, 2011, **Michael Ravnitzky**, a self-proclaimed journalist in Silver Spring, Maryland, appealed the no records response from U.S. Customs and Border Protection (CBP) to his request seeking information about the alleged seizure of passports by CBP that resulted in travel delays for seventeen “Mecca-bound Northern Virginian Muslims.”

- On February 22, 2011, **Emily Willard**, a Research Associate with the **National Security Archives**, appealed the response from U.S. Customs and Border Protection (CBP) denying her request for a fee waiver related to her request for records relating to "the alleged involvement of U.S. gun dealers illicitly trading weapons to Mexican cartels."

IV. FOIA Releases

- On February 25, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 81 pages pertaining to their request seeking copies of all records relate to Dr. Schriro's October 6, 2009 report entitled "Immigration Detention Overview and Recommendations." Portions of this response were withheld pursuant to FOIA Exemption (b)(5).
- On February 28, 2011, United States Citizenship and Immigration Services (USCIS) released to **Robert Deasy**, with the **American Immigrations Lawyers Association (AILA),** in Washington, D.C., 851 pages pertaining to their request seeking copies of all guidance, instructions, training manuals, memoranda, standard operating procedures used for making FOIA redactions. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(3), (b)(4), (b)(6) and (b)(7)(E).
- On February 28, 2011, the United States Coast Guard (USCG) released to **Jeff Hampton** with ***The Virginian-Pilot*** in Elizabeth City, North Carolina, 35 pages pertaining to their request seeking records relating to the March 3, 2010 helicopter crash in Utah. These records were released in full.
- On March 1, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Alison Parker**, the Director of **Human Rights Watch** in Washington, D.C., one Microsoft Excel spreadsheet pertaining to their request seeking an updated data extract containing information on persons detained by ICE between June 30, 2010 and December 31, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On March 2, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Suzanne Gamboa**, a reporter with ***The Associated Press*** in Washington, D.C., one Microsoft Excel spreadsheet pertaining to their request seeking copies of data utilized to create the table "Leading Crime Categories of Criminal Aliens Removed Fiscal Year 2009" within the report "Immigrant Enforcement Actions 2009." Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On March 2, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Ginger McCall,** the Assistant Director of the **Electronic Privacy Information Center (EPIC)** in Washington, D.C., a no records determination in response to her request seeking copies of all communications or agreements between the U.S. Government and corporations (including but not limited to: Paypal, Visa, and Mastercard)

regarding (1) the personal information of donors to Wikileaks, and (2) the personal information (including but not limited to the identities) of individuals who accessed or attempted to access the Wikileaks web site or the November release. ICE conducted a search of the ICE Office of Homeland Security Investigations, the ICE Office of the Principal Legal Advisor, and the ICE Office of Professional Responsibility.

- On March 3, 2011, the United States Coast Guard (USCG) released to **David Fallis**, a reporter with the ***Washington Post*** in Washington, D.C., documents relating to their request seeking copies of the database and/or tables known as Merchant Vessels of the United States. These records were released in full.
- On March 3, 2011, the United States Coast Guard (USCG) released to **Scott Taylor**, a reporter with ***19 Action News*** in Cleveland, Ohio, documents relating to their request seeking a copy of the USCG Hearing Office letter to (b)(6) or his lawyer regarding the final decision on his citation of (b)(6). Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7). (Case Number 2011FOIA1383).

V. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. U.S. Immigration and Customs Enforcement (ICE), et al.* (S.D.N.Y. 10-3488), (Secure Communities), On February 25, 2011, ICE released 2,013 pages of records responsive to the Plaintiff's Rapid Production List. Portions of those pages were withheld pursuant to Exemptions (b)(2)(high), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). ICE is currently working on a supplemental declaration in support of our Motion to Stay the Court's February 15, 2011 Order requiring ICE to include certain categories of metadata for all releases. The hearing on ICE's motion for a stay of the February 7, 2011 Order requiring the production of metadata previously scheduled for March 11, 2011 has been rescheduled for Friday, March 25, 2011. ICE intends to file a supplemental declaration before March 23, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of March 4 - 10, 2011
Privacy Office
March 14, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 8, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that its Ho Chi Minh City Field Office in Vietnam will close permanently on March 31, 2011. Applications and petitions previously accepted by that office may be filed with the U.S. Department of State Consular Section there. Where authorized, the Consular Section will assume responsibility for processing certain cases; other applications and petitions will be sent to the USCIS Field Office in Bangkok, Thailand.
- On March 8, 2011, United States Citizenship and Immigration Services (USCIS) posted the interim policy memorandum "Extension of Status for T and U Nonimmigrants; Revisions to *Adjudicator's Field Manual* (*AFM*) Chapter 39.1(g)(3) and Chapter 39.2(g)(3) (*AFM* Update AD11-22)" to its public website for customer review and comment. This policy memorandum provides guidance about extensions of status for T and U nonimmigrants, including any related applications for adjustment of status. The period for comment closes March 22, 2011.

II. FOIA Requests

- On March 4, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from (b)(6) an individual in Lorton, Virginia, seeking records contained in FBI files and databases. (Case Number DHS/OS/PRIV 11-0549).
- On March 4, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from (b)(6), an individual in Youngstown, Ohio, seeking records contained in every system of records, to include: CS-.021; CS-.043; CS-.053; CS-.058, CS-.125; CS-.127;.CS-.129; CS-.133; CS-.156; CS-.212; CS-.224; C8-.244; CS-.258). (Case Number DHS/OS/PRIV 11-0550).
- On March 4, 2011, **Nate Anderson**, Senior Editor with the ***Ars Technica*** in Wheaton, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) all information related to ICE's "Operation: In our Sites," which targets Internet websites accused of violating United States copyright and trademark law. (Case Number 2011FOIA6261).
- On March 7, 2011, **Brenna L. Angel**, a News Reporter with ***WUKY 91.3 FM*** in Lexington, Kentucky, requested from the United States Coast Guard (USCG) documents containing the following information from the

USCG Decedent Affairs: 1) policy guidelines for processing/reimbursing funeral and cemetery claims of active duty personnel; 2) the number of funeral and cemetery claims for active duty personnel processed in 2010; 3) the expense allowances for funeral and cemetery costs of active duty personnel; and 4) the length of time (number of days) to settle/reimburse each funeral and cemetery claim for active duty personnel in 2010. (Case Number 2011FOIA1734).

- On March 7, 2011, Senator **Tom Coburn (R-OK)** in Washington, D.C., requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) the following records: 1) any department management procedures or handbooks governing the administration and tracking of non-expendable personal property and equipment, as well as any related procedural flow charts if available; 2) an inventory, which includes for each item the original purchase price, of department non-expendable personal property that: a. remained unaccounted for at the conclusion of fiscal years 2006 through 2010; and b. is currently outstanding; and 3) any audit conducted for or by the Department regarding lost non-expendable personal property and equipment completed within the past five years. (Case Number 11-81).
- On March 7, 2011, **Tara Menendez**, a representative of **WOFL Fox News Corporation** in Lake Mary, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) a list of names of illegal immigrants in Florida who have been ordered deported but were not because they reached their six months under *Zadvydas v. Davis*. (Case Number 2011FOIA6363).
- On March 8, 2011, **Keith Bembenek**, a reporter with **KVOA TV Ch 4** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the investigative report, 911 calls and any other documents, video, audio and evidence on the death of CBP Agent Brian Terry killing in the line of duty on December 15, 2010. (Case Number CBP FOIA # 2011F07306).
- On March 8, 2011, **Trent Daugherty**, Esq., Director of Legal Affairs with the **Ohio Environmental Council** in Columbus, Ohio, requested from the Federal Emergency Management Agency (FEMA) copies of documents generated by FEMA for determining changes to flood maps for Portage Township, Ohio. (Case Number 11-351).
- On March 8, 2011, the United States Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request made under the Canadian Access to Information Act. (Case Number DHS/OS/PRIV 11-0561).
- On March 8, 2011, the United States Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Ambassador Antonio O. Garza** in Austin, Texas, seeking weekly and monthly reports and summaries from sections in the Mexico City Embassy and cables sent from Mexico City in the years 2002 - 2009. (Case Number DHS/OS/PRIV 11-0566).

- On March 8, 2011, the U.S. Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from **James Klotz**, an individual in Mountainlake Terrace, Washington, seeking records relating to records regarding FBI's involvement with investigations prompted by the 2004 discovery of a computer disk in Iraq containing photos of schools in about a half-dozen U.S. states, including New Jersey, Florida and California, and diagrams and emergency information for the school districts. (Case Number DHS/OS/PRIV 11-0567).
- On March 10, 2011, **Stokely Baksh**, a Producer with **Deportation Nation** in Baltimore, Maryland, requested from U.S. Immigration and Customs Enforcement (ICE) records that ICE released to the plaintiffs in the Secure Communities FOIA litigation stemming from 2010FOIA2674: the National Day Laborer Organizing Network, the Center for Constitutional Rights, and the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law. (Case Number 2011FOIA6524).
- On March 10, 2011, **Matthew Huisman**, a reporter with the Washington, D.C. bureau of the ***Dallas Morning News*** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) a list of Texas employers who were issued a notice of inspection regarding employment records and that were fined as a result of their employment records. (Case Number 2011FOIA6562).

<u>Late Requests</u>

- On March 3, 2011, **Randy Herschaft**, a reporter with **The Associated Press** in New York, New York, requested from the Department of Homeland Security (DHS) copies dating from January 1, 2006 to present of correspondence between the Office of the Secretary of Homeland Security (including all agency components) and the office of U.S. Rep. Michele Bachmann(R-MN); 1) Bachmann &Associates Inc.; 2) Bachmann Clinic Property LLC; 3) Minnesota Summit Project Inc.; 4) Bachmann Farm Family Limited Partnership; and or 5) Michele Bachmann. (Case Number DHS/OS/PRIV 11-0551).
- On March 3, 2011, **Karen Tumlin**, Managing Attorney with the **National Immigration Law Center** in Los Angeles, California requested from the Department of Homeland Security (DHS) all records regarding border enforcement and persons encountered in the process of departing the United States, including records related to: 1) detection, stop, arrest, and/or removal of individuals encountered in the process of approaching or crossing the border into Mexico from the U.S., Agreements, correspondence, and communications within and among U.S. Customs and Border Protection (CBP), DHS, any of their agents, agencies, sub-agencies, or offices, including but not limited to United States Attorney's Offices regarding the entry of removal orders, voluntary departure in lieu of removal, reinstatement of removal, expedited removal, or stipulated

orders of removal for individuals encountered while in the process of departing the U.S. for Mexico; 2) agreements, correspondence, and communications within and among CBP, the DHS, any of their agents, agencies, sub-agencies, or offices, including but not limited to United States Attorney's Offices regarding the entry of removal orders, voluntary departure in lieu of removal, reinstatement of removal, expedited removal, or stipulated orders of removal for individuals encountered while in the process of departing the U.S. for Mexico; 3) records containing, describing, pertaining to, or referring to how DHS and/or CBP decided to stop individuals who are in the process of voluntarily leaving the U.S., criteria used by CBP agents to decide who to stop at a crossing, and criteria used to decide which of those individuals to put through formal removal or charge with immigration violations; 4) records containing, describing, pertaining to, or referring to arrest quotas, goals, and/or targets to be fulfilled by CBP in its enforcement operations near or at the U.S.-Mexico border from January 2010 until the present, including but not limited to who issued such policies, what the policies say, how the policies were communicated; any consequences for failure to meet articulated quotas or goals or targets, including personnel records; and why the policies were adopted; 5) records containing, describing, pertaining to, or referring to the total number of persons stopped while voluntarily leaving the U.S. who were ordered removed under 8 U.S.C. §§ 1225(b), 1228, 1229a(a), 1229a(d), 1229c, and 1231(a)(5) from January 2010 until the present; and 6) records containing, describing, pertaining to, or referring to circumstances where persons stopped and/or arrested while voluntarily trying to depart the U.S. were or would be subject to detention. (Case Number DHS/OS/PRIV 11-0539).

III. FOIA Appeals

- On March 9, 2011, U.S. Customs and Border Protection (CBP) granted to **Emily Willard**, a Research Associate with the **National Security Archive** in Washington, D.C., news media status regarding their FOIA appeal seeking records relating to "the alleged involvement of U.S. gun dealers illicitly trading weapons to Mexican cartels."
- On March 8, 2011, U.S. Customs and Border Protection (CBP) released to **Gregory Korte**, a staff writer with ***USA TODAY*** in Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP), which partially denied his request for records concerning a Recovery Act contract with Eyak Technology LLC. Mr. Korte contested the use of Exemption (b)(4) and alleged that the responsive records did not include information regarding the contract's scope or specifications. CBP will re-release twelve (12) pages of materials consisting of invoices, transmittal cover sheets, and material inspection and receiving reports. The release will include additional information that was previously withheld. Portions of this response are withheld pursuant to FOIA exemptions (b)(4) and (b)(6).

IV. FOIA Releases

- On March 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **David Blair-Joy**, the Legal Director of the **American Civil Liberties Union (ACLU) of San Diego and Imperial Counties** in San Diego, California, one Excel spreadsheet and 22 pages responsive to their request seeking copies of correspondence, contracts, and policies concerning cooperation between the Escondido Police Department and ICE as well as information regarding the 193 arrests that resulted from this cooperation. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA1976).
- On March 4, 2011, the United States Coast Guard (USCG) released to **Adam Linhardt**, a Police/Courts/Military reporter with ***Citizen Newspaper*** in Key West, Florida, 172 pages consisting of the incident report, passenger lists, memos, emails, medical records, certificates, charts, and a crew handbook. These records were released in full.
- On March 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Tara McLaughlin**, a reporter with the ***Naples Daily News*** in Naples, Florida, 4 pages responsive to their request seeking copies of complaints filed against the Collier County Sheriff's Office in association with the 287(g) program. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6).
- On March 4, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Judy Rabinovitz**, an attorney with the **American Civil Liberties Union (ACLU) Immigrants' Rights Project** in New York, New York, six Microsoft Excel spreadsheets and 57 pages of documents that originated from Enforcement and Removal Operations (ERO) and Office of the Principal Legal Advisor (OPLA) pertaining to their request for information pertaining to the Post-Order Custody Review Process. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6) and (b)(7)(C). (Case Number 2011FOIA0003).
- On March 4, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Meg Stalcup**, a freelance reporter with the ***Washington Monthly*** in Seattle, Washington, a no records response pertaining to their request seeking copies of records pertaining to Federal Law Enforcement Training Center (FLETC) training materials, as well as records concerning the EEOC complaint of [redacted] (b)(6) (Case Number 2011FOIA4621).
- On March 7, 2010, the Department of Homeland Security (DHS) released to **Scott MacFarlane**, a reporter with **Cox TV** in Washington, D.C., 15 pages of records responsive to their request seeking copies of correspondence to and from the Secretary of Homeland Security Janet Napolitano for the DHS Executive Secretariat (ESEC) tracking numbers 10-1312, 09-0829, 09-0080, 09-0804, 09-0649. These records were released in full.

- On March 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Kevin Wisniewski**, a producer with **WTVF News Channel 5** in Nashville, Tennessee, 35 pages responsive to his request seeking records regarding Barrett Enterprises, LP., Barrett Ammo, LLC., Barret Firearms Manufacturing, Barrett Firearms USA, and the weapons made by these companies. Portions of these records have been withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6) and (b)(7)(C). (Case Number 2011FOIA4210).
- On March 8, 2011, the Office of Inspector General (OIG) released to **David Shapiro**, staff attorney with the **American Civil Liberties Union's (ACLU) National Prison Project** in Washington, D.C., 92 pages responsive to their request seeking records concerning sexual abuse of detainees in the custody of U.S. Immigration and Customs Enforcement (ICE) from January 1, 2007, to the present. Portions of this response are withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C).
- On March 10, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Christine Haas**, a reporter from **KHOU Television** in Houston, Texas, 1 page responsive to their request seeking records relating to the provision of hormone replacement medications to transgendered detainees nationally and in the State of Texas. These records were released in full.
- On March 10, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Aaron Montoya**, a reporter with ***The Ridgway Sun*** in Ridgway, Colorado, one Excel spreadsheet and 79 pages responsive to their request seeking the number of individuals referred to ICE from the Montrose County Jail from fiscal years 2005 to 2010. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6).
- On March 10, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stefan Kamph**, a reporter with the ***New Times Broward-Palm Beach*** in Fort Lauderdale, Florida, 2 pages responsive to their request seeking information concerning individuals arrested during a Fugitive Operations enforcement action that occurred in Broward and Palm Beach Counties between December 6 – 10, 2010. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6).
- On March 14, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stefan Kamph**, a reporter with the ***New Times Broward-Palm Beach*** in Fort Lauderdale, Florida, 2 pages responsive to their request seeking individuals arrested during a Fugitive Operations enforcement action that occurred in Broward and Palm Beach Counties between December 6 – 10, 2010. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA4451)**.**

V. Lawsuits

- In the matter of *Marcos Olivas Castillo vs. U.S. Department of Homeland Security, et al*., (USDC NM 11-cv-069-LFG-RHS), Plaintiff filed a complaint January 20, 2011, claiming constructive denial pertaining to their request for records relating to investigative reports.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of March 11 – 17, 2011
Privacy Office
March 21, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 8, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that some existing Salvadoran Temporary Protected Status (TPS) beneficiaries would receive interim Employment Authorization Documents (EADs) during the continued processing of their re-registration applications. USCIS mailed approximately 4,500 EADs, to be delivered no later than March 9, 2011, to Salvadorans who have not yet received a final action on their re-registration applications. Issuance of the interim EADs will allow TPS beneficiaries to continue working while USCIS completes the processing of their re-registration applications.
- On March 8, 2011, United States Citizenship and Immigration Services (USCIS) posted the Policy Memorandum entitled "Extension of Status for T and U Nonimmigrants; Revisions to *Adjudicator's Field Manual* (*AFM*) Chapter 39.1(g)(3) and Chapter 39.2(g)(3) (*AFM* Update AD11-22)" on its website for public feedback. This Policy Memorandum provides guidance about extensions of status for T and U nonimmigrants, including any related applications for adjustment of status. Stakeholders have until March 22, 2011, to provide their comments.
- On March 11, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that, as part of the Department of Homeland Security's (DHS) Blue Campaign to combat human trafficking, it will permit victims of human trafficking sexual exploitation, and persons who held A-3 and G-5 visas and have filed civil action against their employer, remain and work legally in the United States while their civil cases are pending. In compliance with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, USCIS will add this small population to the existing list of groups eligible for deferred action on a case-by-case basis to allow A-3 or G-5 nonimmigrants to resolve pending litigation they have filed regarding a violation of the terms of their employment contract or conditions related to human trafficking and similar violations.
- On March 11, 2011, U.S. Immigration and Customs Enforcement (ICE) added a new category called Secure Communities Statistics to the ICE FOIA Reading Room. This category now contains Secure Communities Nationwide Interoperability statistics for Fiscal Year (FY) 2009, FY 2010, and year-to-date statistics for FY 2011.

II. FOIA Requests

- On March 11, 2011, **Mat Garcia**, a reporter with **KOCO Eyewitness News 5** in Oklahoma City, Oklahoma, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to any action by ICE officials at the Devon Tower project in Oklahoma City. (Case Number 2011FOIA6628).
- On March 14, 2011, **Mike McGraw**, a reporter with the ***Kansas City Star*** in Kansas City, Missouri, requested from the Office of Inspector General (OIG) any correspondence or emails to OIG in response to the OIG Report OIG-11-13 entitled "Review of the National Bio and Agro-Defense Facility Site Selection Process" (Case Number OIG FOIA#2011-083).
- On March 14, 2011, **Jeremy Redmon**, a reporter with ***The Atlanta Journal-Constitution*** in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews, and detention standards reviews of the Atlanta City Detention Center, North Georgia Detention Center and Stewart Detention Center in Georgia; and 2) any and all plans of action and responses to any and all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews and detention standards reviews of the Atlanta City Detention Center, North Georgia Center and Stewart Detention Center. (Case Number 2011FOIA6689).
- On March 14, 2011, **Aliya Sternstein**, a reporter with the ***Government Executive*** in Washington, D.C., requested from the Office of Inspector General (OIG) any reports of investigation, notes, or interviews conducted by the OIG concerning the mishandling of USCIS applicant, petitioner, or beneficiary information (Case Number OIG FOIA#2011-084).
- On March 14, 2011, **Tisha Thompson**, a journalist with **WTTG-TV Fox 5** in Washington, D.C., requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) copies of receipts and expenditures on office equipment, furniture and miscellaneous items with a purchase price exceeding $2,000.00, for use at the DHS, Nebraska Avenue Complex in Washington, D.C. from January 1, 2008 until the present day. (Case Number 11-86).
- On March 15, 2011, **Eric Tucker**, a reporter with ***The Associated Press*** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the names of the 20,000 people ICE reported that have been arrested since 2005 as part of Operation Community Shield; 2) a list of the charges faced by each of the 20,000 people arrested since 2005 under Operation Community Shield, including a breakdown of how many face criminal charges and how many face administrative/immigration violations; 3) a breakdown of how many of the 20,000 arrested under Operation Community Shield are U.S. citizens, how many are illegal immigrants and how many are foreign

nationals; and 4) information about how much funding ICE has allotted to Operation Community Shield in the current year and in the previous two fiscal years. (Case Number 2011FOIA6707).

- On March 16, 2011, **Andrew Becker** with the ***Center for Investigative Reporting*** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all emails sent between Dora Schriro and the Office of the Secretary, Department of Homeland Security (DHS) and/or Janet Napolitano between September 1, 2009 and October 6, 2009; and 2) all emails between John Morton, Dora Schriro and Beth Gibson between August 5, 2009 and October 6, 2009. (Case Number 2011FOIA6709)
- On March 16, 2011, **Bob Cusack**, a reporter with ***The Hill*** in Washington, D.C., requested from the Office of Inspector General (OIG) FOIA logs from November 1, 2010 through the date of the request. (Case Number OIG FOIA#2011-088).
- On March 16, 2011, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a complete set of documentation on the General Counsel Electronic Management System (GEMS). (Case Number 2011FOIA6713).
- On March 16, 2011, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** requested from U.S. Immigration and Customs Enforcement (ICE) all records regarding the ICE FOIA Tracking System. (Case Number 2011FOIA6719).
- On March 17, 2011, **Tia Ghose**, a reporter with the **Center for Investigative Reporting** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) the following records regarding the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) program who have had their passes revoked for any violations since 2005: 1) the specific violation for which the SENTRI pass was revoked; 2) the volume and type of unlawful substance imported, if applicable; 3) the date the member's pass was issued; 4) the date the member's pass was revoked; 5) whether the case was forwarded for prosecution; 6) the port-of-entry at which the pass was issued; and 7) the port-of-entry at which the pass was revoked. (Case Number CBP FOIA #2011F08038)
- On March 17, 2011, **Matthew Kownacki,** a representative with **Judicial Watch** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) all records regarding "The Uppercrust Pizzeria" chain. (Case Number 2011FOIA6728).

<u>Late Requests</u>

- On February 8, 2011, **Pamela Barnett**, an individual from Sacramento, California, requested from United States Citizenship and Immigration Services (USCIS) copies of all documents relating to the entries and exits from the United States of Barack Hussein Obama, Senior, from August 1959 to November 1982. (Case Number NRC2011027655).

- On March 4, 2011, **Judy Rakowsky**, a freelance journalist working for **Sally H. Jacobs**, a staff writer with the ***Boston Globe*****,** in Belmont, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) copies of all documents relating to the entries and exits from the United States of Barack Hussein Obama, Senior, from August 1959 to November 1982. (Case Number HQS2011000021).
- On February 23, 2011, **Gregory Korte**, a reporter with ***USA Today***, in Washington, D.C, requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) any DHS contingency plans, guidance, reports, or correspondence with the Office of Management and Budget regarding preparations for a government shutdown in the absence of an appropriation or continuing resolution. (Case Number 11-0544).
- On March 2, 2011, **Michael Wereschagin**, a journalist with ***Pittsburgh Tribune-Review*** in Pittsburgh, Pennsylvania, requested from the United States Coast Guard (USCG) copies of any accounting of legal expenses charged to the agency for services involving Congressional testimony, hearings, investigations and inquiries from 2000 through the day the USCG compiled these records. (Case Number 2011FOIA1689).
- On March 9, 2011, U.S. Customs and Border Protection (CBP) referred to Federal Law Enforcement Training Center a request from **Emily P. Carey**, program coordinator with the **American Civil Liberties Union (ACLU) of New Mexico Regional Center for Border Rights** in Las Cruces, New Mexico, seeking copies of: 1) all training materials pertaining to use of force and use of deadly force utilized in the last five years; and 2) all records pertaining to the use of tasers and/or other electronic control devices (ECD) including training materials, guidelines, certification requirements, memoranda and other such documents setting forth policy and practice as issued by the Office of Training and Development, the Use of Force Policy Division, the Office of Field Operations or other entity responsible for developing such materials. (Case Number FOIA 11-053).
- On March 9, 2011, **Damien Cave**, correspondent, Mexico, Central America and the Caribbean with ***The New York Times*** in Mexico City, Mexico, requested from the Department of Homeland Security (DHS) copies of the following records: 1) all documents, including but not limited to budget documents, that outline the number of DHS employees posted to Mexico, in 2008, 2009, 2010 and currently; 2) all Interagency Agreements for 2008, 2009, 2010 and 2011 between DHS or its components and their Mexican counterparts or any arm of the Mexican government; 3) the 2008, 2009, 2010 and 2011 Letters of Agreement and Letters of Offer and Acceptance between American and Mexican officials. (Case Number DHS/OS/PRIV 11-0544).

III. FOIA Appeals

- On March 14, 2011, **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association (AILA)** in

Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP) denying his requests for fee waiver and news media status related to his request for documents pertaining to circumstances when CBP will send a L-1 petition to U.S. Citizenship and Immigration Services instead of allowing withdrawal of the application for admission at the port of entry.

- On March 8, 2011, U.S. Customs and Border Protection (CBP) re-released twelve (12) pages of materials consisting of invoices, transmittal cover sheets, and material inspection and receiving reports. The release included additional information that was previously withheld. Portions of this response are withheld pursuant to FOIA exemptions (b)(4) and (b)(6).

IV. FOIA Releases

- On March 15, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Lee Wang**, a student at the **U.C. Berkeley Graduate School of Journalism** in Berkeley, California, one spreadsheet responsive to his request seeking 22 categories of information regarding individuals detained by ICE at facilities in the State of Louisiana from 2005 to the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On March 17, 2011, U.S. Customs and Border Protection (CBP) issued to **Keith Bembenek**, a reporter with **KVOA TV Ch 4** in Tucson, Arizona, a full denial pertaining to his request for the investigative report, 911 calls and any other documents, video, audio and evidence – on the death of CBP Agent Brian Terry in the line of duty on December 15, 2010. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number CBP FOIA # 2011F07306).
- On March 16, 2011, U.S. Immigration and Customs Enforcement released to **Carly Stadum**, with the **Georgetown University Law Center** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) 99 pages of records relating to their request seeking records related to procedures and policies for removing deportees with mental disabilities from the air transportation unit to foreign government officials upon arrival. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2011FOIA1793).

V. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), (Secure Communities Case): Plaintiffs filed a complaint April 27, 2010 claiming constructive denial with regard to ICE FOIA 10-2674, improperly denied their fee waiver and request for expedited processing. The ICE FOIA Office and OPLA met with the AUSA and representatives from the ERO Statistical Tracking Unit, the Secure Communities program office, and the Criminal

Alien Program (CAP) on March 17, 2011, to discuss a proposal from the plaintiffs for ICE to produce approximately 40 fields of data on a sampling of 3,300 individuals identified through either the CAP and Secure Communities. This was done in advance of a hearing before the Court scheduled for March 25, 2011 on this proposal.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited **fr**om disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of March 18 - 24, 2011
Privacy Office
March 28, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 11, 2011, The U.S. Secret Service (USSS) posted to its public website the following records: 1) USSS command post radio traffic from March 30, 1981, mp3 format; 2) USSS command post radio traffic from March 30, 1981, transcript; 3) Former President Reagan's assassination attempt interview records.
- On March 16, 2011, United States Citizenship and Immigration Services (USCIS) announced on its website that in response to recent stakeholder feedback, it is currently reviewing its policy on H-1B cap exemptions for non-profit entities that are related to or affiliated with an institution of higher education. This announcement also included information on interim procedures, suggestions, and advice for petitioners.
- On March 17, 2011, United States Citizenship and Immigration Services (USCIS) posted a reminder on its public website that temporary relief measures are available to eligible Japanese nationals. This announcement also included information about the available temporary relief measures and where more information could be found.
- On March 17, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum entitled "Delegation of Appellate Jurisdiction with Respect to Certain Forms I-360 Filed by Afghan or Iraqi Nationals; Revisions to *Adjudicator's Field Manual* (*AFM*) Chapter 22.3 (*AFM* Update AD 10-40)" to its website for stakeholder and public review and comments. This Policy Memorandum describes closing actions to be taken when adjudicating Form I-360, *Petition for Amerasian, Widow(er), or Special Immigrant*, filed by certain Afghan or Iraqi nationals who worked for or on behalf of the U.S. Government. It also discusses jurisdiction over appeals and certifications relating to decisions on those petitions. The period for comments closes on March 31, 2011.
- On March 18, 2011, United States Citizenship and Immigration Services (USCIS) posted on its public website that it will start accepting H-1B petitions subject to the fiscal year (FY) 2012 cap on April 1, 2011. Cases will be considered accepted on the date United States Citizenship and Immigration Service (USCIS) receives a properly filed petition for which the correct fee has been submitted, not the date that the petition is postmarked. The cap (the numerical limit on H-1B petitions) for FY 2012 is 65,000.
- On March 18, 2011, the U.S. Coast Guard (USCG) posted to its FOIA Electronic Reading Room the 167-page final action memorandum on the

Incident Specific Preparedness Review (ISPR) of the Deepwater Horizon oil spill.

- On March 18, 2011, the U.S. Coast Guard (USCG) posted to its FOIA Electronic Reading Room the one page final decision letter on the capsizing of the CGC SENECA class "B" mishap on January 13, 2009.
- On March 21, 2011, Secretary of Homeland Security Janet Napolitano and U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas announced the launch of E-Verify Self Check—an innovative service that allows individuals in the United States to check their own employment eligibility status before formally seeking employment. The E-Verify Self Check service is available to users who maintain an address and are physically located in Arizona, Idaho, Colorado, Mississippi, Virginia, or the District of Columbia. In the coming months, USCIS will continue to expand the E-Verify Self Check service to additional eligible users on a rolling basis. A transcript of the launch event was also posted to the United States Citizenship and Immigration Service (USCIS) website on March 22, 2011.
- On March 23, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a list of all detainee deaths from October 2003 through March 23, 2011.
- On March 23, 2011, the U.S. Coast Guard (USCG) posted to its FOIA Electronic Reading Room 2,529 pages of documents used to respond to FOIA requests concerning the Deepwater Horizon oil spill in the electronic Reading Room.

II. FOIA Requests

- On March 18, 2011, **Lynda Lohr**, a reporter with the ***St. John Source Newspaper*** in St. John, U.S. Virgin Islands, requested from the United States Coast Guard (USCG) information on two marine accidents: the WESTIN BREEZE, which went on a reef off St. John on December 17, 2010, and the barge GENERAL II that had a similar accident on December 5, 2010. (Case Number 2011FOIA1897).
- On March 21, 2011, **Lee Ferran**, a representative of **ABC News National**, New York, New York, requested from the Federal Emergency Management Agency (FEMA) the following records: 1) any maps and/or pictorial representations of the Plume Exposure Pathway, as must be filed to FEMA by the U.S. nuclear plants at Indian Point (in Buchanan, NY), San Onofre (in San Clemente, CA), Limerick (in Limerick, PA), Desden (in Morris, IL), and Diable Canyon (in Avila Beach, CA); 2) any maps and/or pictorial representations of evacuation routes for the effected population surrounding those plants; 3) any map and/or graphical representation of the location and size of population possibly affected by a nuclear event at those plants. (Case Number 11-384)
- On March 21, 2011, **Bob McCabe**, a staff writer with ***The Virginian-Pilot*** in Norfolk, Virginia, requested from the United States Coast Guard (USCG) all CG-2692 or other accident reports, survey reports, damage

estimates, license proceedings, investigation materials, photographs, logbooks, statements, notes, meeting minutes, invoices, correspondence (electronic or otherwise), documents, conclusions and reports with regard to a collision between Zhen Hua and APM crane on February 14, 2011.. (Case Number 2011FOIA1907).

- On March 21, 2011, **Aliya Sternstein**, Senior Correspondent with ***Government Executive*** in Washington, D.C., requested from the Department of Homeland Security (DHS) any DHS Serious Incident Reports (SIR) regarding the spill, mishandling, or the violation of IT rules, regulation, or laws that involve USCIS applicant, petitioner, or beneficiary information since January 1, 2008. (Case Number DHS/OS/PRIV 11-0602).
- On March 22, 1011, **Lori Jane Gliha**, an Investigative Reporter with **ABC15 News KNXV-TV** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) records pertaining to an Arizona Border Patrol incident in May 2010, in which Arizona Border Patrol Agents outside of Tucson encountered a group of armed bandits and recovered a firearm at the scene. (Case Number FOIA 2011F08268).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all letters, email messages or records of telephone contacts between the office of U.S., Representative Sue Myrick (R-NC-09) and DHS officials in 2009, 2010, or 2011 regarding the city of Charlotte, Muslim-Americans, or the Council on American-Islamic Relations (CAIR). (Case Number DHS/OS/PRIV 11-0608).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) records of telephone contacts between the office of U.S. Representative Michael Turner (R-OH-3) and DHS officials in 2009, 2010, or 2011 regarding the city of Dayton or Wright Patterson Air Force Base. (Case Number DHS/OS/PRIV 11-0610).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) a list of websites that are blocked or prohibited for employee viewing by DHS employees and employees of any DHS agency. (Case Number DHS/OS/PRIV 11-0611).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) any emergency evacuation plans held by DHS for any Ohio or West Virginia prison, in the case of a civil emergency or natural disaster or nuclear power plant accident. (Case Number DHS/OS/PRIV 11-0612).
- On March 23, 2011 **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all ethics waivers and recusal agreements/paperwork issued by DHS from January 19, 2009 through the date of this request. (Case Number DHS/OS/PRIV 11-0613).

- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all letters, email messages or records of telephone contacts between the office of U.S. Representative Silvestre Reyes (D-TX-16) and DHS officials in 2009, 2010, or 2011 regarding the city of El Paso and/or the Port of El Paso. (Case Number DHS/OS/PRIV 11-0619).
- On March 23, 2011, **Mike Mollen**, a researcher with the **Democratic Senatorial Campaign Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) all direct correspondence between U.S. Representative Danny Rehberg (R-MT) or representatives from his offices and DHS, including letters, reports, requests, and other relevant material. (Case Number DHS/OS/PRIV 11-0614).
- On March 23, 2011 **Anjan Mukherjee**, a researcher with the **Democratic Senatorial Campaign Committee**, in Washington, D.C., requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG), and United States Citizenship and Immigration Services (USCIS) correspondence and other information requested by, or provided to U.S. Senator Scott Brown (R-MA). (Case Number DHS/OS/PRIV 11-0617, Mukherjee February 28, 2011, and 2011-091).
- On March 23, 2011, **Kevin Baron**, Director of Government Affairs with the **American Small Business League** in Petaluma, California, requested from the Department of Homeland Security (DHS) records to and from any DHS employee and (b)(6) from Electronic Data Systems Corporation and/or Hewlett-Packard Company, from December 1, 2010 through March 15, 2011. (Case Number DHS 11-0621).
- On March 23, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, NY, requested from U.S. Immigration and Customs Enforcement "augmented" FOIA logs on interim/final responses issued during March 1-15, 2011. (Case Number 2011FOIA6926).
- On March 23, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records containing the current status of the 10 oldest pending FOIA cases. (Case Number 2011FOIA6927).
- On March 23, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records identifying each report or statistical compilation that has been prepared for use by the ICE FOIA Office, other offices within ICE or DHS, as well as those prepared to respond to inquiries from parties external to the department containing any information on the following: FOIA workload received by the ICE FOIA Office; the progress made in processing this FOIA workload; the character of the decisions taken; and issues that have arisen that have been prepared. (Case Number 2011FOIA6928).

- On March 24, 2011, **Adriana Pinon,** a staff attorney with the **New York Civil Liberties Union** in New York, New York, requested from U.S. Customs and Border Protection (CBP) records held by the Niagara Falls CBP Office concerning or describing any action, observance, or activity pertaining to the handcuffing, arrest and detention of an individual on January 13, 2011. (Case Number FOIA 201108381).

Late Requests

- On March 4, 2011, **Robert Stein**, with **DAN RATHER REPORTS** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) data for FY 2005 to present, the visa applications, approvals, and denials for Infosys and any/all of the company's related affiliates and subsidiaries, including but not limited to: INFOSYS BPO LIMITED, INFOSYS INTERNATIONAL INC., AND INFOSYS TECHNOLOGIES LIMITED. (Case Number Stein March 4, 2011)
- On March 4, 2011, **Michael Ravnitzky**, , a self-proclaimed journalist in Silver Spring, Maryland, requested from United States Citizenship and Immigration Services (USCIS) records related to the processing of COW2011000073, including emails, memos, and notes. (Case Number COW2011000228).
- On March 9, 2011, **Robert Deasy**, Director, Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) the following records: copies of all documents, including, but not limited to, memoranda, templates, standard operating procedures, and training materials, concerning USCIS/NRC policies and procedures for forwarding FOIA requests to other agencies (e.g. Department of State, Department of Labor, or Department of Justice). (Case Number COW2011000243).
- On March 14, 2011, **Emily Creighton**, a staff attorney with **American Immigration Council** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) and U.S. Customs and Border Protection (CBP) all records which have been prepared, received, transmitted, collected, and or maintained by DHS and/or USCIS whether issues or maintained by United States Citizenship and Immigration Services Headquarters offices, regional offices, district offices, field offices and/or any other organizational structure, and which relate or refer in any way to any of the following: 1) attorney's ability to be present during their clients' interactions with USCIS; 2) what role attorneys may play during their clients' interactions with USCIS; 3) attorney conduct during interactions with USCIS on behalf of their clients; and 4) attorney appearances at USCIS offices or other facilities. (Case Number Creighton March 14, 2011 and 2011F08147).
- On March 16, 2011, **Lisette Garcia**, senior investigator with **Judicial Watch** in Washington, D.C., requested from United States Citizenship and

Immigration Services (USCIS) records related to the following: 1) submission; 2) approval; 3) denial; and/or 4) rejection on other grounds for the following forms: I-918; I-918A; I-918B, and I-912. (Case Number Judicial Watch March 16, 2011).

- On March 17, 2011, **Lisette Garcia**, senior investigator for **Judicial Watch** in Washington, D.C., requested from United States, Citizenship and Immigration Services (USCIS) requested the following records: 1) all USCIS correspondence, including communications with Congress, related to the February 4, 2011, Freedom of Information Act request from Judicial Watch (COW2011000168); and 2) all USCIS records concerning, regarding, or related to the February 4, 2011 Freedom of Information Act request with Judicial Watch (COW2011000168). (Case Number Judicial Watch March 17, 2011).
- On March 17, 2010, **Eileen Scofield**, an immigration attorney from Atlanta, Georgia, requested from United States Citizenship and Immigration Services (USCIS) copies of the compliance notices issued by the E-Verify Monitoring and Compliance branch of USCIS, for FY 2010 and those issued to date for FY 2011. (Case Number NRC2011030906 and NRC2011030907).

III. FOIA Appeals

- On March 17, 2011, **Robert Deasy**, Director, Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP) denying his requests for fee waiver and news media status related to his request for CBP enforcement statistics for FY 2009.
- On March 18, 2011, **Robert Deasy**, Director, Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, D.C., appealed the no records determination from U.S. Customs and Border Protection (CBP) which indicated that there were no records responsive to his request for an index, list or compilation of CBP or legacy-INS musters to any or all ports of entry, preclearance operations or preflight inspection locations, listing date and topic of the muster. He also appealed the denial of his requests for fee waiver and news media.
- On March 21, 2011, U.S. Customs and Border Protection (CBP) issued to **Natasha Minsker**, Death Penalty Policy Director for the **American Civil Liberties Union of Northern California,** and **Tim Redmond**, Executive Editor of the ***San Francisco Bay Guardian,*** in San Francisco, California, a denial for expedited processing, but grant their request for a fee waiver pertaining to their request for documents pertaining to the acquisition of controlled substances by state officials for the purposes of carrying out executions of condemned prisoners by lethal injection.

IV. FOIA Releases

- On March 7, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Tara Menendez**, a representative of WOFL **Fox NewsCorp.,** in

Lake Mary, Florida, a no records determination pertaining to her request seeking a list of names of illegal immigrants in Florida who have been ordered deported but were not because they reached their six months under Zadvydas v. Davis. (Case Number 2011FOIA6363).

- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Matthew Kownacki**, a representative of **Judicial Watch** in Washington, D.C., a no records determination in response to his request seeking records regarding "The Uppercrust Pizzeria" chain. (Case Number 2011FOIA6728).
- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Carly Stadum**, with the **Georgetown University Law Center** in Washington, D.C., 99 pages of responsive records responsive to her request seeking documents, memos, e-mails, correspondence written by ICE personnel, DHS and air transportation unit personnel, related to procedures and policies for removing deportees with mental disabilities from the air transportation unit to foreign government officials upon arrival. Portions of these records have been withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).
- On March 18, 2011, U.S. Immigration and Customs Enforcement (ICE) will release to **Emily Willard**, a research associate at **The National Security Archive** in Washington, D.C., 13 pages responsive to their request seeking records pertaining to the report, "Intelligence Report: United States Southbound Weapons Smuggling Assessment," ICE-00187-09. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F).
- On March 19, 2011, United States Citizenship and Immigration Services (USCIS) released to **Henry Schuck**, an attorney in Vancouver, Washington, 9 pages of records pertaining to his request for the contact lists and organizational charts for the Offices of the Chief Information Officer. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number NRC2010017063).
- On March 21, 2011, Department of Homeland Security (DHS) will release to **Andrew Medici**, a staff writer with ***The Federal Times*** in Springfield, Virginia, 58 pages responsive to his request seeking copies of all relevant contact information for all public affairs officers within DHS, including phone numbers, email addresses and government-issued mobile phone numbers for all DHS employees classified as public affairs or communications officers and work with the news media to answer requests and schedule interviews. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On March 22, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 214 pages responsive to his request seeking copies of ICE policies, fact sheets, guides, and procedures for worksite enforcement operations. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).

- On March 22, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stokley Baksh**, a reporter with **Deportation Nation** in Fairfax, Virginia, 1 spreadsheet responsive to their request for copies of contracts for services associated with the Secure Communities program and a spreadsheet that contains data on LESC operations. Portions of this response were withheld pursuant to FOIA exemption (b)(7)(E).
- On March 24, 2011, the United States Coast Guard (USCG) released to **Jody Murphy**, a reporter with the ***Parkersburg News and Sentinel*** in Parkersburg, West Virginia, 16 pages responsive to their request seeking documents concerning any bridge allusions related to the vessel DIXIE and/or any recreational vessels piloted by (b)(6) These records were released in full. (Case Number 2011FOIA1192).
- On March 24, 2011, the United States Coast Guard (USCG) issued to **David Baay**, of **Sutherland, Asbill, and Brenman** in Houston, Texas, a no records determination for his request seeking documents related to the Det Norske Veritas inspection of the Deepwater Horizon's blowout preventer at NASA's Michoud Assembly Facility in New Orleans, Louisiana. (Case Number 2011FOIA1034).

V. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.* (S.D.N.Y. 10-3488), (Secure Communities Case): Plaintiff filed a complaint April 27, 2010, claiming constructive denial with regard to ICE FOIA 10-2674 and that ICE improperly denied their fee waiver and request for expedited processing. On March 23, 2011, ICE submitted a declaration in support of the motion to stay pending appeal, which described ICE standard process for handling FOIA requests and explained the difficulty ICE would have if required to produce metadata for all responsive documents.
- In the matter of *Buen Pastor Church, et al v. U.S Customs & Border Protection, U.S. Citizenship & Immigration Services*, (USDC ED NC 5:11-CV-83), Plaintiff filed a complaint February 28, 2011, claiming constructive denial pertaining to their request for records relating to CBP's enforcement of immigration laws in the interior of the country.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited **fr**om disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of March 25 - 31, 2011
Privacy Office
April 4, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library the following procurement (awards) related records:
- 1) HSHQDC-08-C-00128 (PDF, 38 pages); 2) HSHQDC-08-C-00139 (PDF, 69 pages); 3) HSHQDC-09-C-00004 (PDF, 24 pages); 4) HSHQPA-04-D-00001 (PDF, 33 pages); 5) HSHQPA-05-A-00030 (PDF, 22 pages); 6) HSHQDC-07-C-00100 (PDF, 47 pages); 7) HSHQDC-07-D-00030 (PDF, 72 pages); 8) HSHQPD-09-C-000006 - 1 (PDF, 78 pages); 9) HSHQPD-09-C-000006-2 (PDF, 75 pages); 10) HSHQPD-09-C-000006-3 (PDF, 75 pages); 11) HSHQDC-09-J-00014 (PDF, 76 pages); 12) HSHQDC-09-C-00125 (PDF, 38 pages); 13) HSHQDC-09-C-00123 (PDF, 33 pages); 14) HSHQDC-09-C-00129 (PDF, 36 pages); 15) HSHQDC-06-F-00214 (PDF, 28 pages); 16) HSHQDC-06-J-00433 (PDF, 43 pages); 17) HSHQDC-08-C-00011(PDF, 39 pages); 18) HSHQDC-08-J-00026 (PDF, 23 pages); 19) HSHQDC-09-C-00165 (PDF, 76 pages); 20) HSHQDC-09-C-00040 (PDF, 40 pages); 21) HSHQDC-09-C-00168 (PDF, 34 pages); 22) HSHQDC-09-D-00001-1 (PDF, 40 pages); 23) HSHQDC-09-D-00001 -2 (PDF, 40 pages); 24) HSHQDC-09-D-00001-3 (PDF, 35 pages); 25) HSHQDC-09-D-00003 (PDF, 201 pages); 26) HSHQDC-09-F-00157 (PDF, 34 pages); 27) HSHQDC-09-J-00027 (PDF, 27 pages); 28) HSHQPA-05-A-00058 (PDF, 88 pages); and 29) HSHQPA-06-9-0002 (PDF, 42 pages).
- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library the following procurement (Orders) related records:
- 1) HSHQDC-06-D-00019 (PDF, 96 pages); 2) HSHQDC-07-J-00409 (PDF, 15 pages); 3) HSHQDC-08-F-0001 (PDF, 41 pages); 4) HSHQDC-08-J-00196 (PDF, 50 pages); 5) HSHQDC-09-F-00133 (PDF, 21 pages); 6) HSHQDC-07-J-00708 (PDF, 66 pages); 7) HSHQDC-08-C-00035 (PDF, 45 pages); 8) HSHQDC-09-J-00014 (PDF, 89 pages); and 9) TIRNO-04-Z-00010 (PDF, 25 pages).
- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library the following procurement (Solicitations) related records: 1) HSCEOP-06-C-00045 (PDF, 130 pages); and 2) HSHQDC-06-D-00028 (PDF, 34 pages).
- On March 23, 2011, the Department of Homeland Security posted to its FOIA Library the 2011 Chief FOIA Officers Report. The Department of Justice posted the report to the collective site on March 29, 2011.
- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library PRIV FOIA Logs, October 1, 2010 thru January 31, 2011.

- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library FEMA FOIA Logs, October 1, 2010 thru December 31, 2010.
- On March 30, 2011, United States Citizenship and Immigration Services (USCIS) posted a reminder on its public website regarding the deadline to apply for funding under the FY 2011 Citizenship and Immigration Grants Program. Organizations must apply electronically by 11:59 p.m. EDT on April 1 using the application package and instructions available at www.grants.gov.

II. FOIA Requests

- On March 25, 2011, **Heather Catallo**, an Action News Investigator with ***Channel 7 Action News (ABC) WXYZ-TV*** in Southfield, Michigan, requested from the Department of Homeland Security (DHS) the following records: 1) any and all Form 3155 Offense/Incident Reports stemming from suspicious packages, persons at or near the McNamara Federal Building in Detroit dating back 2 years; 2) any other reports related to suspicious packages discovered at the McNamara building dating back 2 years; and 3) any and all Form 3155 Offense/Incident Reports stemming from suspicious packages found at or near federal buildings around the country dating back 2 years. (Case Number DHS/OS/PRIV 11-0631).
- On March 25, 2011, **Louise Radnofsky**, a journalist with ***The Wall Street Journal*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all correspondence between Members of Congress and DHS since January 1, 2011. (Case Number DHS/OS/PRIV 11-0632).
- On March 26, 2011, **Zhaowang Ji**, a Project Manager for **New Immigrants United** in Germantown, Tennessee, requested from the United States Citizenship and Immigration Services (USCIS) information related to employment based I-485 approvals for the first 6 months of FY 2011. (Case Number Zhaowang Ji).
- On March 28, 2011, **Meghan Ashford-Grooms**, a reporter with the **Austin American-Statesman** in Austin, Texas, requested from U.S. Customs and Border Protection (CBP) the number of apprehensions of individuals from Cuba, Iran, Sudan, and Syria by CBP, which occurred on the southwestern border of the United States from October 1, 2008 through April 30, 2010. (Case Number FOIA #2011F08506)
- On March 28, 2011, Federal Bureau of Investigation (FBI) referred to the Department of Homeland Security (DHS) documents responsive to a request from Brian Field, an attorney with Bancroft and Associates on behalf of his client **Michael Ledeen**, a reporter with ***National Review Online*** in Washington, DC, seeking copies of the following records: l) Michael A. Ledeen in connection with Israel; 2) Michael A. Ledeen in connection with Iran; 3) Michael A. Ledeen in connection with Iraq; 4) Michael A. Ledeen in connection with Italy -including, but not limited to,

a meeting in Rome, Italy in December, 2001; 5) Michael A. Ledeen in connection with counterintelligence matters; and 6) directing officials and/or employees of the U.S. Government - including, but not limited to, (b)(6), an employee of the U.S, Marine Corps - to refuse to meet or talk with Michael A. Ledeen. (Case Number DHS/OS/PRIV 11-0629).

- On March 28, 2011, **Anne Weismann**, Chief Counsel for ***Citizens for Responsibility and Ethics in Washington (CREW)*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all documents DHS provided to the House Oversight and Government Reform Committee in response to Committee Chairman Darrell Issa's (R-CA) requests of January 14, 2011 and February 1, 2011. (Case Number DHS/OS/PRIV 11-0641).
- On March 29, 2011, **Jackie Barber**, Deputy Counsel with the **National Republican Congressional Committee (NRCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all hard copy and electronic correspondence, memoranda, notes, records of telephone calls or any other form of communication between DHS staff and the office of Congressman Steny Hoyer (D-MD); and 2) all hard copy and electronic correspondence, memoranda, notes, records of telephone calls or any other form communication between DHS staff that both refers to the office of Congressman Steny Hoyer (D-MD) and that refers or relates to the following projects in any way: Capital Wireless Information Net, University of Maryland, and Perimeter security and noise abatement study at the Rowley training center, Maryland. (Case Number 11-0645).
- On March 31, 2011, the U.S. Department of Agriculture (USDA) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jessica Culpepper**, a staff attorney from **The Humane Society of the United States** in Washington, DC, seeking records related to the implementation of the "Farm Bill" as codified as 7 U.S.C. 2148 in the Animal Welfare Act on May 22, 2008. (Case Number DHS/OS/PRIV 11-0650).
- On March 31, 2011, **Julie Johnson**, a reporter with ***The Press Democrat*** in Santa Rosa, California, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding all Sonoma County Jail inmates brought into ICE custody between March 1, 2010 and February 28, 2011 through the Secure Communities program. (Case Number 2011FOIA7104).
- On March 31, 2011, **Kelly Just**, an Investigative Producer with ***KSL-TV*** in Salt Lake City, Utah, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the number of voluntary returns/departures successfully completed by ICE from January 1, 2007 through December 31, 2009 as ordered by the Utah Immigration Court; 2) the number of orders of removal completed against detained aliens by ICE from January 1, 2007 through December 31, 2009 as ordered by the Utah

Immigration Court; 3) the number of orders of removal completed against non-detained aliens by ICE from January 1, 2007 through December 31, 2009 as ordered by the Utah Immigration Court; and 4) the number of bond amounts forfeited by respondents who failed to appear in court or voluntary departures from January 1, 2007 through December 31, 2009. (Case Number 2011FOIA7105).

- On March 31, 2011, **J.J. Hensley**, a journalist with ***The Arizona Republic*** in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) the most current immigration status for individuals arrested by worksite enforcement operations conducted by the Maricopa County Sheriff's Office. (Case Number 2011FOIA7106).
- On March 31, 2011, **Meg Stalcup**, a freelance journalist with the ***Washington Monthly*** in Seattle, Washington, requested from the Federal Law Enforcement Training Center (FLETC) the following records that pertain to the specified areas of the curriculum, listed in the FOTTP schedule on the dates below: FOTTP - 602 January 31-February 9, 2006 Wed 2/1/06 2557 Islamic Culture and Names Wed 2/1/06 2606 History of Jihad Wed 2/8/06 Computers and Terrorism Wed 2/8/06 Computers and Terrorism FOTTP - 602 Pilot January 31-February 9, 2006 Fri 02/03/06 3115 Cyber Capabilities of Radical Islamic Groups Tue 02/07/06 2606 History of Jihad Tue 02/07/06 2521 Introduction to Islamic Culture for Law Enforcement FOTTP - 702 March 13-22, 2007 Tue 3/13/07 2606 Overview of Islam for Law Enforcement Officers Tue 3/20/07 2606 History of Jihad Tue 3/20/07 2521 Introduction to Islamic Culture for Law Enforcement FOTTP - 703 May 8-17, 2007 Tue 5/15/07 2606 History of Jihad Tue 5/15/07 2521 Introduction to Islamic Culture for Law Enforcement Wed 5/16/07 2606 Overview of Islam Wed 5/16/07 2606 Introduction to Jihad for Law Enforcement Officers Wed 5/16/07 2606 Jihad Case Studies FOTTP - 704 July 24-August 2, 2007 Wed 7/25/07 2556 Historical Overview of Islam Wed 7/25/07 2606 Intro to Jihad for Law Enforcement Officers Tue 7/31/07 2606 History of Jihad Tue 7/31/07 2521 Introduction to Islamic Culture for Law Enforcement FOTTP - 801 March 10-18, 2008 Room No: 2 Agency Mixed Tue 3/11/08 2556 Historical Overview of Islam Tue 3/11/08 2606 Intro to Jihad for Law Enforcement Officers Room No: 3 Tue 3/11/08 2556 Historical Overview of Islam Tue 3/11/08 2606 Intro to Jihad for Law Enforcement Officers FOTTP - 803 June 17-26, 2008 Tue 6/17/08 2556 Historical Overview of Islam Tue 6/17/08 2606 Intro into Jihad for LEOS Wed 6/18/08 2556 Historical Overview of Islam Wed 6/18/08 2606 Intro to Jihad for LEO's Tues 6/24/08 The Quran: A history of violence Seven myths about Islam: From Muhammad to the Mahdi Revenge of the Mahdi: The return of the Shi'i jihad in Iraq. (Case Number 11-061)
- On March 31, 2011, **Meg Stalcup**, a freelance journalist with the ***Washington Monthly*** in Seattle, Washington, requested from the Federal Law Enforcement Training Center (FLETC) all training materials that pertain to the specified areas of the curriculum, listed in the FOTTP

schedule on the dates below: FOTTP - 602 January 31-February 9, 2006 WED 02/01/06 1103 Legal Aspects of Terrorism FRI 02/03/06 2510 Pre-Incident Indicators FOTTP - 602 Pilot January 31-February 9, 2006 WED 02/01/06 1103 Legal Aspects of Terrorism Investigations THU 02/02/06 2622 Contemporary Issues in Terrorism (Case Studies) WED 02/01/06 2510 Pre-Incident Indicators (listed on schedule on Wed 02/08/06 with note that it was moved to 2/01/06 FOTTP - 702 March 13-22, 2007 THU 3/15/07 2620 Contemporary Issues in Terrorism TUE 3/13/07 1103 Legal Aspects of Terrorism Investigations WED 3/14/07 1103 Legal Aspects of Terrorism Investigations THU 3/15/07 2622 Contemporary Issues in Terrorism (Case Studies) WED 03/21/07 2510 Pre-Incident Indicators FOTTP - 703 May 8-17, 2007 TUE 05/08/07 2636 Trends in Terrorism TUE 05/08/07 2523 Domestic Terrorism TUE 05/08/071103 Legal Aspects of Terrorism Investigations WED 05/09/07 1103 Legal Aspects of Terrorism Investigations THU 5/10/07 2622 Contemporary Issues in Terrorism (Case Studies) WED 5/16/07 2620 Contemporary Issues in Terrorism (Case Studies) WED 05/16/07 2510 Pre-Incident Indicators FOTTP - 703 May 8-17, 2007 (Agency: mixed) WED 05/09/07 2620 Contemporary Issues in Terrorism (Case Studies) WED 05/09/07 2523 International Terrorism WED 05/09/07 2523 Domestic Terrorism THU 05/10/07 1103 Legal Aspects of Terrorism Investigations FOTTP - 704 July 24-August 2, 2007 (Agency: mixed) TUE 7/24/07 2636 Trends in Terrorism THU 7/26/07 1103 Legal Aspects of Terrorism Investigations THU 7/26/07 2559 International Terrorism THU 7/26/07 2560 Domestic Terrorism FOTTP - 704 July 24-August 2, 2007 TUE 7/24/07 2636 Trends in Terrorism TUE 7/24/07 2523 Domestic Terrorism TUE 7/24/07 1103 Legal Aspects of Terrorism Investigations WED 7/25/07 1103 Legal Aspects of Terrorism Investigations THU 7/26/07 2622 Contemporary Issues in Terrorism (Case Studies) WED 08/01/07 2620 Contemporary Issues in Terrorism (Case Studies) WED 08/01/07 2510 Pre-Incident Indicators FOTTP - 801 March 10-18, 2008 Room No: 2 Agency Mixed TUE 3/11/08 2620 Contemporary Issues in Terrorism (Case Studies) TUE 3/11/08 2530 Case Studies WED 3/12/07 1103 Legal Aspects of Terrorism Investigations WED 3/12/07 2560 Domestic Terrorism Room No: 3 TUE 3/11/08 2620 Contemporary Issues in Terrorism TUW 3/11/08 2530 Case Studies WED 3/12/07 1103 Legal Aspects of Terrorism Investigations WED 3/12/07 2559 International Terrorism WED 3/12/07 2560 Domestic Terrorism FOTTP - 803 June 17-26, 2008 WED 6/18/08 2620 Contemporary Issues in Terrorism WED 6/18/08 2530 Case Studies THU 6/19/08 1103 Legal Aspects of Terrorism Investigations THU 6/19/08 2559 International Terrorism THU 6/19/08 2560 Domestic Terrorism FOTTP - 803 June 17-26, 2008 Agency: Mixed TUES 06/17/08 2558 Trends in Terrorism WED 6/18/08 2620 Contemporary Issues in Terrorism WED 6/18/08 2530 Case Studies (10 AM-12 PM) WED 6/18/08 2530 Case Studies (1 PM-3 PM FRI 6/20/08 2559 International

Terrorism FRI 6/20/08 2560 Domestic Terrorism FRI 6/20/08 2563 Legal Aspects of Terrorism Investigations. (Case Number 11-062).

Late Requests

- On March 12, 2011, **Carlos Subero**, a journalist with ***The International Consortium of Investigative Journalist***, in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) the number of Venezuelan Citizens who have applied for legal residency from 2000 to 2010; 2) the number of Venezuelan Citizens Diversity Program Applicants from 2000 to 2010; 3) the number of Venezuelan Citizens who were preselected for the Diversity Program from 2000 to 2010; and 4) the number of Venezuelan Citizens who obtained legal residency through the Diversity Program from 2000 to 2010. (Case Number Subero).
- On March 18, 2011, **Daniel Raymond Carlson**, a self-proclaimed writer, in Sunnyside, New York, requested from the United States Citizenship and Immigration Services (USCIS) copies of every record in John Lennon's file (Case Number COW2011000247).
- On March 21, 2011, **Sulgee Lee**, a journalism student in Provo, Utah, requested from the United States Citizenship and Immigration Services (USCIS) copies of the 2010 report on: 1) the percentages of people who attempt to immigrate to the United States through marriage; 2) the number of attempted immigration fraud marriages; and 3) the demographics of immigrants who obtained their status through marriage. (Case Number Sulgee).
- On March 23, 2011, **Gregory Korte**, a staff writer with *USATODAY* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of the DHS plan submitted to the Office of Management and Budget (OMB) pursuant to the presidential memorandum dated June 10,· 2010: "Disposing of Unneeded Real Estate." (Case Number DHS/OS/PRIV 11-0634).
- On March 24, 2011, (b)(6) an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) copies of e-mails, documents, letters or other materials from, to, or among Alejandro Mayorkas and/or other high ranking officials relating to: 1) the reassignment of (b)(6) from the position of (b)(6) 2) complaints by (b)(6) and Bret Gregg to the Office of the Inspector General (OIG), the Office of Special Counsel (OSC) and the Citizenship and Immigration Service (CIS) and Department of Homeland Security (DHS) Ethics Counsels; 3) the acronym "S.C.R.U.B." that appeared on the United States Citizenship and Immigration (USCIS) Director's office whiteboard in 2009; 4) the performance rating for (b)(6) for the rating year ending September 30, 2010; 5) the release to Senator Grassley of the memo with the subject line "Administrative Alternatives to Comprehensive Immigration Reform" and all records regarding discussions with or

preparation of the witnesses requested by Senator Grassley during 2009 to 2011; 6) moral at the California Service Center (CSC) between April and October 2010; 7) customer complaints about the California Service Center (CSC); 8) complaints or investigations pertaining to (b)(6) from 2008 to 2010; 9) the detail of (b)(6) to Office of Security and Integrity (OSI) in 2010; 10) seven identified receipt files; 11) the reassignment of Jennifer Louis to the position of Chief of Staff, California Service Center (CSC) in 2010; 12) the California Service Center (CSC) during the period from March–August 2010; 13) any alleged Office of Civil Rights and Civil Liberties (CRCO) complaints against the California Service Center (CSC) in 2009 and 2010; 14) the cancellation of the selections of the positions for (b)(6) at the California Service Center (CSC); 15) the temporary promotion of (b)(6) to a supervisor position at the California Service Center (CSC) in 2010, and his subsequent transfer to Atlanta; 16) the cost of searching the e-mail and computers of several individuals at the California Service Center (CSC) during 2010 and 2011; 17) ethics training at the California Service Center (CSC) conducted in 2010, and the discussion or creation of a new Ethics Training for the California Service Center (CSC) to include Ethics Training materials presented by (b)(6) to personnel of the California Service Center (CSC) between July and September 2010, all broadcast messages issued by the California Service Center (CSC) regarding the Ethics Training in 2010, and any discussions of decertification, invalidation, or lack of accreditation by United States Citizenship and Immigration (USCIS) Academy or any other United States Citizenship and Immigration (USCIS) officials regarding the Ethics Training provided to the California Service Center (CSC) in 2010; 18) application, qualification and selection of (b)(6) for any United States Citizenship and Immigration (USCIS) position in 2009 or 2010; 19) (b)(6) detail to the California Service Center (CSC) in 2010, and her failure to pay her government credit card and the cancellation/suspension of that card; 20) travel documents for Rosemary Melville from 2008 to present; 21) Senior Executive Service (SES) performance ratings, performance bonuses and pay raises for rating year ending September 30, 2010; 22) e-mails between (b)(6) and Headquarters Service Center Operations staff during the period March 2008 through March 2009, regarding candidate Obama presidential campaign; 23) authorization for (b)(6) to work for the 2008 presidential campaign; 24) staff meeting notes and documents of Service Center Operation managers, political discussions during the period March 2008 through March 2009; and 25) performance ratings and performance awards for the rating period ending September 30, 2010, for USCIS GS-15 employees whose assigned duty station was Washington, DC. (Case Number (b)(6)

III. FOIA Releases

- On January 31, 2011, Federal Law Enforcement Training Center (FLETC) released to **Meg Stalcup**, a reporter with the ***Washington Monthly*** in Seattle, Washington, copies of all FOTTP schedules. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 10-129).
- On March 3, 2011, the Office of Inspector General (OIG) released to **Bob Cusack**, a reporter with ***The Hill*** in Washington, D.C., copies of FOIA logs from November 1, 2010 to the present. Portions of this response were withheld pursuant to FOIA exemption (b)(6).
- On March 25, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Rebecca Boone**, a reporter with ***The Associated Press*** in Boise, Idaho, 67 pages responsive to her request seeking the following records: 1) copies of all audits reviewing the medical and health care services provided at the Elizabeth Detention Center in New Jersey and the Torrance County Detention Facility in New Mexico between Jan. 1, 2007 and Aug. 27, 2010; and 2) copies of any monthly, quarterly, annual or any other routinely created medical reports produced by Corrections Corporation of America for ICE concerning both the facilities during the same time period. (Case Number 2010FOIA8396).
- On March 25, 2011, the Department of Homeland Security (DHS) Office of General Counsel released to **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, DC, 61 pages responsive to her request seeking all records of communications among and between U.S. Representative Darrell E. Issa (R-CA) and/or anyone acting on behalf of Rep. Issa or the House of Representatives Committee on Oversight and Government Reform (Oversight Committee), Rep. Issa's personal staff, any staff of, and any investigators internal or external to the Oversight Committee including but not limited to (b)(6) and: (1) any employee of the DHS Privacy Office including but not limited to the undersigned, Catherine M. Papoi, and/or Vania Lockett. Portions of this response were withheld in full pursuant to exemption (b)(5). (Case Number DHS 11-0423).
- On March 29, 2011, United States Citizenship and Immigration Services (USCIS) released to **Michael Rizzo**, founder of **Mob Tours** in Buffalo, New York, two pages relating to Frank J. Valente. Portions of this response are withheld pursuant to FOIA exemption (b)(7)(C). (Case Number COW2011000216).
- On March 30, 2011, the Department of Homeland Security (DHS) will release to **Suzanne Gamboa**, a reporter with ***The Associated Press*** in Washington, DC, 2 pages of records responsive to her request seeking records regarding proposals for administrative alternatives to comprehensive immigration reform from January 2007 through the end of February 2009. (Case Number DHS/OS/PRIV 11-0239).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- On March 31, 2011, U.S. Customs and Border Protection (CBP) issued to **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association (AILA)** in Washington, DC, a determination indicating that his requests for expedited processing and news media status were moot since CBP issued a response and did not assess any fees related to his request for documents pertaining to circumstances when CBP will send a L-1 petition to U.S. Citizenship and Immigration Services instead of allowing withdrawal of the application for admission at the port of entry. (Case Number 2011F03339).

VI. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited **fr**om disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 1 - 7, 2011
Privacy Office
April 11, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 24, 2011, United States Citizenship and Immigration Services (USCIS) posted an interim memorandum entitled "Supplemental Guidance to USCIS Service Centers on Adam Walsh Act Adjudication - Centralization of Identified Adam Walsh Act Related Petitions at the Vermont Service Center for Adjudication and Review (*AFM* Update AD11-23)" on its public website for stakeholder review and comment. This memorandum provides guidance to USCIS service centers regarding changes in the handling of all stand-alone I-130 and I-129F petitions filed by petitioners who have been convicted of any "specified offense against a minor" under the Adam Walsh Child Protection and Safety Act of 2006 ("Adam Walsh Act" or "AWA") and related issues. This memorandum applies only to petitions that are adjudicated at the service centers and not to petitions adjudicated at USCIS field offices. The period for comment ends April 7, 2011.

II. FOIA Requests

- On April 4, 2011, **Lucy Dalglish**, Executive Director and Publisher with **The New Media and The Law** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all FOIA requests received by DHS covering the period ranging from January 20, 2009 through the present that were deemed "significant FOIA requests" by agency personnel pursuant to standards developed in 2005 (as described on page 3 of Mary Ellen Callahan's March 31, 2011 written statement before the U. S. House of Representatives Committee on Oversight and Government Reform ("Statement") along with any and all "summary" records related to such significant requests as referred to on page 6 of the Statement. (Case Number DHS/OS/PRIV 11-0669).
- On April 7, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all reports of significant FOIA activity received from all DHS component FOIA offices by the DHS Privacy Office in March of 2011. (Case Number DHS/OS/PRIV 11-0687).
- On April 7, 2011, **Laura Strickler**, a journalist with **CBS News** in Washington, DC, requested from the Department of Homeland Security (DHS) all Weekly Cabinet Reports to the White House from October 1, 2010 through April 6, 2011. (Case Number DHS/OS/PRIV 11-0682).
- On April 7, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) all Weekly Cabinet Report to White House weekly reports created from January 27, 2011 through the date this request is processed. (Case Number DHS/OS/PRIV 11-0688).

- On April 7, 2011, **Scott MacFarlane**, a reporter with ***COX TV*** in Washington, DC, requested from the Department of Homeland Security (DHS) all weekly Cabinet reports to The White House from December 20, 2009 thru April 6, 2011. (Case Number DHS/OS/PRIV 11-0673).
- On April 4, 2011, **Erin Maskell**, a reporter with the **National Security Archive** at The George Washington University in Washington, DC, requested from U.S. Customs and Border Protection (CBP) all documents relating to an individual during the time he was located in Florida from March 12, 2005 through May 17, 2005. (Case Number CBP FOIA 2011F08934).
- On April 4, 2011, [redacted] (b)(6) an individual in Costa Mesa, California, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) all correspondence from March or April 2008 from herself to several other employees, which reference the [redacted] (b)(6) MSPB decision; and 2) documentation of any actions taken as a result of that email, including investigations. (Case Number [redacted] (b)(6)).
- On April 5, 2011, **Paul Gottlieb**, a Special Projects Reporter with the ***Peninsula Daily News*** in Port Angeles, Washington, requested from the United States Coast Guard (USCG) the investigative report on the crash of the MH-60 Jayhawk rescue helicopter off James Island on July 7, 2010. (Case Number 2011FOIA2086).
- On April 5, 2011, **Elaine Povich**, a reporter with ***The Fiscal Times*** in Laurel, Maryland, requested from the Office of Inspector General (OIG) the identities of the towns, cities, and urban areas mentioned in two OIG reports: #OIG-11-44, entitled "The State of Texas' Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008;" and #OIG-11-46, entitled "The State of California's Management of Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008." (Case Number OIG FOIA #2011-098).
- On April 6, 2011, **Chuck Bennett**, a reporter with ***The New York Post*** in New York, New York, requested from U.S. Customs and Border Protection (CBP) the following records: 1) documents that discuss the gross total numbers of seizures year by year from 2007 to year to date; 2) documents that discuss the domestic value year by year of seized goods (based on CBP or industry estimates, compiled by CBP); 3) documents that specify the types/makes/models of parts seized; 4) documents that specify "rights infringed" upon; and 5) documents that specify which ports and/or regional/field offices where the seizures occurred. (Case Number CBP FOIA 2011F08959).
- On April 6, 2011, [redacted] (b)(6) in Saint Paul, Minnesota, requested from the Department of Homeland

Security (DHS) a copy of the following records: 1) correspondence relating to the U.S. Coast Guard (USCG) FOIA request number 2010-2784; 2) correspondence relating to FOIA requests about any contracts between the DHS (or any of its components) and Talon Security, or any company with a substantially similar name; 3) correspondence relating to FOIA requester (b)(6) 4) correspondence relating to FOIA requester (b)(6); and 5) any intra-agency correspondence between any staff member of the DHS and any staff member of the USCG that relates to items 1-4, above. (Case Number DHS/OS/PRIV 11-0674).

- On April 6, 2011, **Andrew Glazer**, a producer with ***Dan Rather Reports*** in New York, New York, requested from U.S. Customs and Border Protection (CBP) copies of all records related to the April 18, 2010, detention of an individual near Indio, California. (Case Number CBP FOIA 2011F08956).
- On April 6, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the DHS Office of Intelligence and Analysis (I&A) organizational chart. (Case Number DHS/OS/PRIV 11-0680).
- On April 7, 2011, **Philip Halin**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) records of communication between DHS and the office of Congressman Peter King (R-NY-3) including but not limited to emails, letters, or other communication to and from Congressman Peter King (R-NY-3) or any member of his staff. (Case Number DHS/OS/PRIV 11-0681).
- On April 6, 2011, **Carolyn Thompson**, a correspondent with ***The Associated Press*** in Buffalo, New York, requested from U.S. Customs and Border Protection (CBP) copies of statistics on human smuggling arrests along the northern border from 2001 through 2010, including location (port of entry, sector), also whether they were on foot or by vehicle. (Case Number CBP FOIA 2011F08955).

Late Requests

- On March 9, 2011, **Smruti Govan**, a Research Intern with **Amnesty International USA** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) the total number of family-sponsored and employment based immigrant visa applications from Mexicans for 2010 that are pending; 2) the total number of those applications that were granted; and 3) the total number of applications for employment-based adjustment of status under INA 245 that are still pending from Mexico. (Case Number COW2011000253).
- On March 14, 2011, **Mike Mollen**, a Researcher with the **Democratic Senatorial Campaign Committee**, in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) all

correspondence and other information exchanged between USCIS and U.S. Representative Dennis Rehberg (R-MT). (Case Number NRC2011034995).

- On March 21, 2011, **Deborah Patterson**, a representative of **Thomson Reuters** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) the California Service Center Administrative Appeals Order dated March 11, 2003, that was referenced in WAC0128353346. (Case Number COW2011000248).
- On March 21, 2011, **Michael Ray**, a lawyer in Miami, Florida, requested from United States Citizenship and Immigration Services (USCIS) on behalf of his client **The Haitian-American Grassroots Coalition** records relating to requests for Temporary Protected Status by Haitians. (Case Number COW2011000260).
- On March 23, 2011, **Adam Rosen**, a lawyer with the **Murphy Law Firm**, in Owings Mills, Maryland, requested from United States Citizenship and Immigration Services (USCIS) a copy of all documents that were created in whole or in part by USCIS that were issued in whole or in part pursuant to satisfy Section 428 of the Homeland Security Act of 2002. (Case Number COW2011000254).
- On March 30, 2011, **Jordy Yager**, a reporter with ***The Hill*** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) a complete log of all travel undertaken by the DHS Secretary Janet Napolitano from January 21, 2009 thru March 23, 2011; and 2) a complete log of all travel undertaken by DHS Deputy Secretary Jane Holl Lute from January 21, 2009 thru March 23, 2011. (Case Number DHS/OS/PRIV 11-0659).

III. FOIA Releases

- On April 1, 2011, the Federal Emergency Management Agency (FEMA) released to **Sean Cairncross**, Chief Counsel with the ***National Republican Senatorial Committee*** in Washington, DC, 3 pages of records, which include correspondence to President George W. Bush requesting declaration of a major disaster for the State of Indiana. These records were released in full. (Case Number DHS/OS/PRIV 10-0724 and FEMA 10-568).
- On April 1, 2011, the Science and Technology (S&T) Directorate released to **Chetanand Sewaraz**, an individual in Youngstown, Ohio, 55 pages of responsive records to his request seeking a copy of all records in the possession of the FBI concerning or making reference to his name. Portions of this response are withheld pursuant to FOIA exemption (b)(7)(c). (Case Number FBI/PA #115317-000, DHS/OS/PRIV 11-0550, and S&T 11-0003.14).
- On April 4, 2011, the Office of Inspector General (OIG) released to **Bob Cusack**, a reporter with ***The Hill*** in Washington, DC, 6 pages of OIG FOIA logs. Portions of this response are withheld pursuant to FOIA exemption (b)(6). (Case Number 2011-088).

- On April 6, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with ***The Atlanta Journal-Constitution*** in Atlanta, Georgia, 89 pages of records, which includes copies of inspection reports and reviews. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4264).
- On April 7, 2011, the U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, 100 pages of documents and three spreadsheets responsive to her request seeking copies of records regarding immigration case dismissals and prosecutorial guidance from ICE Offices within Houston, Texas between June 1, 2010 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number 2011FOIA0324).
- On April 7, 2011, the Department of Homeland Security (DHS) released to **Erin Maskell**, an intern with the **National Security Archive** in Washington, DC, 9 pages of responsive records comprised of congressional correspondence and emails. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0412).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited **fr**om disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 8 - 14, 2011
Privacy Office
April 18, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On April 6, 2011, United States Citizenship and Immigration Services (USCIS) International Operations Division and the Office of Public Engagement invited stakeholders to participate in a meeting in which USCIS presented findings of a recent interagency site visit to Addis Ababa to review Ethiopian adoptions. The meeting invitation and presentation has been posted on USCIS.gov.
- On April 7, 2011, United States Citizenship and Immigration Services (USCIS) Office of Public Engagement hosted an engagement with the American Immigration Lawyers Association (AILA), the Office of Chief Counsel and other relevant program offices/directorates. USCIS discussed issues related to the adjudication of immigration benefits and other concerns posed by AILA members. A Questions and Answers page has been posted on USCIS.gov.
- On April 8, 2011, United States Citizenship and Immigration Services (USCIS) Office of Transformation Coordination and the Office of Public Engagement invited stakeholders to participate in a session regarding mandatory electronic filing of applications and petitions for immigration benefits. The meeting invitation and agenda have been posted on USCIS.gov.
- On April 8, 2011, United States Citizenship and Immigration Services (USCIS) announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2012 cap. The agency began accepting these petitions on April 1, 2011. USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. Master's degree or higher cap exemption; approximately 5,900 H-1B petitions counting toward the 65,000 cap, and approximately 4,500 petitions toward the 20,000 cap exemption for individuals with advanced degrees have been received.

II. FOIA Requests

- On April 12, 2011, the United States Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Annie Weismann**, Chief Counsel with **Citizens for Responsibility and Ethics in Washington** and **Damon Mogien**, Global warming Director with **Greenpeace** in Washington, DC, seeking the following records: 1) copies of any and all video feeds that capture in

whole or in part any aspect of the British Petroleum (BP) Deepwater Horizon Oil Spill in the Gulf of Mexico (BP Oil Spill), including but not limited to the ongoing live video feed of the BP Oil Spill provided by BP, as referenced in Brian Ross "BP Releases Oil Spill Video After Pressure >From White House and Media, ABC News May 12, 2010, available at http://abcnews.go.comIBlotterlbp-releasees-oil-spillvideo-pressure-white-house/story?id= 1 0629165; and 2) all documents that mention, refer, or relate to NOAA communications concerning the use of dispersants in the course of any efforts to mitigate or clean up the **BP** Oil Spill, including but not limited to, all internal NOAA communications as well as all communications to, by, or from NOAA to the EPA, the Dept of Interior, BP, Halliburton, or Transocean regarding the use of dispersants in the course of any efforts to mitigate or clean up the BP Oil Spill. (Case Number DHS/OS/PRIV 11-0714).

- On April 8, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Office of Inspector General (OIG) a statistical breakdown, by FY, state, and agency of all criminal investigations related to U.S. Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE) from 2003 to present, including a breakdown of investigations leading to arrests, indictments, and convictions. Additionally, Mr. Becker seeks statistical breakdowns as described above for all CBP, USCIS, and ICE corruption-related criminal investigations. (Case Number OIG FOIA #2011-100).
- On April 8, 2011, **Paul Hampel**, a reporter with the ***St. Louis Post-Dispatch*** in St. Louis, Missouri, requested from the Office of Inspector General (OIG) the following records: 1) the identity of the engineer DHS-OIG hired to inspect the University City, Missouri, fire station on December 15, 2010, for OIG audit report #OIG-11-52, entitled "Actions Taken by the Federal Emergency Management Agency in Response to an Allegation Concerning the Application for a Station Construction Grant Submitted by the University City, Missouri, Fire Department;" 2) records of all payments from DHS-OIG to the engineer for the inspection and any subsequent work related to the inspection; and 3) the report or any work product that the engineer produced related to the inspection. (Case Number OIG FOIA #2011-102).
- On April 8, 2011, **Lori Pruett**, with **Vatterott, Harris, Devine & Kwentus, P.C.** in Maryland Heights, Missouri, requested from the Department of Homeland Security (DHS) a copy of the engineer's report mentioned on page 2 of the OIG audit report #OIG-11-52, entitled "Actions Taken by the Federal Emergency Management Agency in Response to an Allegation Concerning the Application for a Station Construction Grant Submitted by the University City, Missouri, Fire Department." (Case Number DHS/OS/PRIV 11-0703).
- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) copies of "Chief Intelligence Officer Notes" issued in March 2011. (Case Number DHS/OS/PRIV 11-0707).

- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all contributions made by the Office of Intelligence and Analysis (OI&A) in March 2011 for consideration in the President's Daily Brief. (Case Number DHS/OS/PRIV 11-0708).
- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) copies of the FOIA Logs from FY 2010 and FY 2011. (DHS/OS/PRIV Case Number 11-0709).
- On April 12, 2011, **Christopher Zealand**, a research attorney with the **National Rifle Association of America (NRA)** in Fairfax, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) any correspondence, memoranda, or other documents in any form, including those in electronic and/or voice form, referring to possible gun control measures in Clinton, Iowa; 2) any correspondence, memoranda, or other documents in any form, including those in electronic and/or voice form, referring to the effect of federal law or regulation on a political subdivision's ability to enact or enforce gun control measures; 3) any Freedom of Information Act (FOIA) requests received by DHS concerning any of the above subject matters. (Case Number DHS/OS/PRIV 11-0710).
- On April 13, 2011, the Office of the Director of National Intelligence (ODNI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **David Perera**, a reporter with ***FierceGovernmentIT*** in Washington, DC, seeking copies of the self-assessment questionnaire sent by PM-ISE to 72 fusion centers used to access the fusions centers' current operations against baseline capabilities. (Case Number DHS/OS/PRIV 11-0718).

Late Requests

- On April 4, 2011, **Peter Duffy**, a freelance journalist in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) records pertaining to Hermann W. Lang, a (now deceased) naturalized citizen who subsequently was convicted of espionage. (Case Number COW2011000301).
- On April 5, 2011, **Zorah Samizay**, an individual in Stamford, Connecticut, requested from United States Citizenship and Immigration Services (USCIS) the name and position of the Department of Homeland Security (DHS) staff member who interviewed an individual in Beirut, Lebanon between October 1, 2010 and November 31, 2010 regarding Special Immigrant Visa applications. (Case Number COW2011000310).
- On April 7, 2011, the Federal Bureau of Investigation (FBI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jordan Goodman**, a Professor and Honorary Research

Associate with the **Department of Science and Technology Studies, University College London** in London, England, seeking the FBI files on Max Yergan. (Case Number DHS/OS/PRIV 11-0691).

- On April 7, 2011, **Nate Jones**, FOIA Coordinator with the **National Security Archive** at George Washington University in Washington, DC, requested from the Department of Homeland Security (DHS) any materials pertaining to the October 22, 1983 hostage situation in Augusta, Georgia, involving at least two Presidential staffers during President Reagan's golfing trip. (Case Number DHS/OS/PRIV 11-0690).
- On April 7, 2011, **Sarnata Reynolds**, Director of Policy and Advocacy, Refugee and Migrants Rights Program, **Amnesty International USA** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all records referencing or detailing any complaint or investigation into CBPs actions involving [sic] members of the Tohono O'odham Nation. (Case Number DHS/OS/PRIV 11-0700).

III. FOIA Releases

- On April 11, 2011, the Federal Emergency Management Agency (FEMA) released to **Salvador Sarmiento**, a Legal Associate with the **RFK Center for Justice and Human Rights** in Washington, DC, two excel spreadsheets, which contain 2008 declarations for CFO Financial Information Tool and Hurricane Supplemental Obligations and Outlays. These records were released in full. (Case Number FEMA 10-513).
- On April 13, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with **Witness Unto Me** in Topock, Arizona, 55 pages of documents, which comprise Barack Hussein Obama, Senior's Alien file. Portions of this response are being withheld pursuant to FOIA Exemption (b)(6). (Case Number HQS2010000119).
- On April 13, 2011, U.S. Citizenship and Immigration and Services (USCIS) released to **Audrey Dorelien** with the Office of Population Research, Wallace Hall, **Princeton University** in Princeton, New Jersey, 51 pages of documents responsive to her request for records pertaining to Temporary Protected Status because of natural disasters for several countries. These records were released in full. (Case Number COW2011000225).
- On April 14, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Gregory Korte,** a reporter with ***USA Today*** in Washington, DC, 45 pages responsive to his request seeking copies of contingency plans, guidance, or correspondence with the Office of Management and Budget regarding preparations for a government shutdown. These records were released in full. (Case Number MGMT 11-89).
- On April 14, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Lisa Lerer**, a reporter with **Bloomberg News** in Washington, DC, 68 pages responsive to her request seeking copies of memos and papers related to the contingency planning

for a potential government shutdown. These records were released in full. (Case Number MGMT 11-73/Lerer).

IV. FOIA Appeals

- On March 30, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch**, in Washington, DC, appealed the response from U.S. Customs and Border Protection (CBP) to his request for: 1) a copy of the Firearms and Use of Force Handbook utilized by Customs and Border Protection on December 14, 2010; and 2) a copy of any amended version of the Firearms and Use of Force Handbook, if changed since December 14, 2010.

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Dany Rojas-Vega v. United States Citizenship and Immigration Services, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Eric H. Holder, Jr., United States Attorney General is joined as indispensable party,* (09-CV-2489-BEN), Plaintiff filed a complaint March 17, 2011, claiming the agency improperly withheld from the Plaintiff releasable information in his file.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited **fr**om disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 15 - 21, 2011
Privacy Office
April 25, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On April 5, 2011, U.S. Immigration and Customs Enforcement posted to its FOIA Library the list of all detainee deaths from October 2003 through March 31, 2011, available from http://www.ice.gov/doclib/foia/reports/detaineedeaths2003-present.pdf.
- On April 12, 2011, United States Citizenship and Immigration Services (USCIS) Asylum Division held their quarterly stakeholder meeting to discuss issues regarding asylum operations. A Questions and Answers sheet will be available on USCIS's website at a later time.
- On April 13, 2011, United States Citizenship and Immigration Services (USCIS) Director Mayorkas hosted a public engagement meeting to discuss the broader issues of importance to the arts, entertainment, and modeling industries in the "O" and "P" nonimmigrant classifications. A detailed executive summary of the engagement will be available on USCIS's website at a later time.
- On April 14, 2011, United States Citizenship and Immigration Services (USCIS) invited interested parties to participate in a stakeholder engagement meeting regarding the unauthorized practice of immigration law and building the capacity of immigration service providers. A detailed executive summary of the engagement will be available on USCIS's website at a later time.
- On April 14, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that a final rule that adopts, without change, an interim rule to improve the integrity of the Employment Eligibility Verification (Form I-9) process. USCIS received approximately 75 public comments in response to the interim rule, which has been in effect since April 3, 2009. The main changes made by the interim rule and adopted by the final rule include prohibiting employers from accepting expired documents; revising the list of acceptable documents by removing outdated documents and making technical amendments; and adding documentation applicable to certain citizens of the Federated States of Micronesia and the Republic of the Marshall Islands. The final rule will be published in the Federal Register on April 15 and will be available at www.uscis.gov. The final rule will be effective on May 16, 2011.

II. FOIA Requests

- On April 15, 2011, **Josh Gerstein**, a reporter with **Politico** in Alexandria, Virginia, requested from the United States Coast Guard (USCG) all records pertaining to the organization Vietnam Veterans Against the War (VVAW). (Case Number 2011FOIA2221).
- On April 15,2011, **Christina Poulos**, an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) all emails between several individuals in the USCIS Service Center Operations regarding or mentioning the President Obama's 2009 presidential campaign, the presidential campaigns, conventions, or voting between March 2008 and March 2009. (Case Number HQS2011000063).
- On April 18, 2011, **Christina Poulos**, an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) all documents and correspondence between and among high-ranking USCIS officials regarding a Los Angeles Times article dated August 10, 2010, authored by Teresa Watanabe. (Case Number HQS2011000066).
- On April 18, 2011, **Lise Olsen**, a reporter with **The Houston Chronicle** in Houston, Texas, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) an electronic copy of the number of affirmative asylum applications for Mexican nationals for the years 2005-2010 with subtotals for those residing in Arizona, California, New Mexico and Texas; 2) the number of applications for trader/investor visas for Mexican nationals for 2005-2010 with subtotals for those residing in Arizona, California, New Mexico and Texas; and 3) the number of Texas asylum seekers and trade/investor visa applicants who applied from or intended to reside in El Paso, Houston, San Antonio, Laredo, McAllen and Dallas for 2005 - 2010. (Case Number COW2011000322).
- On April 18, 2011, **Sarah Henkel**, a legal assistant with the **South Texas Civil Rights Project** in San Juan, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) policies and procedures pertaining to the housing and detention of gays, lesbians, and transgender persons as outlined in ICE's national detention standards; and 2) policies and procedures pertaining to the housing and detention of gays, lesbians, and transgender persons as specified in the contract between ICE and the Management and Training Corporation detention facility, Willacy County Detention Center located at 1601 County Road 300 South Raymondville, TX 78580-4115. (Case Number 2011FOIA7470).
- On April 18, 2011, **Jack Julian** and **Fernande Devost**, reporters with **CBC News** in Halifax, Nova Scotia, requested from U.S. Customs and Border Protection (CBP) all records pertaining to the late Adolphe Joseph LeBlanc, a Roman Catholic Priest stopped at the U.S. - Canadian border

on or about August 3, 1941, with a boy hidden in the trunk of his car. (Case Number CBP FOIA 2011F10224).

- On April 6, 2011, **Jack Julian** and **Fernande Devost**, reporters with **CBC News** in Halifax, Nova Scotia, requested from the United States Citizenship and Immigration Services (USCIS) all records pertaining to an August 3, 1941 stop of Adolphe Joseph LeBlanc, a Canadian citizen, at the US Border. (Case Number COW2011000323).
- On April 18, 2011, **Polo Sandoval**, reporter with **KRGV-TV Channel 5 News** in Rio Grande Valley, Texas, requested from U.S. Customs and Border Protection (CBP) records relating to probable cause affidavits, criminal complaints, case files, and witness/suspect statements, specifically seeking the following: case material relative to alien apprehensions, illicit narcotics, weapons, undeclared money, or any other contraband seized during either or outbound inspection operations at the Laredo rail port of entry the 2010 fiscal year, and the 2011 fiscal year to date. (Case Number CBP FOIA 2011F10413).
- On April 19, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the current baseline data dictionary, all entity relationship diagrams, and all records describing the relational table structures for the ENFORCE Apprehension Booking Module (EABM), Release 9.24; 2) Wed-Enabled Automated Biometric Identification System (WebIDENT), Release 1.15 Contract No. HSHQDC-06-D-00032 Task Order No. HSCETC-08-J-00010; Investigative Systems Branch March 9, 2010, EVY00.10077-01.UA0-EDS. (Case Number 2011FOIA7480).
- On April 19, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records identifying all mandatory fields in the ENFORCE database system. (Case Number 2011FOIA7486).
- On April 19, 2011, **Conor Kennedy**, Appellate Advocacy Fellow and **Ginger McCall**, Associate Director of Open Government Project with **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all contracts, proposals, and communications between the federal government and third parties, including, but not limited to, H.B. Gary Federal, Palantir Technologies, and/or Berico Technologies, and/or parent or subsidiary companies, that include provisions concerning the capability of social media monitoring technology to capture, store, aggregate, analyze, and/or match personally-identifiable information; 2) all contracts, proposals, and communications between DHS and any states, localities, tribes, territories, and foreign governments, and/or their agencies or subsidiaries, and/or any corporate entities, including but not limited to H.B. Gary Federal, Palantir Technologies, and/or Berico Technologies, regarding the implementation

of any social media monitoring initiative; 3) all documents used by DHS for internal training of staff and personnel regarding social media monitoring, including any correspondence and communications between DHS, internal staff and personnel, and/or privacy officers, regarding the receipt, use, and/or implementation of training and evaluation documents; 4) all documents detailing the technical specifications of social media monitoring software and analytic tools, including any security measures to protect records of collected information and analysis'; and 5) all documents concerning data breaches of records generated by social media monitoring technology. (Case Number DHS/OS/PRIV 11-0736).

- On April 19, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) a copy of a training video on agent suicide produced by the CBP's El Paso Sector in 2010. (Case Number CBP FOIA 2011F10488 and DHS/OS/PRIV 11-0723).
- On April 18, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the number of corruption investigations involving CBP and U.S. Immigration and Customs Enforcement (ICE) employees opened by Office of Inspector General (OIG) in California, Arizona, New Mexico, Nevada and Texas during calendar years 2008 - 2010. (Case Number OIG FOIA #2011-105).
- On April 19, 2011, **Michel Marizco,** a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from the Department of Homeland Security (DHS) all records of suicides of U.S. Customs and Border Protection (CBP) agents and inspectors since 2006, including, but not limited to: name of the agent, location of the port or sector the agent was assigned to, date of the suicide, specific CBP division within which the agent worked, specific duties of the agent. (Case Number DHS/OS/PRIV 11-0722).
- On April 19, 2011, **Danny Ramos**, Executive Assistant to the CEO from **Allied Artists International, Inc.**, in Hacienda Heights, California, requested from the United States Citizenship and Immigration Services (USCIS) all documents, applications and/or reports relating to deceased singing artist Andrew Roy Gibb (a.k.a. Andy Gibb). (Case Number HQS2011000067).
- On April 19, 2011, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union** in San Diego, California, requested from U.S. **Customs and Border Protect**ion (CBP) all records regarding regulations **a**ffecting aliens' access to counsel and circumstances surrounding their detainment. (Case Number CBP FOIA 2011F10489).
- On April 20, 2011, **John Althen**, the FOIA Program Manager with **Judicial Watch, Inc.**, in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) any and all records of the April 19, 2011 meeting at the White House concerning immigration reform, attended by Secretary of Homeland Security Janet Napolitano; 2)

any and all records of communications concerning the April 19.2011 meeting at the White House; 3) any and all records created or obtained in preparation for the April 19, 2011 White House meeting, including but not limited to records concerning potential invitees to the meeting; and 4) any and all records created or obtained as a result of the April 19, 2011 meeting at the White House. (Case Number DHS/OS/PRIV 11-0735).

- On April 20, 2011, **John Althen**, the FOIA Program Manager with **Judicial Watch, Inc.**, in Washington, DC, requested from U.S. **Customs and Border Protection (CBP)** the following records: 1) documents related to all bid solicitations, contract awards, blanket purchase agreements and purchase orders for less lethal weapons, launching systems and ammunition (including, but not limited to, FN 303 launching systems, Pepperball launching systems and less lethal, shotgun-fired projectiles) announced or awarded between January 1, 2007 and the date of compliance with this request; 2) documents related to all instances in which a Border Patrol Agent fired a less lethal weapon system (including the firing of less lethal, shotgun-fired projectiles) in the course of his or her official duties, other than in a training environment, between January 1, 2007 and the date of compliance with this request; and 3) documents related to the guidance, instruction and direction provided to Border Patrol Agents regarding the use of less lethal weapon (including the use of less lethal, shotgun-fired projectiles) and all records of communication regarding the drafting, review, and issuance of this guidance, instruction, and direction between January 1, 2007 and the date of compliance with this request. (Case Number FOIA 2011F10499).
- On April 20, 2011, **Samuel Murillo**, a journalist with **La Voz Arizona, Arizona Republic** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the report regarding an individual who is hospitalized at St. Joseph Medical Center in Phoenix, after several injuries allegedly suffered after an incident on March 31, 2011 with CBP officersa at the San Luis, Arizona Port of entry. (Case Number CBP FOIA 2011F10439).
- On April 20, 2011, **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928** in Lincoln, Nebraska, requested from the United States Citizenship and Immigration Services (USCIS) copies of eligible applicants' resumes, rankings/scores, ranking and scores related to interviews, ranking and scores related to personal references and all correspondence relating to vacancy CIS-423825-NSC. (Case Number HQS2011000068).
- On April 20, 2011, **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928** in Lincoln, Nebraska, requested from the United States Citizenship and Immigration Services (USCIS) copies of eligible applicants resumes, rankings/scores, ranking and scores related to interviews, ranking and scores related to personal references and all correspondence relating to vacancy CIS-PJN-352577-FDS. (Case Number HQS2011000069).

- On April 21, 2011, **Shawn Hils**, a representative of the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) all direct correspondence between U.S. Representative Dean Heller (R-NV-2) or his staff and DHS, including letters, reports, requests, and other relevant material from January 1, 2006 - present. (Case Number 11-0739).

Late Requests

- On March 22, 2011, **Anjan Mukherjee**, a representative of the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding U.S. Senator Scott Brown (R-MA) from February 4, 2010 to the present. (Case Number 2011FOIA7183).
- On April 1, 2011, **Mark Fleming**, National Litigation Coordinator for the **National Immigrant Justice Center** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) copies of existing intergovernmental service agreements ("IGSAs") entered into by Department Homeland Security (DHS)/ICE, the U.S. Marshals Service, the Office of the Federal Detention Trustee of any other federal government entity to house immigrant detainees at the (1) Jefferson County Jail located in Mount Vernon, Jefferson County, Illinois and (2) the Tri-County Detention Center located in Ullin, Pulaski County, Illinois; and 2) copies of detention facility reviews, audits, and inspections conducted by ICE/ERO or by any private entity contracted by ICE/ERO, such as the Nakamoto Group of the 1) Jefferson County Jail, and 2) Tri-County Detention Center, in fiscal years 2007, 2008, 2009,2010, and 2011. (Case Number 2011FOIA7124).
- On April 4, 2011, **Vicki Hart**, a journalist with the **Tucson Weekly** in Tucson, Arizona, requested from U.S. Immigration and Customs Enforcement records relating to the deportation history of a Mexican citizen wanted for the murder of Martha Flores on March 14, 2008. (Case Number 2011FOIA7246).
- On April 5, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of "augmented" FOIA logs on interim and final responses issued from March 15, 2011 through March 31, 2011. (Case Number 2011FOIA7222).
- On April 6, 2011, **Ross Weinstein**, a representative from **George Washington University, School of Public Health and Health Services** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) copies of health care worker certificates submitted to USCIS by the Foreign Credentialing Commission on Physical Therapy (FCCPT). (Case number COW2011000314)
- On April 11, 2011, **Tony D'Astoli**, a journalist with **FOX 13-WTVT** in Tampa, Florida, requested from U.S. Immigration and Customs

Enforcement (ICE) a list of all aliens in Florida that have been placed on an Order of Supervision, the offense they were serving time for, the date the Order of Supervision was started and the facility they were released from. (Case Number 2011FOIA7354).

- On April 12, 2011, **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following records: 1) any and all correspondence, including but not limited to email, letters, meeting records, etc, regarding immigration case dismissals and/or prosecutorial guidance from June 1, 2010 to present; and 2) any and all correspondence regarding the case dismissals and/or prosecutorial guidance involving several identified ICE employees and leadership from June 1, 2010 to present. (Case Number 2011FOIA7365)
- [REQUESTED COMPONENT SEND E-COPY OF REQUEST] On April 13, 2011, **Rebekah Cowell**, a freelance contributor with **Independent Weekly** in Durham, North Carolina, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all correspondence since November 2008 between city staff of the following North Carolina counties: Wake County; New Hanover County,;Buncombe County,;Gaston County; Henderson County and ICE regarding the federal agency's activities in city facilities. (Case Number 2011FOIA7424).

III. FOIA Releases

- On April 5, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **M.L. Elrick**, a reporter with the **Detroit Free Press** in Detroit, Michigan, a no records determination in response to their request seeking all material related to Detroit ICE's investigation of (b)(6) who was convicted of dealing ecstasy in the city of Detroit. (Case Number 2011FOIA6028).
- On April 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, 100 pages of documents and three spreadsheets that originated from ICE's Chief Counsel Offices in Houston pertaining to her request seeking records relating to immigration case dismissals and prosecutorial guidance from ICE Offices within Houston, Texas, between June 1, 2010 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2011FOIA324).
- On April 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Angela Turner**, a reporter with **The Journal Gazette** in Fort Wayne, Indiana, one (1) page pertaining to her request seeking records relating to the number of criminal aliens whose deportation process began in Indiana from October 1, 2005 through the present. These records were released in full. (Case Number 2011FOIA2612).
- On April 8, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Theodore Emery**, an editor with the **Congressional Quarterly**

in Washington, DC, a no record determination pertaining to his request seeking copies of any and all memoranda to or from Director John Morton regarding guidance for proposed, recommended, or final administration policy changes at ICE with respect to immigration enforcement and removal policy. (Case Number 2011FOIA2674).

- On April 8, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, 89 pages responsive to his request seeking all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews, detention standards reviews of the Irwin County Detention Center in Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4264).
- On April 13, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Shannon Dininny**, a reporter with ***The Associated Press*** in Yakima, Washington, a full denial to her request seeking the number of officers and other staff members involved with the January 20, 2011 arrest in Ellensburg, Washington, related to an investigation into counterfeit citizenship documents. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA5068).
- On April 15, 2011, the Office of Inspector General (OIG) released to **Amrit Singh**, the senior legal officer for National Security and Counterterrorism at the **Open Society Justice Initiative** in New York, New York, 171 pages of work papers pertaining to OIG's inspection #OIG-08-18, entitled "The Removal of a Canadian Citizen to Syria." Portions of this response were withheld pursuant to FOIA exemptions (b)(1), (b)(5), (b)(6), and (b)(7)(C). (Case Number OIG #2010-187).
- On April 15, 2011, U.S. Customs and Border Protection (CBP) released to Cori Crider, Legal Director with Reprieve in London, United Kingdom, 21 pages consisting of TECS records. Portions of this response were withheld pursuant to FOIA exemptions (b)(3), (b)(6), (b)(7)(C) and (b)(7)(E). An additional 24 pages were referred to the Federal Bureau of Investigation (FBI) for review and potential release with similar exemptions. (Case Number DHS/OS/PRIV 10-0879).
- On March 16, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 17 pages responsive to her request seeking records relating to the FOIA request tracking system. These records were released in full. (Case Number 2011FOIA6719).
- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Keegan Hamilton,** a blogger with the **Seattle Weekly** in Seattle, Washington, a full denial to his request seeking all search warrants, arrest warrants, and search warrant affidavits related to the ICE investigation into the manufacture and purchase of counterfeit identity and employment documents in Ellensburg, Washington, on January 20, 2011. These pages

were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA6024).

- On March 18, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Martha Mendoza**, a reporter with ***The Associated Press*** in Santa Cruz, California, a full denial to her request seeking records relating to the murder of 72 immigrants in Mexico's northern state of Tamaulipas on or about August 25, 2010. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA5917)
- On April 19, 2011, the United States Coast Guard (USCG) released to **Laura Strickler**, a producer for CBS News in Washington, DC, 2 pages responsive to her request seeking records related to a 27-foot National Oceanic and Atmospheric Administration (NOAA) law enforcement vessel that was inspected by the USCG in 2008 and is currently located in Seattle, Washington. (Case Number 2011FOIA1375).
- On April 19, 2011, the United States Coast Guard (USCG) released to **Matt Jenkins**, a writer for **High Country News** in Berkeley, California, 433 pages of material consisting of boardings, enforcements, and investigation reports. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number 2009FOIA0344).
- On April 19, 2011, the United States Coast Guard (USCG) released to **Rachel Lippmann**, a news producer with the **St. Louis Public Radio** in St. Louis, Missouri, the activity number to the investigation and the link to the CGMIX website to review a copy of the document requested. These records were released in full. (Case Number 2011FOIA1795).
- On April 20, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, 11 pages responsive to his request seeking all contracts, agreements, or memoranda of understanding (MOUs) concerning the placement of ICE detainees at the Irwin County Detention Center in Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (Case Number 2011FOIA4265).
- On April 20, 2011, the Federal Emergency Management Agency (FEMA) recommended to the Department of State (DOS) full disclosure of 162 pages of documents responsive to the request from the **Department of Foreign Affairs Canada**, seeking the complete text of the Civil Assistance Plan signed by Canada and the United States on February 14, 2008. (Case Number DOS 200901979, DHS/OS/PRIV 11-0441, and FEMA 11-326).
- On April 21, 2011, United States Citizenship and Immigration Services (USCIS) released to **Thomas Dublin**, an individual in Brackney, Pennsylvania, 90 pages responsive to his request seeking records pertaining to the legal disposition or settlement of a class action lawsuit filed in 1994 where African American employees from Immigration Naturalization Services (INS) filed a lawsuit against the agency claiming

systematic discrimination in the administration of the agency. These records were released in full. (Case Number NRC2009072083).

IV. FOIA Appeals

- On April 15, 2011, **Leon Howard**, a Staff Attorney with the **American Civil Liberties Union of New Mexico** in Albuquerque, New Mexico, appealed the response from U.S. Customs and Border Protection (CBP) denying his request for a fee waiver related to his request for documents pertaining to the policy and activities of the El Paso Sector Border Patrol within 100 and 25 miles of the U.S. – Mexico border.
- On April 20, 2011, **Andrew Becker**, a Staff Reporter at the **Center for Investigative Reporting** in Berkeley, California, appealed the response from U.S. Customs and Border Protection (CBP) to his request for official photographs of forty-one (41) CBP employees who had been arrested, charged, convicted, and/or sentenced on corruption-related charges from 2003 to present.

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Judicial Watch, Inc., v. United States Department of Homeland Security,* (1-11-cv-00606-GK), Plaintiff filed a complaint March 23, 2011, claiming constructive denial to their request for records relating to deferred action. ICE is seeking a 30-day extension to file the answer, which would allow them time to complete the processing of all responsive records and send them to the requestor before filing our answer.
- In the matter of *Judicial Watch v. United States Department of Homeland Security,* (D.D.C. 11-CV-604), Plaintiff filed a complaint March 23, 2011, claiming constructive denial to their request for records relating to the systematic review of pending immigration cases in Houston, Texas. ICE is seeking a 30-day extension to file the answer, which would allow them time to complete the review of the already-processed responsive records and send them to the Plaintiff before filing our answer.
- In the matter of *Judicial Watch, Inc., v. United States Department of Homeland Security,* (1-11-cv-00725), Plaintiff filed a complaint April 14, 2011, claiming constructive denial to their request for records relating to the Carlos Marinelly-Mantano, an unlawfully present alien charged with killing a Benedictine nun and injuring two others in an August 2010 drunk driving incident in Prince William County, Virginia.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.* (S.D.N.Y. 10-3488), (Secure Communities Case): ICE is processing I-213 narratives and working to produce a document containing corresponding data for a data sample of several

hundred individuals identified through the CAP and Secure Communities programs for the plaintiffs. A hearing was held on April 21, 2011, on ICE's motion for a stay of the Court's order on metadata pending appeal to the 2nd Circuit.

- In the matter of *Families for Freedom v. ICE,* (S.D.N.Y. 10-8354), U.S. Immigration and Customs Enforcement (ICE) has completed the processing of a spreadsheet containing anonymous data on every alien detained in the New York area of responsibility from 2004 through 2010. This spreadsheet will be provided to the plaintiffs in accordance with a settlement agreement that will be sent to the Court for approval on Friday, April 22, 2011, once that agreement is approved.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited **fr**om disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 22 - 28, 2011
Privacy Office
May 2, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On April 21, 2011, United States Citizenship and Immigration Services (USCIS) invited stakeholders to participate in a teleconference to discuss issues affecting refugees, asylees, and other noncitizens. In part one, USCIS, the Social Security Administration (SSA), and the Department of Health and Human Services (HHS) discussed the expiration of Supplemental Security Income (SSI) benefits refugees and other noncitizens, identified available citizenship preparation resources, and explored ways to disseminate information to the affected population. In part two, USCIS, U.S. Customs and Border Protection (CBP), and the Department of State (DOS) outlined their respective roles in the derivative refugee and asylee immigration process and discussed how benefit-granting agencies verify the immigration status of these individuals. A detailed executive summary will be available at a later time.
- On April 22, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum entitled "Procedures for Recommending Revocation of a U.S. Passport to the Department of State; Adjudicators Field Manual, Chapter 83 (AFM Update AD 10-46)" on its public website for stakeholder review and comment. The purpose of this memorandum is to provide guidance to USCIS employees regarding requests for revocation of U.S. Passports, as established by communication from the Department of State (DOS). The period for comments ends May 5, 2011.

II. FOIA Requests

- On April 22, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) a list of all current and former contractors, subcontractors, rehired annuitants and/or other individuals who work on contacts for ICE as part of the Secure Communities program, including: 1) the date the contractor/subcontractor/rehired annuitant/other individual; 2) the monetary value of the contract or agreement awarded; the length of the contract awarded; 3) the award/contract number; 4) the date the contract ended or was terminated; and 5) the reason why the contract ended or was terminated. (Case Number 2011FOIA7590)
- On April 25, 2011, **Juan O. Tamayo**, a reporter with the ***Miami Herald*** in Miami, Florida, requested from the United States Coast Guard (USCG) a copy of all entries in the log of the USCG's 7th District based in Miami, of the tugboat MUHEET and the barges it was towing when its motor stopped and began drifting near Cuban waters from the period of

November 26, 2010 to December 11, 2010. (Case Number 2011FOIA2231).

- On April 26, 2011, **Lewis Kamb**, a reporter with ***The (Tacoma) News Tribune*** in Tacoma, Washington, requested the following from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) access to and copies of any and all emergency, contingency and/or evacuation plans for the Northwest Detention Center; 2) a contractor-owned/contractor-operated, immigration detention facility located in Tacoma, Washington, as referenced in the ICE/DRO Detention Standard, since January 1, 2004 to the present date; 3) any and all Memoranda of Understanding (MOU), written agreements and/or contracts between the Northwest Detention, Center, its current and/or past operator/owners and/or ICE/DRO, with any and all local, state and federal law enforcement agencies, as referenced in the ICE/DRO Detention Standard, from January 1, 2000 to the present date; and 4) any and all contracts, RFPs, RFQs, bid proposals, bid solicitation, bid applications, contract performance work statements and/or any and all other records related to the solicitation, procurement and/or award of federal contracts regarding immigration detention operations in Washington State from January 1, 2000 to the present date. (Case Number 2011FOIA7593).
- On April 26, 2011, **Susan Carroll**, a reporter with the ***Houston Chronicle*** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records of complaints/offenses and disciplinary outcomes by GS level, listing the offense and the resulting corrective/disciplinary action. (Case Number 2011FOIA7597).
- On April 26, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding numerous ENFORCE (EID) detention facilities related tables. (Case Number 2011FOIA7600).
- On April 27, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) alien-by-alien anonymous data covering all individuals against whom the Department of Homeland Security (DHS) has filed charges in Immigration Court. (Case Number 2011FOIA7607).
- On April 26, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) alien-by-alien, detention facility-by-detention facility, anonymous data covering all individuals who have been detained, released, or were in ICE custody since October 1, 1998. (Case Number 2011FOIA7601).
- On April 26, 2011, **Ruthie Epstein**, with **Human Rights First** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a detailed demographic breakdown of the ICE detainee

population for "any single day" in calendar year 2011. (Case Number 2011FOIA7604).

- On April 27, 2011, **Jeff McDonald**, a staff writer with ***The San Diego Union-Tribune*** in San Diego, California, requested from U.S. Customs and Border Protection (CBP) copies of any letters, demands for payment, notices of debt, improper tariff classifications, settlement agreements or other records sent by CBP to Directed Electronics, Inc., DEI Headquarters Inc., or DEI Holdings Inc., since January 1, 2010. (Case Number CBP FOIA # 2011F10811).
- On April 27, 2011, **Catherine Rentz,** a journalist with **PBS Frontline** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the results of the ICE report looking into alleged misconduct and abuse at the Willacy Detention Center in Raymondville, Texas. (Case Number 2011FOIA7608). This request is a follow up from an April 1, 2011 interview with Kumar Kibble.

Late Requests

- On April 4, 2011, **Jefferson Morley**, an author in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) any and all files or record relating to George E. Joannides and the Directorio Revolucionario Estudantil between December 1962 and April 1964. (Case Number COW2011000335).
- On April 5, 2011, **Leah Nylen**, a reporter with ***Bloomberg News*** in Washington, DC, requested from the United States Citizenship Services (USICIS) the solicitation of statement of work under the GSA's Networx Universal contract and the subsequent GAO bid protest B-404845.1. (Case Number CNT2011000019).
- On April 7, 2011, **Robin Stein**, a reporter with ***Dan Rather Reports*** in New York, New York, requested from the United States Citizenship Services (USCIS) the following records: 1) case data for non-immigrant worker visa petitions from 2005 – present; 2) application data for employment authorization from 2005 – present; and 3) any and all records related to the review of L visa abuse by the Fraud Detection and National Security directorate cited by Senator Chuck Grassley (R-IA) in his letter to DHS Secretary Napolitano on May 27, 2010. (Case Number COW2011000332).
- On April 11, 2011, **Meg Stalcup**, a reporter with the ***Washington Monthly*** in Washington, DC, requested from the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. (Case Number CRCL 11-04-01).
- On April 12, 2011, **Mike McIntire**, a reporter with the ***New York Times*** in Washington, D.C., requested from the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) copies of any records as they pertain to a 2005 Federal Law Enforcement

Training Center (FLETC) EEO course investigation. (Case Number CRCL 11-04-02).

- On April 13, 2011, **Shawn Hills**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) all correspondence and other information requested by or provided to U.S. Representative Dean Heller (R-NV-2) from January 4, 2006 – Present. (Case Number COW2011000336).

III. FOIA Releases

- On April 22, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, a no records determination to her request seeking any documents/records/memos/reports, etc to or from David C. Palmatier regarding staffing, resources and/or technical (including IT) issues for ICE's Law Enforcement Support Center (LESC) from October 1, 2008. (Case Number 2011FOIA5842).
- On April 22, 2011, the United States Coast Guard (USCG) released to **Lucy Dalglish**, Executive Director with the **Reporters Committee for Freedom of the Press** in Arlington, Virginia, 63 pages of material consisting of emails, letters, rules, and memos responsive to her request seeking: 1) all documents reflecting and/or memorializing the new procedures for media access to boom safety zones established by Admiral Thad Allen's July 12, 2010 statement; 2) all documents detailing procedures and/or standards employed by government or private officials for media credentialing under the new procedures for access to boom safety areas announced by Admiral Thad Allen on July 12, 2010; 3) all documents received and/or generated regarding applications to receive a media credential under as well as all documents generated in response to all such applications, including but not limited to, documents detailing denials or grants of applications; and 4) a complete and accurate sample copy of all versions of any media credential intended to be issued to the media in accordance with the revised media access policy announced July 12, 2010. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2827).
- On April 26, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, a staff attorney with the **American Civil Liberties Union (ACLU) National Prison Project** in Washington, DC, 113 pages of documents that originated from the OPR JICMS database relating to his request seeking records regarding allegations of sexual abuse against immigration detainees. Portions of the release were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). ICE continues to process documents and will release records on a rolling basis. (Case Number 2011FOIA4893).
- On April 28, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jennifer Caballero**, a student with the **Georgetown**

University Law Center in Washington, DC, 349 pages of records pertaining to her request seeking various information relating to ICE detainees. Portions of the release were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2011FOIA1816).

- On April 28, 2011, the Office of Inspector General (OIG) released to **Tania Galloni**, an attorney with the **Florida Immigrant Advocacy Center, Inc.**, in Miami, Florida, 26 pages and includes an OIG report of investigation. Portions of the release were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). Please note that these records were also originally released in OIG's response to David Shapiro, of the ACLU (OIG FOIA #2010-028).
- On April 28, 2011, Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 2 Excel worksheets responsive to his request seeking a statistical breakdown, by FY, state, and agency of all criminal investigations related to U.S. Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) from 2003 to present, including a breakdown of investigations leading to arrests, indictments, and convictions. These records were released in full. (Case Number 2011-100).
- On April 29, 2011, the Department of Homeland Security (DHS) Office for Civil Rights & Civil Liberties (CRCL) released to **Mike McIntire**, a writer with ***The New York Times*** in New York, New York, 54 pages of records responsive to his request seeking copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number CRCL 11-04-002).
- On April 29, 2011, the Department of Homeland Security (DHS) Office for Civil Rights & Civil Liberties (CRCL) released to **Meg Stalcup**, a writer with the ***Washington Monthly*** in Seattle, Washington, 54 pages of records responsive to her request seeking copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number CRCL 11-04-001).

IV. FOIA Appeals

- On April 7, 2011, **Karen Tumlin**, Managing Attorney with the **National Immigration Law Center** in Los Angeles, California, appealed the response from U.S. Customs and Border Protection (CBP) denying her requests for fee waiver, news media status, and expedited treatment related to her FOIA request # 2011F060200 for documents pertaining to CBP's efforts to question, fingerprint, and process undocumented immigrants

voluntarily leaving the United States and returning to Mexico. (Case Number H162138).

V. FOIA Appeal Releases and Determinations

- On April 28, 2011, U.S. Customs and Border Protection (CBP) released to **David Nachman**, an attorney with **DLA Piper** in New York, New York, representing the non-profit network Appleseed, 111 pages of policy documents related to his FOIA request #2010F06198 for various records related to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. Portions of this response were withheld pursuant to Freedom of Information Act exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number H145088MBP).
- On April 29, 2011, U.S. Customs and Border Protection (CBP) granted **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association** in Washington, DC, a public interest fee waiver for the request related to his request for various statistics pertaining to the processing of individuals at the U.S. border. (Case Number H157732MBP).

VI. Lawsuits

- In the matter of *Rodriguez v. DOJ, et al.,* (D.D.C. 11-cv-00556), Plaintiff filed a complaint March 18, 2011, claiming constructive denial pertaining to their request for records relating to relating to himself. ICE did not receive the summons and complaint until April 26, 2011.

FOIA Exemptions

***Exempti*on 1**: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited **fr**om disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 29 – May 5, 2011
Privacy Office
May 9, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On April 28, 2011, United States Citizenship and Immigration Services (USCIS), Office of Public Engagement, hosted a teleconference to discuss the evidentiary standards of the "O" nonimmigrant classification. USCIS used this opportunity to solicit stakeholder feedback on the evaluation of evidence submitted with Form I-129, Petition for Nonimmigrant Worker, when filed on behalf of O-1 nonimmigrants, as well as the adjudicatory standards for these petitions within the current regulatory framework. USCIS sought this input to consider when drafting a policy memorandum on this subject. The draft memo is designed to ensure consistency in adjudication of petitions filed under the O-1 classification and to clarify the adjudication standards for these petitions. A detailed executive summary is forthcoming.
- On April 30, 2011, United States Citizenship and Immigration Services (USCIS), Office of Public Engagement, invited customers and stakeholders to participate in "Enlace," a free, Spanish-language event at which USCIS shared agency updates, presented on the topic of "How to Navigate U.S. Citizenship," and provided an open forum to respond to questions. USCIS posted a PowerPoint presentation from the session on its public website.
- On May 2, 2011, United States Citizenship and Immigration Services (USCIS) announced that they have fully implemented the Secure Mail Initiative (SMI), which uses U.S. Postal Service (USPS) Priority Mail with delivery confirmation to transmit certain immigration documents safely, securely, and timely. The SMI enables USCIS to use USPS online-tracking information to confirm delivery of permanent resident cards and documents pertaining to travel and employment authorization. The same information allows USCIS customers to stay up-to-date on the delivery status of their documents.

II. FOIA Requests

- On April 29, 2011, **Andrew Becker**, a reporter with the ***Center for Investigative Reporting*** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all monthly White House Dashboard Reports prepared by ICE, which generally include monthly numbers of ICE administrative and criminal arrests; 2) a list of the actual recipients of the dashboard report; and 3) a list of actual senders. (Case Number 2011FOIA7714).

- On May 4, 2011, **Andrew Becker**, a reporter with the ***Center for Investigative Reporting*** in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) copies of the following records: 1) the number of Department of Homeland Security (DHS) Form I-862, "Notice to Appear" charging documents, filed by CBP (including U.S. Border Patrol) with the Executive Office for Immigration Review (Immigration courts) for each fiscal year 2006 to date, with a nationwide breakdown by CBP OFO Field Office, Border Patrol Sector, and/or any other CBP offices; and 2) the number of DHS Form I-862 "Notice to Appear" charging documents and/or cases referred by CBP to U.S. Immigration and Customs Enforcement (ICE) for removal proceedings within the Executive Office for Immigration Review for fiscal years 2006 to present. (Case Number 2011F11113).
- On April 29, 2011, **Jared Dillingham**, a reporter with ***KTVK – 3TV*** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) a copy of personnel records of officers who have been terminated from the Yuma and Tucson sectors in Arizona between January 2007 – to the present; and 2) copies of the investigation material and final findings of their terminations. (Case Number 2011F10870).
- On April 29, 2011, **David Goldstein**, Washington correspondent with ***The Kansas City Star/McClatchy Newspapers*** in Washington, DC, requested from the Department of Homeland Security (DHS) the following documents in the possession of the Department of Homeland Security: 1) any and all correspondence, in the form of letters and emails, as well as memos or summaries related to meetings, discussions or telephone conversations, and any other written accounts regarding the selection of a site for a biodefense laboratory to replace the existing facility at Plum Island, N.Y., between Senator Charles Patrick "Pat" Roberts (R-LA), or his office, and officials of DHS between 2005 – 2009; and 2) any and all correspondence, in the form of letters and emails, as well as memos or summaries related to meetings, discussions or telephone conversations, and any other written accounts regarding the selection of a site for a biodefense laboratory to replace the existing facility at Plum Island, N.Y., between Senator Samuel Dale "Sam" Brownback (R-KS), or his office, and officials of DHS between 2005 – 2009. (Case Number 11-0772).
- On April 29, 2011, **Catherine Rentz**, a field producer with the **American University School of Communication's Investigative Reporting Workshop and PBS FRONTLINE** partnership in Washington, DC, requested from the Department of Homeland Security (DHS) access to and copies of Dora B. Schriro's calendar and appointments from January 1, 2009 to September 30, 2009. (Case Number 11-0773).
- On May 3, 2011, **Ben Fox**, Chief of Caribbean News with ***The Associated Press*** in Guaynabo, Puerto Rico, requested from U.S. Immigration and Customs Enforcement (ICE) any and all incident reports, logs or other records, sufficient to provide details about any and all discoveries or

seizures by security personnel of contraband, including marijuana, other narcotics or weapons, at the Guantanamo Bay Naval Station between January 1, 2002 and October 31, 2010. (Case Number 2011FOIA7924).

- On May 3, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch, Inc.,** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the number of illegal immigrants transferred from a state or local jurisdiction into ICE custody; 2) the number of illegal immigrants deported by ICE after taking over custody from a state or local jurisdiction; and 3) the number of illegal immigrants released by ICE after taking over custody from a state or local jurisdiction. The time frame of the request is January 1, 2008 to April 26, 2011. (Case Number 2011FOIA7897).
- On May 3, 2011, **Susan Long**, Co-Director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a complete set of documentation on the Alien Criminal Response Information Management (ACRIMe) System. (Case Number 2011FOIA7907).
- On May 4, 2011, **Susan Long**, Co-Director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the request letter, final response letter, and the actual records released in the following FOIA cases: 1) 2011FOIA-0001; 2) 2011FOIA-5621; and 3) 2011-FOIA-6688. (Case Number 2011FOIA7911).
- On May 3, 2011, **Joseph Rosenbloom**, a freelance reporter in Newton, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) all documents related to complaints since January 1, 2010 about medical or other health services rendered at detention centers within the ICE jurisdiction of the Boston, El Paso, and New Orleans field offices. (Case Number 2011FOIA7895).
- On May 3, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) all documents pertaining to the processing of his FOIA request for Barack Obama Senior's A-file, assigned the tracking number HQS2010000119. The documents are to include all internal and external communication concerning his request, all reports of significant FOIA activity, which mention the request from each Department of Homeland Security (DHS) component FOIA offices, all Department of Homeland Security (DHS) cabinet reports to the White House, which mentions the request and any other record created in processing the FOIA request. (Case Number USCIS Smathers).
- On April 28, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all records concerning the processing of the FOIA request which was assigned the tracking number HQS2010000119, including, but not limited to: 1) all internal and external communication concerning this request; 2) all reports of significant FOIA activity which mention this

request; 3) all DHS cabinet reports to the White House which mention this request; and 4) any other record created in processing FOIA request HQS2010000119. (Case Number 11-0765).

- On April 28, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all reports of significant FOIA activity received from all DHS component FOIA offices by the DHS Privacy Office in April of 2011 to include the responsive records for each DHS component. (Case Number 11-0763).
- On April 28, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all weekly cabinet reports to the White House created from April 12, 2011, through the date this request is processed. (Case Number 11-0764).
- On May 3, 2011, the Department of Justice (DOJ), Office of Information Policy, referred to the Department of Homeland Security (DHS) a third and fourth set of documents responsive to a request from **David Sobel**, Senior Counsel with **Electronic Frontier (EFF)** in Washington, DC, seeking records that concern, discuss, or reflect the work or deliberations of the HLCG, excluding any logistical information. (Case Numbers 11-0778 and 11-0779).
- On May 4, 2011, **Phillip Rawls**, a reporter with ***The Associated Press*** in Montgomery, Alabama, requested from the Federal Emergency Management Agency (FEMA) all emails, faxes, meeting notes and a list of meeting participants, internal reports and status documents pertaining to preparations for and response to tornadoes that hit southern states around April 27-28, 2011. (Case Number 11-493).
- On May 4, 2011, **Ray Henry**, a reporter with ***The Associated Press*** in Atlanta, Georgia, requested from the Federal Emergency Management Agency (FEMA) all emails, faxes, meeting notes and a list of meeting participants, internal reports and status documents related to the impact of severe weather that struck the southeastern United States after April 15, 2011 on nuclear power plants. (Case Number 11-500).
- On May 5, 2011, the Department of the Navy referred to the United States Coast Guard (USCG) a request from **Claudette Juska**, a research specialist with **Greenpeace** in Washington, DC, seeking all documents concerning details of any and all U.S. Navy flights for whale and dolphin sightings in the Gulf of Mexico region following the BP Deepwater Horizon disaster. (Case Number 2011FOIA2356).
- On May 5, 2011, **Josh Margolin**, a reporter with **The New York Post** in New York, New York, requested from the Department of Homeland Security (DHS) any and all records in all printed and electronic formats concerning Osama Bin Laden (March 10, 1957-May 2, 2011), his life, his role in Al Qaeda, and the operation that led to his death. (Case Number 11-0785).

III. FOIA Releases

- On April 8, 2011, the United States Coast Guard (USCG) issued to **Gary Kubota**, a reporter with the ***Honolulu Star-Advertiser*** in Honolulu, Hawaii, a no records determination in response to his request seeking a copy of the USCG investigation report into a plane crash that occurred on February 15, 2011, in Hanapepe, Hawaii, that involved an Airborne WindSport Edge XT-912-L, registration N29EP. (Case Number 2011FOIA2132).
- On April 28, 2011, United States Citizenship and Immigration Services (USCIS) released to **Laurence Jarvik**, a journalist in Washington, DC, 1,535 pages pertaining to his request for Department of Homeland Security (DHS) policies and procedures that authorized persons accused of terrorism by the Government of Uzbekistan, to immigrate, reside/relocate within the United States, after the 2005 uprising in Andijan, Uzbekistan. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number NRC2009074526).
- On May 2, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-Director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 186 pages responsive to her request for "augmented" FOIA logs on interim and final responses issued between March 1 and March 15, 2011. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA6926).
- On May 3, 2011, United States Citizenship and Immigration Services (USCIS) released to **Michael Ravnitzky** a self-proclaimed journalist in Silver Spring, Maryland, 106 pages pertaining to his FOIA request for the administrative tracking files, request letters, and response letters for Freedom of Information Act requests relating to "Attack on America." Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number NRC2010000520).
- On May 4, 2011, the Office of Inspector General (OIG) released to **Michel Marizco**, a field correspondent with **KJZZ Arizona Public Radio** in Tucson, Arizona, two pages responsive to his request seeking the number of corruption investigations involving U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) employees opened by OIG in California, Arizona, New Mexico, Nevada and Texas during calendar years 2008 - 2010. These records were released in full. (Case Number OIG FOIA #2011-105).
- On May 4, 2011, United States Citizenship and Immigration Services (USCIS) issued to **Aliya Sternstein**, Senior Correspondent with ***Government Executive*** magazine, in Washington, DC, a no records determination pertaining to her request seeking records relating to an April 2009 SIR referencing "rogue" information technology system that handled I-918 forms at the Vermont Service Center. (Case DHS/OS/PRIV 11-0602 and USCIS case COW2011000276).

- On May 5, 2011, the United States Coast Guard (USCG) released to **Matthew Brown**, a correspondent with ***The Associated Press*** in Billings, Montana, an Excel spreadsheet listing National Response Center (NRC) incident reports. These records were released in full. (Case Number 2011FOIA2184).
- On May 5, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Maria Sacchetti**, a staff writer with ***The Boston Globe*** in Boston, Massachusetts, a GLOMAR response regarding the January 11, 2010, seizure of $60,000 total from [redacted] (b) (6) [redacted] Logan International Airport in Boston. (Case Number 2011FOIA7993).
- On May 5, 2011, the Department of Homeland Security (DHS) released to **David Sobel**, Senior Counsel with **Electronic Frontier (EFF)** in Washington, DC, 25 pages responsive to his request seeking records created since January 20, 2009, concerning, discussing, or reflecting the work or deliberations of the HLCG, excluding any logistical information. The case is currently in litigation and DOJ's Criminal Division had referred the records to DHS. (Case Number DHS/OS/PRIV 11-0161).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Families for Freedom v. ICE,* (S.D.N.Y. 10-8354), U.S. Immigration and Customs Enforcement (ICE) has completed processing a spreadsheet containing anonymous data on every alien detained in the New York "area of responsibility" from 2004 through 2010. This spreadsheet was provided to the plaintiffs in accordance with a settlement agreement on Friday, April 29, 2011. The Court signed the stipulated settlement agreement on April 29, 2011 as well.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.,* (S.D.N.Y. 10-3488), (Secure Communities Case): ICE provided the first set of I-213 narratives to the plaintiffs on Friday, April 29, 2011. Four additional batches have been processed and are pending OPLA review. These batches are due to the plaintiffs on May 13, 2011.

FOIA Exemptions

***Exempti*on 1**: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 6 – 12, 2011
Privacy Office
May 16, 2011
Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On May 2, 2011, the United States Citizenship and Immigration Services (USCIS), National Benefits Center, engaged with its national stakeholders to provide an overview of the center's history, leadership, mission, and caseload. The PowerPoint presentation from the session, now posted on the USCIS public website, also contains key contact information.
- On May 2, 2011, the United States Citizenship and Immigration Services (USCIS) posted the interim memorandum entitled "Additional Guidance to the Field on Giving Deference to Prior Determinations of H-1B Cap Exemption Based on Affiliation" on its public website for review and comment. This memorandum provides interim guidance to give deference to prior H-1B cap exemption determinations for non-profit entities made by USCIS since June 6, 2006. USCIS is currently reviewing its overall policy on this topic. Until further guidance is issued, it will apply the procedures the memo to petitions filed by non-profit entities seeking an exemption from the statutory cap based on their affiliation with or relation to an institution of higher education. The opportunity for public comment closes May 16, 2011.
- On Monday, May 9, 2011, the U. S. Secret Service (USSS) launched an official Twitter page in an effort to promote transparency, proactively distribute information, and supplement ongoing efforts to educate the general public about its mission. . The Twitter account will be used to highlight the Secret Service's investigative mission, share press releases, distribute information to local communities hosting National Special Security Events, explore USSS history, and promote upcoming recruitment opportunities.

II. **FOIA Requests**

- On May 5, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to all threats against Davis Dam or Parker Dam on the Colorado River. Davis Dam creates Mohave Lake in Arizona/Nevada, while Parker Dam creates Lake Parker in Arizona/California. (Case Number DHS/OS/PRIV 11-0791).
- On May 5, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all records concerning the processing of FOIA requests with tracking numbers: 1) HQS2011000019; 2) COW2011000149; 3) HQS2011000020; 4) NRC2011027655; 5) COW2011000187; 6) NRC2010011566; 7)

NRC22010019586; 8) NRC2009041663; 9) NRC2009041959; 10) NRC2009047248; and 11) NRC2009051177. These records should include but not be limited to: 1) all internal and external communication concerning this request; 2) all reports of significant FOIA activity which mention this request; 3) all DHS cabinet reports to the White House that mention this request; 4) any other record created in processing FOIA request HQS2010000l19 (USCIS); 5) the initial requests; 6) any released documents; and 7) any other communication with the requester. Please search the records created due to requirements for each DHS component FOIA office to report such activity by the 2/9/2005 Chief Privacy Officer Memo. (Case Number DHS/OS/PRIV 11-0792).

- On May 6, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Maryland, requested from the United States Citizenship and Immigration Services (USCIS) all records concerning the processing of Freedom of Information Act (FOIA) requests HQS2011000019, COW2011000149, HQS2011100020, NRC2011027655, COW2011000187, NRC2010011566, NRC2010019586, NRC2009041663, NRC2009041959, NRC2009047248 and NRC2009051177. Records requested are to include all internal and external communication, all reports of significant FOIA activity, which mentions this request, all Department of Homeland Security (DHS) cabinet reports to the White House, the initial FOIA requests, and any released documents and any other communication with the requester. (Case Number Smathers May 5).
- On May 11, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all memoranda sent from the Chief Privacy Officer to DHS staff working with FOIA requests, specifically seeking records to those created on or after January 20, 2009. (DHS/OS/PRIV 11-0810).
- On May 11, 2011, **Phillip Mocek**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) copies of the contract security guard duty register for the Henry M. Jackson Federal Building in Seattle, Washington, for April and May of 2011, along with any associated metadata. (DHS/OS/PRIV 11-0811).
- On May 6, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch, Inc.,** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all records establishing or promulgating the mission of the Victim Assistance Program (VAP); 2) any and all records authorizing or illustrating VAP's organizational structure; 3) any and all SF-50's for ICE's 18 full-time VAP specialists; 4) any and all records communicating or explaining collateral duties with respect to VAP recently delegated to 250 already-employed agents of ICE; 5) any and all records instituting or indicating VAP's performance measure; 6) any and all records outlining or employing VAP performance reporting procedures; 7) any and all staff directories for VAP personnel; 8) any and all records setting forth VAP's budget for operations and administration, including those categorized according to function, geographical area, or other subdivision; 9) any and all records setting forth guidelines, policies, protocols, or procedures regarding interaction with VAP applications or anymore in the general public; and 10) all records setting forth guidelines, policies,

protocols, or procedures, including memoranda of understanding regarding interaction with VAP partners, such as law enforcement agencies, advocacy groups, community organizations, or other "stakeholders." (Case Number 2011FOIA8290).

- On May 6, 2011, **Susan Long, Co-Director** with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) augmented FOIA logs on interim/final responses issued from April 1, 2011 through April 30, 2011. (Case Number 2011FOIA8186).
- On May 11, 2011, **Susan Long**, Co-Director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the request letters, final response letters, and actual records released in the following three FOIA cases: 1) 2011FOIA0001; 2) 2011FOIA5621; and 3) 2011FOIA6688. (Case Number 2011FOIA8479).
- On May 8, 2011, **Mike Mekelburg**, a reporter with ***Ajo Copper News***, in Ajo, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) the CBP Housing Program Feasibility Study (2009); and 2) the CBP Market Survey of Housing for the Area of Ajo and Why, Arizona (May 2010). (Case Number CBP FOIA # 2011F11457).
- On May 9, 2011, **Jeff Marcu**, an investigative reporter with ***First Coast News*** in Jacksonville, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) a complete list of companies fined on final order by ICE and the amount of the fines. (Case Number 2011FOIA8346).
- On May 9, 2011, **Mac Metcalfe**, a freelance journalist with the ***Juneau Empire***, in Juneau, Alaska, requested from the United States Coast Guard (USCG) records from any investigations conducted over the course of 1962 through 1964 by a joint task force consisting of the Juneau State Police Department, the Federal Bureau of Investigation (FBI), the Alaska State Troopers and the USCG into men living in Juneau who were suspected of being homosexual. (Case Number 2011FOIA2400).
- On May 10, 2011, the Department of Transportation (DOT) referred to the United States Coast Guard (USCG) a request from Todd Spangler, the Washington Correspondent for the ***Detroit Free Press*** in Detroit, Michigan**,** seeking additional information into the environmental clearance and the permit review for the Ambassador Bridge Enhancement Project. (Case Number 2011FOIA2407).
- On May 10, 2011, **Mark Rumold,** an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from the Federal Law Enforcement Training Center (FLETC) all agency records and/or training materials created from January 1, 2008, to the present concerning the Cellebrite data extraction tools used in the Mobile Device Investigations Program to include: 1) all training manuals, presentations, video, or any other records provided to participants at the MDIP, or any similar DHS training programs; 2) the attendance list of law enforcement agencies, departments, or their representatives receiving training at MDIP, or any similar DHS training programs; 3) all records describing the· capabilities, limitations, or potential uses

of the Cellebrite system, or any other system or software used for electronic data extraction; 4) a list of the "industry standard tools and software's provided to participants of the MDIP, or any similar DHS training programs; 5) any records describing or discussing the legal requirements necessary to extract data from an electronic device when using any of the "industry standard tools and software" provided during the MDIP, or any similar DHS training programs; and 6) any records related to the subsidization or provision of Cellebrite systems, or any other system or software used for electronic data extraction, to any other law enforcement agencies. (Case Number FOIA 11-074).

- On May 10, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from U.S. Customs and Border Protection (CBP) information regarding an awarded contract to Cellebrite, a manufacturer of data extraction systems to include: 1) all records describing the frequency with which CBP utilizes Cellbrite, or any similar technology, to perform data extraction on mobile or other electronic devices; 2) all manuals, guides, or directives setting forth guidelines for the appropriate use of Cellebrite, or any other similar data extraction technology; 3) all records describing the capabilities, limitations, or potential uses of the Cellebrite system, or any other similar data extraction technology; 4) all records related to the use of the Bluetooth or infrared connectivity of the Cellebrite system, or any other similar data extraction technology, to extract data from mobile or other electronic devices; and 5) any records describing or discussing the legal requirements necessary to extract data from an electronic device when using the Cellebrite system, or any other similar data extraction technology. (Case Number CBP FOIA # 2011F11327).
- On May 10, 2011, **Meg Jones**, a reporter with the ***Milwaukee Journal Sentinel*** in Milwaukee, Wisconsin, requested from U.S. Immigration and Customs Enforcement (ICE) the final report submitted by U.S. Customs Service Milwaukee special agent in charge (b)(6), (b)(7)(C) on the discovery of the remains of two Romanian stowaways found in a shipping container at Menards in Eau Claire, Wisconsin on September 6, 2001. (Case Number 2011FOIA8398).
- On May 10, 2011, **William Theobald**, the Washington Correspondent with the ***Gannett Co., Inc.,*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all correspondence, including letters and transcripts or summaries of telephone calls, in addition to any email or other electronic communications from the following: 1) Representative Jim Cooper (D - TN); 2) Representative Marsha Blackburn (R - TN); 3) U.S. Senator Robert Phillips "Bob" Corker, Jr., (R-TN); U.S. Senator Lamar Alexander (R-TN); 4) Representative Stephen Fincher (R-TN); and 5) Representative Diane Black (R-TN). (Case Number DHS/OS/PRIV 11-0800).

Late Requests

- On May 4, 2011, **Andrew Becker**, a reporter with the ***Center for Investigative Reporting*** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) all studies of immigration enforcement surges, including any

and all prepared by and/or for the fugitive operation division in FY 2010 to present. (Case Number 2011FOIA8185).

- On April 25, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) documents regarding ICE's Lexicon Working Group from February 2009 to the present. (Case Number 2011FOIA8471).

III. FOIA Releases

- On May 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released 204 pages of augmented FOIA logs to **Susan Long**, **Co-Director** of the ***Transactional Records Access Clearinghouse (TRAC)*** in Syracuse, New York. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA7222).
- On May 10, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, a Glomar response to his request seeking all emails and/or correspondence leading up to and/or resulting from the March 2011 termination of an ICE contractor and the regional coordinator of ICE's Secure Communities program. (Case Number 2011FOIA8182).
- On May 10, 2011, the Department of Homeland Security (DHS) released to **Peter Urban**, a reporter with the ***Stephens Media*** in Washington, DC, 17 pages of records responsive to his request seeking congressional correspondence logs from within the Executive Correspondence Tracking System (ECT) for Harry Reid (D-NV) between November 1, 2008 and October 27, 2010. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0116).
- On May 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, two Excel spreadsheets responsive to her request seeking records related to the Secure Communities Program Management Office projections of the criminal alien population. These records were released in full. (Case Number 2011FOIA5829).
- On May 11, 2011, the Department of Homeland Security (DHS) released to **Jessica Culpepper**, a staff attorney with the **Humane Society of the United States** in Washington, DC, seven pages responsive to her request consisting of emails related to the implementation of the "Farm Bill" as codified at 7 U.S.C. § 2148 in the Animal Welfare Act (AWA) on May 22, 2008. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0650).
- On May 11, 2011, the Department of Homeland Security (DHS) released to **Lucy Dalglish**, a reporter with the ***News Media & The Law*** in Washington, DC, 137 pages of records responsive to her request seeking copies of the Weekly Significant FOIA Reports for January 2009 to the present. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0669).
- On May 11, 2011, the Transportation Security Administration (TSA) released to **Christopher Farrell**, a representative of **Judicial Watch, Inc.**, in Washington,

DC, six pages of material consisting of law enforcement reporting data back to Department of State. Portions of this response were withheld pursuant to FOIA Exemption (b)(5). (Case Number TSA Farrell May 10).

- On May 11, 2011, the Department of Homeland Security (DHS) released to the Department of State (DOS), six pages of records responsive to a request from **Ambassador Antonio O. Garza, Jr.**, Mexico City, Mexico, seeking information regarding weekly/monthly reports and news summaries from the following sections and agencies at the U.S. Embassy in Mexico City: Public Affairs Section, USAID, Economic Affairs/ESTH, and Political Affairs. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(7)E). (Case Number DHS/OS/PRIV 11-0628).
- On May 11, 2011, the Office of Inspector General (OIG) released to **Josh Margolin**, a reporter with ***The New York Post***, 97 pages of documents responsive to the request. Portions of this interim response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number OIG Margolin May 10).
- On May 11, 2011, the Department of Homeland Security (DHS) released to **Robert O'Harrow**, a reporter with the ***Washington Post*** in Washington, DC, 214 pages of records responsive to his request related to the ASP development program and the DNDO communication with the Government Accountability Office (GAO). Portions of this interim response were withheld pursuant to FOIA exemptions (b)(4) and (b)(6). (Case Number DHS/OS/PRIV 10-0628).
- On May 12, 2011, the U.S. Coast Guard (USCG) released to **Jerri Smitko**, a representative of Smitko & Ory in Houma, Louisiana, 182 pages consisting of reports, charts, graphs, plans and emails regarding seepage at or within ten miles of proximity to the well-head of the Macondo well between 0100 hours on July 16, 2010 and the present. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(5). (Case Number 2010FOIA2958).
- On May 13, 2011, the Department of Homeland Security (DHS) released to the Department of State (DOS), 17 pages of records responsive to a request from **Ambassador Antonio O. Garza, Jr.**, Mexico City, Mexico, seeking information regarding weekly/monthly reports and news summaries from the following sections and agencies at the U.S. Embassy in Mexico City: Public Affairs Section, USAID, Economic Affairs/ESTH, and Political Affairs. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)E). (Case Number DHS/OS/PRIV 11-0566).
- On May13, 2011, the Department of Homeland Security (DHS) released to **David Sobel**, Senior Counsel with **Electronic Frontier Foundation (EFF)** in Washington, DC, 170 pages of records responsive to his request seeking records created since January 20, 2009, that concern, discuss or reflect the work or deliberations of the HLCG, excluding any logistical information. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 11-0327).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.,* (S.D.N.Y. 10-3488), (Secure Communities Case): Plaintiff filed a complaint April 27, 2010, claiming constructive denial with regard to ICE FOIA 10-2674 and that ICE improperly denied their fee waiver and request for expedited processing. On May 9, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stokley Baksh** with **Deportation Nation** in Baltimore, Maryland, 14,117 pages responsive to their request.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 13 – May 20, 2011
Privacy Office
May 23, 2011
Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On May 12, 2011, United States Citizenship and Immigration Services (USCIS) invited stakeholders to participate in a teleconference regarding the interpretation of the term "specialized knowledge" and what standards and evidentiary requirements should be followed in determining eligibility for L-1B classification. (L-1B classification enables a U.S. employer to transfer a professional employee with specialized knowledge relating to the organization's interests from one of its affiliated foreign offices to one of its offices in the United States). Specifically, USCIS sought feedback on how it should interpret the definition of specialized knowledge within the regulatory framework, as well as what relevant factors should be considered in making a determination whether a beneficiary possesses specialized knowledge as it relates to L-1B cases. A detailed executive summary will be available at a later time; the invitation and agenda are currently available from USCIS.
- On May 13, 2011, United States Citizenship and Immigration Services (USCIS) launched I-9 Central, a new online resource center focused on the most frequently accessed form on USCIS.gov: Form I-9, "Employee Eligibility Verification." This free, easy-to-use website provides employers and employees simple one-click access to resources, tips, and guidance for properly completing the Form I-9 process.
- On May 16, 2011, United States Citizenship and Immigration Services (USCIS) announced that effective August 15, 2011 petitioners residing in countries without USCIS offices will be able to file a Form I-130, "Petition for an Alien Relative," with the USCIS Chicago Lockbox facility. This will increase the efficiency of the relative petition filing process and give USCIS more flexibility in managing its workload. Petitioners residing in a country with a USCIS office have the option of sending their I-130 forms to the Chicago Lockbox, or they may file their I-130 forms at the international USCIS office having jurisdiction.

II. **FOIA Requests**

- On May 16, 2011, **Josh Margolin**, a reporter with ***The New York Post*** in New York, New York, requested from the Department of Homeland Security (DHS) records concerning the Securing the Cities (STC) Program in the New York City metropolitan area for the period January 1, 2010, through the present. (Case Number DHS/OS/PRIV 11-0822).
- On May 16, 2011, **Michael Masnick**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) any formal or informal licensing agreements between DHS and either the City of New York or NBC Universal regarding creation or dissemination of the promotional video "Antipiracy PSA," published on March 22, 2011, at http://youtube.com/watch?v=cs80bpx4844. (Case Number DHS/OS/PRIV 11-0827).

- On May 16, 2011, **Stephanie Nielsen**, a researcher with the **Democratic Senatorial Campaign** Committee in Washington, DC, requested from the Department of Homeland Security (DHS) all communications between DHS and Vi-Jon Laboratories, Vi-Jon, Inc., Vi-Jon, Vi-Jon Laboratories, Inc., Vi-Jon Laboratories, LLC, Vi-Jon Printing & Packaging, Inc., Vi-Jon Services Company, LLC, Vi-Jon Transportation, LLC, VJCS Holdings, Inc., VJSC Acquisitions or John Brunner, including any representatives of the aforementioned entities. (Case Number DHS/OS/PRIV 11-0823).
- On May 16, 2011, **Brian Freskos**, a staff writer with ***Wilmington StarNews*** in Wilmington, North Carolina, requested from the United States Coast Guard (USCG) records related to the May 8, 2010 scuba diving accident off Carolina Beach, North Carolina, that left a 50-year-old woman dead (MISLE Case # 499610), including, but not limited to, the victim's identity, age, origin, and cause of death. (Case Number 2011FOIA2474).On May 17, 2011, **Gregory Kauffman**, a researcher with the **Pennsylvania Democratic Party** in Philadelphia, Pennsylvania, requested from the Department of Homeland Security (DHS), the Office of General Counsel (OGC), the Office of Civil Rights and Civil Liberties (CRCL), and the Federal Law Enforcement Training Center (FLETC) involving correspondence and other information requested by or provided State Senator Jacob "Jake" Corman of Pennsylvania and/or Mr. Corman's representatives from November 3, 1998, through May 17, 2011 (Case Number DHS/OS/PRIV 11-0836, OGC request, Initial request,11-080).
- On May 1***7,*** 2011, **Sean Reilly**, a staff writer with the ***Federal Times*** in Springfield, Virginia, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) itemized supporting data used to compile the number of convictions and total amount of fines, restitution, administrative cost savings, and recoveries listed on page i of OIG report #10-88, a*nd page 2 of OIG report #11-72, both entitled Special Report: Summary of Significant Investigations.* (Case Number OIG FOIA #2011-122, #2011-123).
- On May 18, 2011, **Jared S. Hopkins**, a journalist with the ***Chicago Tribune*** in Chicago, Illinois, requested from the United States Coast Guard (USCG) copies of all complaints filed since 2008 pertaining to water taxis, tour boats and similar commercial vessels that board and load passengers in Chicago, as well as any rulings or dispositions that resulted from the complaints or any investigations. (Case Number 2011FOIA2499).
- On May 18, 2011, **Michael Grabell**, a staff writer with ***ProPublica*** in New York, New York, requested from the Department of Homeland Security (DHS) copies of all communications, including memos and email, between Rapiscan Systems or OSI Systems and DHS Headquarters or

theTransportation Security lab regarding testing of the backscatter X-ray machines and the release of those tests to the public. (Case Number 11-0835).

Late Requests

- On April 25 2011, **Rolo Duartes**, General Manager at **Univision Online** in Raleigh-Durham, North Carolina, requested from United States Citizenship and Immigration Service (USCIS) documents pertaining to the detention of (b) (6) a citizen of Venezuela and resident of Wake County, North Carolina; specifically seeking: 1) documentation of his transfer to U.S. Immigration and Customs Enforcement (ICE) custody; 2) documentation of his release by ICE; and 3) grounds for his release by ICE. (Case Number NRC2011052201).
- On May 9, 2011, **John Hudak**, an individual in Nashville, Tennessee, requested from the Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA), the United States Coast Guard (USCG), U.S. Customs and Immigration Enforcement (ICE), and the Federal Law Enforcement Training Center (FLETC) a list of FOIA requests from 2010 about which a political appointee (persons appointed under Schedule C, a non-career member of the SES, or Senate-confirmed appointee) personally made an inquiry, personally reviewed, or personally had a hand in the disposition of the request. (Case Number DHS/OS/PRIV 11-0838, 11-549, USCG Hudak Request, 11-8921, 11-076).
- On May 10, 2911, **David Perera**, a reporter with ***FierceGovernmentIT*** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) access to and copies of the Secure Border Initiative Fiscal Year 2011 Expenditure Plan in electronic format. (Case Number CBP FOIA #2011F11828).
- On May 12, 2011, **Bob Mackin**, an individual in North Vancouver, British Columbia, requested from the Department of Homeland Security (DHS) the following records: 1) a copy of the daily situation reports for the period of February 4, 2010; and 2) the after-action review or like report for the 2010 Winter Olympics Social Media Event Monitoring Initiative. (Case Number DHS/OS/PRIV 11-0828).
- On May 12, 2011, **Bob Mackin**, an individual in North Vancouver, British Columbia, requested from the Department of Homeland Security (DHS) a copy of the 2010 Olympics Joint Threat Assessment released January 22, 2010, and the related after-action review of like report. (Case Number DHS/OS/PRIV 11-0829).

III. FOIA Releases

- On May 3, 2011, U.S. Customs and Immigration Enforcement (ICE) released to **Thomas Watkins**, a reporter with ***The Associated Press*** in Los Angeles, California, 1,576 pages of records responsive to his request seeking the following: 1) any email, correspondence, or other written material between ICE and the Corrections Corporation of America (CCA) in the last three years, pertaining to health care issues at any of the CCA facilities ICE sends

inmates to in Arizona and California; and 2) any written correspondence or records detailing any audits undertaken by ICE in the last three years that describe medical response times and health care efficiencies at CCA Arizona and California Facilities with ICE inmates. Portions of this response were withheld pursuant to FOIA Exemption (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 10FOIA7909).

- On May 3, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Marcus Stern**, a reporter with ***ProPublica*** in New York, New York, 841 pages of records responsive to his request seeking copies of the text or substance and dates of all grievances filed in 2009 and 2010 by detainees, detainee family members, detainee visitors or staff at Wallacy Detention Center, including those that were and were not resolved in favor of the complainant. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA3803).
- On May 3, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Tegan Millspaw**, Program Manager, Investigations & Research with **Judicial Watch**, **Inc.**, in Washington, DC, 1,891 pages of records responsive to her request seeking the following records: 1) all records of meetings and/or communications between ICE and non-governmental organizations concerning parole policy for asylum seekers; and 2) all records concerning the decision to revise ICE's parole policy for arriving aliens with credible fear claims. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 10-1865).
- On May 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Veena Dubal**, Esquire, of the **National Security and Civil Rights Project, Asian Law Caucus**, in New York, New York, 1,131 pages responsive to their request seeking records held by ICE describing or concerning, Third Agency Checks (TAC), including but not limited to: 1) any and all policies and procedures mentioning or concerning "Third Agency Checks"; 2) any and all lists of "special interest countries" and "specially designated countries" from which immigration detainees have been subjected to a "Third Agency Check"; 3) any and all statistics about the number of "Third Agency Checks" generated, the number resulting in third-agency follow-up activity, and the number resulting in prosecutions for terrorism-related charges; 4) any and all data regarding individuals subjected to "Third Agency Checks," including records indicating visa type, country of origin, immigration violation, disposition of case, race, religion, age, sex, and any other available characteristics; and 5) any and all policies and procedures mentioning or concerning "special interest countries" and "specially designated countries" and their relationship with "Third Agency Checks." Portions of this response were withheld pursuant to FOIA Exemption (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case number 10-1691).
- On May 5, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Judy Rabinovitz**, Deputy Director of the **ACLU Immigrants' Rights Project** in New York, New York, 133 pages responsive to her request seeking the following: 1) all records detailing the specific actions U.S. Immigration

and Customs Enforcement (ICE) to comply with the five recommendations issued by DHS OIG in its 2007 report entitled *ICE's Compliance with Detention Limits for Aliens with a Final Order of Removal from the United States*; and 2) all records, including correspondence, detailing ICE's failure to implement any of the recommendations issued by DHS Office of Inspector General (OIG) in its 2007 report. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F). (Case Number 10-8937).

- On May 17, 2011, the Department of Homeland Security (DHS) released to **Shawn Hils**, a representative with the **Democratic Senatorial Campaign Committee**, 6 pages of logs from the Executive Secretariat's Electronic Correspondence Tracking System (ECT) relating to correspondence requested by or provided to U.S. Representative Dean Heller (NV-2) from January 4, 2006, to the present. Portions of this response are withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0739).
- On May 17, 2011, the Department of Homeland Security (DHS) released to **Jackie Barber**, Deputy Counsel of the **National Republican Congressional Committee** in Washington, DC, 13 pages of responsive records, consisting of a congressional correspondence log for U.S. Representative Steny Hoyer (D-MD). Portions of this release were withheld pursuant to Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0645).
- On May 18, 2010, the United States Coast Guard (USCG) issued a no records determination to **Pamela Tikellis**, an attorney with **Chimicles & Tikellis Law Office** in Wilmington, Delaware, for all responsive information and records relating to the meetings or communications between USCG and BP as well as a copy of the BP Exploration and Production Plan for the Deepwater Horizon. (Case Number 2010FOIA2477).
- On May 19, 2011, the United States Coast Guard (USCG) issued a no records response to **Henri Fourroux**, an individual from New Orleans, Louisiana, for all permits made for the use of all types of the dispersant COREXIT since July 17, 2010. (Case Number 2011-0752).
- On May 19, 2011, the United States Citizenship and Immigrations Service (USCIS) released to **Erin Siegal**, a journalist with the **Schuster Institute for Investigative Journalism**, in Waltham, Massachusetts, 15 pages of material consisting of correspondence from the former Immigration and Naturalization Service (INS). (Case Number NRC2010010449).
- On May 23, 2011, the United States Coast Guard (USCG) released to **Brian Freskos**, a staff writer with ***Wilmington StarNews*** in Wilmington, North Carolina, 130 pages of material consisting of investigation reports, photographs, emails, charts, and witness statements. These records were released in full. (Case Number 2011FOIA2474).

V. FOIA Appeals

- On May 5, 2011, **Eric Lipton**, a Washington, DC, correspondent with ***The New York Times*** in New York, New York, appealed the response from U.S. Customs and Border Protection (CBP) related to his request for a copy of the

Air Enforcement Strategy report and most recent CBP Northern Border Strategy document. (Case Number 2011F10377).

VI. FOIA Appeal Releases and Determinations

- On May 19, 2011, U.S. Customs and Border Protection (CBP) issued a moot determination to **Leon Howard**, a staff attorney with the **American Civil Liberties Union of New Mexico** in Albuquerque, New Mexico, pertaining to his fee waiver appeal related to his request for documents regarding the policy and activities of the El Paso Sector Border Patrol within 100 and 25 miles of the United States-Mexico Border. (Case Number H162235).
- On May 19, 2011, U.S. Customs and Border Protection (CBP) released to **Andrew Becker**, a staff reporter at the ***Center for Investigative Reporting*** in Berkeley, California, 11 pages responsive to his request seeking official photographs of 41 employees who had been arrested, charged, convicted, and/or sentence on corruption-related charges from 2003 to the present. Portions of this response were withheld pursuant to Exemption (b)(7). (Case Number CBP H162235).

VII. Lawsuits

- In the matter of *Judicial Watch, Inc., v. Department of Homeland Security (DHS),* (11-cv-00804), Plaintiff filed a complaint April 29, 2011, claiming constructive denial pertaining to their request for any and all correspondence (including but not limited to email)between United States Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas and David Shahoulian from December 3, 2010, through February 3, 2011. The includes any email exchanged between Mayorkas and Shahoulian via their respective personal accounts where such personal email mentions or refers in any way to agency regulations or policy issues of any kind, including the planning or scheduling of meetings to discuss agency regulations or policy issues of any kind.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 20 – 26, 2011
Privacy Office
May 31, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On May 19, 2011, United States Citizenship and Immigration Services (USCIS) posted on its public website the Secretary of the Department of Homeland Security (DHS) Janet Napolitano's announcement of the re-designation of Haiti for Temporary Protected Status (TPS) and extended the country's current TPS designation for 18 months or through January 22, 2013. USCIS strongly encourages Haitian nationals to review the instructions on how to file an initial application for TPS available at http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=e54e60f64f336210VgnVCM100000082ca60aRCRD&vgnextchannel=e54e60f64f336210VgnVCM100000082ca60aRCRD. Individuals who currently do not have TPS or an application for TPS pending may begin filing for this status immediately and must file no later than November 15, 2011. Individuals who already have Haiti TPS must wait to file for re-registration until a notice describing the re-registration procedure is published in the *Federal Register*.
- On May 19, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that it has proposed significant enhancements to the administration of the USCIS Immigrant Investor Program, commonly referred to as the EB-5 Program. The enhancements proposed would transform the intake and review process for immigrant investors consistent with the Obama Administration's continued commitment to improving the legal immigration system and meeting current economic and national security needs. First, USCIS has proposed accelerated processing of applications for job-creating projects that are fully developed and ready to be implemented; USCIS will also give these EB-5 applicants and petitioners the option to request "Premium Processing Service," which guarantees processing within 15 calendar days for an additional fee. Second, USCIS proposed the creation of new specialized intake teams with expertise in economic analysis and the EB-5 Program requirements. EB-5 Regional Center applicants will be able to communicate directly with the specialized intake teams via email to streamline the resolution of issues and quickly address questions or needs related to their applications. Third, USCIS proposes to convene an expert decision board to render decisions regarding EB-5 Regional Center applications. The Decision Board will be composed of an economist and adjudicators supported by legal counsel. This proposal will be available online for public comment until June 17, 2011, so stakeholders can offer feedback on the proposed changes.

II. FOIA Requests

- On May 20, 2011, **Mac Metcalfe**, a journalist with the ***Juneau Empire*** in Juneau, Alaska, requested from the United States Coast Guard (USCG) copies of the must

list/personnel diaries for USCG members stationed in Juneau, Alaska, from January 1963 through December 1964. (Case Number 2011FOIA2520).

- On May 20, 2011, **Dominick Yanchunas**, associate editor with the ***Professional Mariner*** magazine in Staten Island, New York, requested from the United States Coast Guard (USCG) information pertaining to the fatal capsizing of the *Richardson's Bay* on April 9, 2011 off San Francisco, California. (MISLE Case 543372) (Case Number 2011FOIA2546).
- On May 20, 2011, **Robert P. Deasy**, director, Liaison and Information of the **American Immigration Lawyers Association (AILA)** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) copies of guidance, email, memoranda, instructions, and standard operating procedures issued by USCIS in 2010 and 2011 regarding the processing and/or adjudication of applications for adjustment of status (Form I-485) filed by or on the behalf of an individual who entered the United States on the Visa Waiver Program. (Case Number COW2011000403).
- On May 21, 2011 **Robert P. Deasy**, director, Liaison and Information of the **American Immigration Lawyers Association (AILA)** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) a complete copy of the report of the review of the USCIS FOIA Information Processing System (FIPS) that the Department of Homeland Security (DHS) Chief Information Officer conducted on April 30, 2010. (Case Number COW2011000404).
- On May 22, 2011, **Anita Lee**, a staff writer with the ***Sun Herald*** in Biloxi, Mississippi, requested from the United States Coast Guard (USCG) a copy of the accident or incident report about the May 18, 2011 incident involving the *Eurus London*, a cargo ship carrying Chiquita bananas, and a fishing vessel operated by Omega Protein. (Case Number 2011FOIA2542).
- On May 23, 2011, **Gregory Kauffman** a researcher with the **Pennsylvania Democratic Party** in Philadelphia, Pennsylvania, requested from United States Citizenship and Immigration Services (USCIS) all records, correspondence, and other information requested by or provided to State Senator Jacob Corman (R-PA) and Mr. Corman's representatives between November 3, 1998 and May 17, 2011 (Case Number COW2011000409).
- On May 23, 2011, **Andrew Becker**, a staff reporter with ***The Center for Investigative Reporting*** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) email or correspondence leading up to and resulting from the March 2011 termination of an identified ICE employee; and 2) any and all emails and correspondence to and from the former ICE employee and DHS and any other government agency after his March 2011 termination (Case Number 2011FOIA9048).
- On May 24, 2011, **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, requested from the Department of Homeland Security (DHS) information about the assignment of an identified individual to the position of Senior Advisor at the Senior Executive Service (SES) level at United States Customs and Immigration Services (USCIS) in Spring 2009. (Case Number DHS/OS/PRIV 11-0851).

- On May 24, 2011, **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, requested from the Department of Homeland Security (DHS) information about the assignment of an individual to the position of Special Assistant at the Senior Executive Service (SES) level at United States Customs and Immigration Services (USCIS) in Spring 2009. (Case Number DHS/OS/PRIV 11-0852).
- On May 24, 2011, **Erin Jordan**, a reporter with the ***Gazette*** and **KCRG** (Source Media) in Cedar Rapids, Iowa, requested from the Department of Homeland Security (DHS) a list that includes the total dollar amount of DHS Readiness Grants that went to each state since September 11, 2001. (Case Number DHS/OS/PRIV 11-0857).
- On May 24, 2011, **John Cook**, a journalist with ***Gawker Media*** in Brooklyn, New York, requested from the Department of Homeland Security (DHS) all correspondence between Roger Ailes and Tom Ridge, and/or Michael Chertoff during their tenures as DHS Secretary. (Case Number DHS/OS/PRIV 11-0860).
- On May 24, 2011, **Kevin McKenzie**, a reporter for the (Memphis) ***Commercial Appeal*** in Memphis, Tennessee, requested from the Office of Inspector General (OIG) underlying documents pertaining to OIG audit report entitled, "City of Memphis, Tennessee" (DA-10-02). (Case Number OIG FOIA#2011-127).
- On May 25, 2011, **Steven Emerson**, President of **SAE Productions, Inc**., in Washington, DC, requested from the Department of Homeland Security (DHS) copies of records related to any communications, meetings, and training sessions conducted or coordinated with the Muslim Public Affairs Council of Western New York (MPAC-WNY) and Dr. Khalid Qazi, MPAC-WNY president. (Case Number DHS/OS/PRIV 11-0858).
- On May 25, 2011, **Patricia Williams**, an individual in Metairie, Louisiana, requested from the United States Coast Guard (USCG) all air monitoring testing results for the *in situ* burning of the Deepwater Horizon Oil Spill in the Gulf of Mexico including all quantitative data, and the location and time of the air monitoring testing for each result. (Case Number 2011FOIA2583).
- On May 25, 2011, **Michael Bekesha**, an attorney with **Judicial Watch, Inc**., in Washington, DC, requested from the U.S. Secret Service (USSS) all records of visitor/guest logs and/or other records of guests visits made to the White House Conference Center in Washington, DC, during February 2011. (Case Number 5-25-11 request).
- On May 25, 2011, **Damien Cave**, a correspondent with ***The New York Times*** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) all documents including but not limited to budget documents that outline the number of DHS employees posted to Mexico in 2008, 2009, 2010, and currently; 2) all Interagency Agreements for 2008, 2009, 2010, and 2011 between DHS and/or its components and their Mexican counterparts or any arm of the Mexican government; and 3) the 2008, 2009, 2010, and 2011 Letters of Agreement and Letters of Offer and Acceptance between American and Mexican Officials including those that explain the terms for training and equipment programs as part of the Merida Initiative. (Case Number 2011FOIA9087)
- On May 25, 2011, **Brenda Bove**, a representative of the **American Civil Liberties Union of Michigan** in Detroit, Michigan, requested from U.S. Immigration and

Customs Enforcement (ICE) the following records: 1) all records related to the ICE actions that took place on the afternoon and evening of February 23, 2011 at 43 Rose Street, Grand Rapids, MI, 49507 ("February 23rd Action"), including planning, execution, and post action activities; 2) all records related to the training of ICE personnel, including training manuals, guidance, and training schedules; 3) all records related to the supervision of ICE personnel; 4) all records regarding the operational structure of the Detroit ICE office; 5) job descriptions for: the ICE Director , the Executive Associate Director for Enforcement and Removal Operations, the Deputy Executive Associate Director, Enforcement and Removal Operations; the Acting Assistant Director, Enforcement, the Detroit Field Office Director and the Detroit Deputy Director, all ICE personnel located in Grand Rapids or present in Grand Rapids during the February 23rd Action; and 6) all ICE policies and protocols. (Case Number 2011FOIA9091).

- On May 25, 2011, **Jared Taylor**, a journalist with ***The Monitor*** in McAllen, Texas, requested from U.S. Customs and Border Protection (CBP) the following records: 1) copies of all documents, incident reports, email, names of agents involved, suspects, and case narratives pertaining to the fatal shooting involving CBP agents along the Rio Grande River near Hidalgo, Texas, on April 2, 2010; 2) copies of all memoranda, email, and correspondence addressed, sent, and copied to, or written by the CBP Rio Grande Valley Sector Chief pertaining to the fatal shooting involving CBP agents along the Rio Grande River near Hidalgo, Texas on April 2, 2010; 3) copies of all documents, incident reports, email, names of agents involved, suspects, and case narratives pertaining to shots fired by CBP ground and marine agents along the Rio Grande River near Mission, Texas, on September 11, 2010; and 4) copies of all memoranda, email, and correspondence addressed, sent, and copied to, or written by the U.S. Border Patrol Rio Grande Valley Sector Chief pertaining to shots fired by CBP ground and marine agents along the Rio Grande River near Mission, Texas, on September 11, 2010. (Case Number CBP FOIA #2011F12223).
- On May 26, 2011, **Bill Trotter**, a staff reporter with the ***The Bangor Daily News*** in Bangor, Maine, requested from the United States Coast Guard (USCG) a copy of the USCG Investigative Service final report on a fatal collision of two lobster fishing vessels that occurred on June 30, 2010, in Frenchman Bay off the town of Winter Harbor, Maine, which resulted in the drowning death of Winter Harbor resident Frank C. Jordan. (Case Number 2011FOIA2564).

Late Requests

- On May 9, 2011, **Steven Emerson**, President of **SAE Productions, Inc**., in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records related to an identified individual. (Case Number CBP FOIA # 2011F11955).
- On May 12, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the United States Secret Service (USSS) copies of all records of Twitter messages, which the USSS considers a threat against the President of the United States created on or after January 20, 2009. (Case Number 5-12-11 request).

- On May 18, 2011, **Aidan Monaghan**, an individual in Las Vegas, Nevada, requested from the United States Secret Service (USSS) records related to USSS protectee activity regarding events at the so-called "Bilderberg" conference at the Westfields Marriott in Chantilly, Virginia, on or about June 5, 2008 through June 8, 2008, including such records specifically regarding the activity of USSS protectees including then-Senators Hillary Clinton (D-NY) and Barack Obama (D-IL). (Case Number 5-18-11 Request).
- On May 19, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from the Department of Homeland Security (DHS) information related to the December 2009 summit on intellectual property (IP Summit), to include the following records: 1) any communications or correspondence between DHS officials or employees and entertainment industry executives, officials, representatives, or employees; 2) any communications or correspondence between DHS officials or employees and entertainment association executives, officials, representatives, or employees, including, but not limited to, executives, officials, representatives, or employees of the Motion Picture Association of America (MPAA) or the Recording Industry Association of America (RIAA); 3) any communications or correspondence between DHS officials or employees and officials or employees of other federal government agencies concerning the IP Summit; 4) any briefings, presentations, or other materials provided to participants of the IP Summit; and 5) any documents, briefings, or presentations created in relation to the IP Summit concerning strategy for the enforcement of intellectual property rights. (Case Number DHS/OS/PRIV 11-0845).

III. FOIA Releases

- On May 24, 2011, United States Customs and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, 1,161 pages of records pertaining to his request for copies of all documents and training material made available to USCIS employees or contractors concerning the policies and practices of processing FOIA requests. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(4), (b)(6), and (b)(7)(E) (Case Number COW201000212).
- On May 25, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Sarah Henkel**, representative of the **South Texas Civil Rights Project** in San Juan, Texas, nine pages of records related to her request seeking all ICE policies and procedures pertaining to the housing/detention of gays, lesbians, and transgendered persons as outlined in ICE's national detention standards; and all policies and procedures pertaining to the housing/detention of gays, lesbians, and transgendered persons as specified in the contract between ICE and the Management and Training Corporation detention facility, Willacy County Detention Center, South Raymondville, Texas. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA7470).
- On May 25, 2011, United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, a journalist with **The Schuster Institute for Investigative Journalism** in Waltham, Massachusetts, 15 pages of records pertaining to

communications sent to and from Roy Hernandez and anyone else working at or with U.S. Immigration and Customs Enforcement (ICE) Guatemala City Country Office related to people being temporarily or permanently banned from involvement in the submission and processing of all new adoption cases with the Department of Homeland Security (DHS) and the United States Embassy in Guatemala. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number NRC2010010449).

- On May 26, 2011, the Department of Homeland Security (DHS) released to **Lucy Dalglish**, a reporter with ***News Media & The Law*** in Washington, DC, 116 pages of records responsive to her request for copies of the weekly significant FOIA reports for January 2009 to the present. Portions of this response were withheld pursuant to FOIA Exemption 6 (Case Number DHS/OS/PRIV 11-0669).
- On May 26, 2011, the Department of Homeland Security (DHS) released to **Gregory Korte**, a reporter with ***USA Today*** in Washington, DC, 20 pages of records responsive to his request for a DHS plan submitted to the Office of Management and Budget (OMB) pursuant to the June 10, 2010, presidential memo entitled "Disposing of Unneeded Real Estate. These records were release in full (DHS/OS/PRIV 11-0634).
- On May 27, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Andrew Becker**, a reporter with ***The Center for Investigative Reporting*** in Berkeley, California, a no records determination in response to his request seeking all studies of immigration enforcement surges, including any and all such studies prepared by and/or for the Fugitive Operations division, from Fiscal Year 2010 to the present (Case Number 2011FOIA8185).
- On May 27, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Andrew Becker**, a reporter with ***The Center for Investigative Reporting*** in Berkeley, California, a no records determination in response to his request relating to the number of I-862, "Notice to Appear" charging documents filed by ICE for each of the fiscal years from 2006 to date. (Case Number 2011FOIA8216).
- On May 27, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Tisha Thompson**, a reporter with **WTTG-TV Fox 5 News** in Washington, DC, eight pages of records related to the procurement of a coffee machine. Portions of this response were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 11-107).

IV. FOIA Appeals

- **NSTR**

V. FOIA Appeal Releases and Determinations

- **NSTR**

VI. Lawsuits

- In the matter of *NLG v. DHS, USCIS, CBP, ICE, DOJ, DOS*, (11-CV-3235), Plaintiff filed a complaint May 12, 2011, claiming constructive denial pertaining to their

request for records relating to the government's claims that it facilitates the return of individuals who prevail in their immigration cases from outside the United States.

- In the matter of *Judicial Watch v. DHS* (D.D.C. 11-CV-606), Plaintiff filed a complaint March 23, 2011, claiming constructive denial pertaining to their request for records relating to the following: 1) any and all records of communications between the Department of Homeland Security and any of the following entities, concerning "deferred action" or "parole" to suspend removal proceedings against a particular individual or group of individuals for a specific timeframe; as well as records of communications concerning "selective reprieve" to the segment of the population holding expired visas: The White House; The Executive Office of the President; Any third parties; and 2) any and all DHS internal communications concerning changes to existing policies and practices regarding "deferred action or parole," and "selective reprieves." On May 26, 2011, the Department of Homeland Security (DHS) produced 736 pages and U.S. Immigration and Customs Enforcement (ICE) produced 479 pages of responsive records to the Plaintiffs.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 27 – June 2, 2011
Privacy Office
June 6, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On May 20, 2011, United States Citizenship and Immigration Services (USCIS) discussed the process of registering for Temporary Protected Status under the re-designation as well as the process of re-registering under the extension. The teleconference invitation and meeting agenda are currently available on USCIS' public website.
- On May 25, 2011, United States Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas announced the launch of a federal initiative to raise awareness about the rights, responsibilities, and importance of U.S. citizenship. The new Citizenship Public Education and Awareness Initiative is designed to alert the public about the free citizenship education resources USCIS makes available to eligible lawful permanent residents and immigrant-serving organizations. USCIS will employ digital media, a video public service announcement, and print and radio messages in a variety of languages to raise awareness. The initiative will direct individuals to citizenship preparation materials and other training material available from the USCIS Citizenship Resource Center at www.uscis.gov/citizenship. In the first phase of a planned multi-year effort messages will run May 30, 2011, through September 5, 2011.
- On June 2, 2011, U.S. Immigration and Customs Enforcement (ICE) posted an updated version of the Secure Communities Nationwide Interoperability Statistics document to its FOIA library.

II. **FOIA Requests**

- On May 27, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) records created from January 1, 2008, to the present discussing, concerning, or reflecting ICE's strategy for seizing domain names as a means of combating online criminal activity. (Case Number 2011FOIA9132).
- On May 27, 2011, **Na Eng,** an Emmy Award-winning news and documentary producer with **NBC Universal** in Englewood Cliffs, New Jersey, requested from U.S. Immigration and Customs Enforcement (ICE) documents pertaining to meetings between officials from law firms and the Department of Homeland Security (DHS), ICE, and U.S. Customs and Border Protection (CBP) officials, as well as contracts between DHS and the Corrections Corporation of America (CCA) pertaining to the Eloy Detention Center in Eloy, Arizona. (Case number 2011FOIA9138).

- On May 27, 2011, **Tyler J. Francke**, a reporter with ***Branson Tri-Lakes News*** in Branson, Missouri, requested from the United States Coast Guard (USCG) the investigation report pertaining to the grounding of the Showboat *Branson Belle* on Table Rock Lake in Missouri on December 11, 2010. (Case Number 2011FOIA2623).
- On May 27, 2011, **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, requested from the United States Citizenship and Immigration Services (USCIS) information on all Standard Forms 86 (SF-86) submitted by a named individual in 2008 or 2009 contained in (but not limited to) page 1, blocks F "Date of Birth," H "Position Code," and I "Position Title," and page 5, block 13A (only any description of an Employment Code, Position Title and the dates of this position(s) as an employee of United States Citizenship and Immigration Services (USCIS) or Department of Homeland Security (DHS). (Case Number Conklin Request).
- On May 31, 2011, **Vin Cannamela**, a feature producer with ***ESPN*** in Bristol, Connecticut, requested from the United States Coast Guard (USCG) the audio of the distress calls from a September 5, 2009 boating accident in Spring Lake, Michigan. (Case Number 2011FOIA2630).
- On May 31, 2011, **Ginnie Graham**, a reporter with the ***Tulsa World*** in Tulsa, Oklahoma, requested from U.S. Immigration and Customs Enforcement (ICE) a list of employers and businesses in Oklahoma that have been cited or otherwise sanctioned for violating the U.S. Immigration and Nationality Act since January 2005, including the type of each violation, any penalties and/or fines assessed, and the status of any appeals. (Case Number 2011FOIA9226).
- On June 1, 2011, **John Verdi**, Senior Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) agreements related to the Secure Communities Program concerning the transfer of personally identifiable information (PII) between ICE and any other entity; privacy policies related to Secure Communities; training materials; and policies and agreements concerning the transfer of PII between the Secure Communities Program and the Nationwide Suspicious Activity Reporting Initiative. (Case Number 2011FOIA9224).
- On June 1, 2011, **David Perera**, a journalist with the **Fierce Government Group** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) copies of the Arizona Border Technology Plan. (Case number 2011F12466).
- On June 1, 2011, **Gbemende Johnson**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) **and** the Federal Law Enforcement Training Center (FLETC) copies of resumes or materials otherwise justifying appropriate pay levels for Schedule C appointees for those appointed to Schedule C positions from August 15, 2009, to May 15, 2011**;** copies of the resumes or materials otherwise justifying appropriate pay levels for non-career Senior Executive Service employees of all those employed by the agency as non-career members of the Senior Executive Service from August 15, 2009, to May 15, 2011**;** and copies of the resumes of all persons employed as Senate-confirmed presidential appointments by the agency from August 15, 2009, to May 15, 2011. (Case Number DHS/OS/PRIV 11-0872 and 11-089).

- On June 1, 2011, **Gbemende Johnson**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) a list of all appointees, i.e., personnel appointed as a Senate-confirmed, non-career member of the Senior Executive Service, and Schedule C appointees, serving in the agency between January 20, 2011, and May 15, 2011, to include the title, dates of service, and appointment authority for each appointee (Senate-confirmed, non-career member of the Senior Executive Service, Schedule C appointee). (Case Number DHS/OS/PRIV 11-0873 and 11-090).
- On June 1, 2011, **Jennifer Selin**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) a list of reports that the agency made to Congress in 2010 that were mandated in statute and to whom they were sent, e.g., House/Senate committees, subcommittees**;** and, a list of the House and Senate committees and subcommittees that heard testimony from agency officials in 2010. (Case Number DHS/OS/PRIV 11-0875 and 11-091).
- On June 1, 2011, **Jennifer Selin**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS and the Federal Law Enforcement Training Center (FLETC) a copy of all written communications from the agency to the Speaker of the House, John Boehner (R-OH), or Chair of the House Committee on Oversight and Government Reform, Darrell Issa (R-CA), between January 3, 2011 and May 15, 2011. (Case Number DHS/OS/PRIV 11-0874 and 11-092).
- On June 1, 2011, **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests, response letters and responsive materials provided to the requester from January 1, 2007, to the present by the Office of the Secretary of Homeland Security in which former House Speaker Newt Gingrich (R), the Gingrich Group, Gingrich Communications, Gingrich Enterprises, Gingrich Holdings, Gingrich Productions, the Center for Health Transformation, the National Commission for Quality Long-Term Care, or American Solutions for Winning the Future are the subject of the requests or part of the subject of the requests. (Case Number DHS/OS/PRIV 11-0879).
- On June 1, 2011, **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests, response letters and responsive materials provided to the requester from January 1, 2006, to the present by the Office of the Secretary of Homeland Security in which Tim Pawlenty, former governor of Minnesota (R), Timothy Pawlenty, Children's HeartLink, Achieve, Inc., Wizmo Inc., Access Anywhere, or NewTel Holdings are the subject of the requests or part of the subject of the requests. (Case Number 11-0880).
- On June 1, 2011, **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests, response letters and responsive materials provided to the requester from January 1, 2006, to present by the Office of the Secretary of Homeland

Security in which in which Former Massachusetts Governor Willard Mitt Romney (R), Willard M. Romney, W. Mitt Romney, Mitt Romney, Bain Capital, Absolute Return Capital (ARC), Bain Capital Private Equity, Bain Capital (Europe) Limited; Bain & Co., Bain Capital Ventures, Brookside Capital, Sankaty Advisors, Marriott International, Inc., Tyler Charitable Foundation, or Ann D. and W. Mitt Romney Charitable Foundation are the subject of the requests or part of the subject the requests. (Case Number DHS/OS/PRIV 11-0881).

Late Requests

- On May 11, 2011, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the United Sates Citizenship and Immigration Services (USCIS) the following records: 1) a copy of Mohamed Atta's change of status request/application from a B2 "Visitor" visa to an M visa for foreign student pilot in 2000 or 2001; 2) a copy of forms I-94 (arrival/departure records), I-130 (petition for alien relative), I-131 (application for travel), I-129 (petition for non-immigrant worker), I-539 (application to extend/change nonimmigrant status), and I-20 (supporting information for the issuance of a student visa or change of status) that note school transfers, as well as the State Department application for Atta's B2/B-1 Visa; and 3) a copy of any applications Atta filed for schools and any and all passports issued to Atta, including a copy of applications for his Conch Republic Passport. (Case Number COW2011000435).
- On May 23, 2011, **Ned P. Rauche**, a reporter for ***The Journal News*** in White Plains, New York, requested from the United States Coast Guard (USCG) the investigation report of a drowning in Long Island Sound on July 25, 2010, regarding a boat operated by New York Sailing School in New Rochelle, New York. (Case Number 2011FOIA2640).
- On May 23, 2011, **Bede Sheppard**, a Senior Researcher with **Human Rights Watch** in New York City, New York, requested from the United States Citizenship and Immigration Services (USCIS) records concerning unaccompanied alien children from the People's Republic of China who are or were in immigration removal proceedings at any time for each FY 1999 to FY 2010, or for the most recent fiscal year data available. Specifically, Human Rights Watch requests the following for from FY 1999 to FY 2010: 1) records identifying the number of non-immigrants from the People's Republic of China within USCIS jurisdiction ordered to be voluntarily removed; 2) records identifying the number of unaccompanied alien children from the People's Republic of China within USCIS jurisdiction ordered to be voluntarily removed; 3) records identifying the number of T-1 nonimmigrant status (T-1 visa) applications received by USCIS and number of T visas granted by USCIS from FY 1999 to the present; 4) records identifying the number of T-1 visa applications received by USCIS and number of T-1 visas granted by USCIS each fiscal year to noncitizens from People's Republic of China, from FY 1999 to the present; 5) records identifying the number of T-1 visa applications received and the number of T-1 visas granted by USCIS each fiscal year to unaccompanied alien children from People's Republic of China from FY 1999 to the present; 6) records identifying the number of Special Immigrant Juvenile status applications received by

USCIS and number of Special Immigrant Juvenile status granted by USCIS from FY 1999 to the present, and disaggregated by state jurisdiction where a local juvenile court established jurisdiction through dependency; and 7) Records identifying the number of Special Immigrant Juvenile status applications received by USCIS and the number of Special Immigrant Juvenile status granted by USCIS each fiscal year to noncitizens from People's Republic of China, from FY 1999 to present, and disaggregated by state jurisdiction where a local juvenile court established jurisdiction through dependency. (Case Number COW2011000451).

- On May 26, 2011, **Steven A. Miller**, a reporter with ***The New York Post*** in New York City, New York, requested from the United States Citizenship and Immigration Services (USCIS) copies of all correspondence, including letters and email, sent or received from January 1, 2008, to May 15, 2011, between bureau offices and any of the following members of Congress: Senator Charles Schumer (D-NY), Senator Kirsten Gillibrand (D-NY), Representative Gary Ackerman (D-NY), Representative Tim Bishop (D-NY), Representative Yvette Clarke (D-NY), Representative Joseph Crowley (D-NY, 7th), Representative Eliot Engel (D-NY), Representative Steve Israel (D-NY), Representative Pete King (R-NY), Representative Nita Lowey (D-NY), Representative Carolyn Maloney (D-NY), Representative Carolyn McCarthy (D-NY), Representative Gregory Meeks (D-NY), Representative Jerrold Nadler (D-NY) Representative Charles Rangel (D-NY), Representative Jose Serrano (D-NY), Representative Edolphus Towns (D-NY), Representative Nydia Velzaquez (D-NY), and Representative Anthony Weiner (D-N). (Case Number COW2011000430).
- On May 26, 2011, **Steven Emerson**, President of **SAE Productions, Inc.,** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) copies of all records and documents related to any communication, meetings and training sessions conducted or coordinated with the Muslim Public Affairs Council of Western New York (MPAC-WNY) and/or its president. (Case Number 2011F12259 and 2011FOIA9222).

III. FOIA Releases

- On May 31, 2011, the United States Secret Service (USSS) released to **Michael Bekesha** with **Judicial Watch, Inc.,** five pages of records in response to his request for records concerning the cost of the trip of President Obama to Copenhagen during the week of September 28, 2009, and the cost of the trip of First Lady Michelle Obama, Secretary of Education Arne Duncan, Secretary of Transportation Ray LaHood, Senior Advisor to the President Valerie Jarrett, and representatives of the White House for Olympic, Paralympic and Youth Sport to Copenhagen during the week of September 28, 2009. (Case Numbers 20090796 and 20090797).
- On June 1, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Robert Keobel,** a reporter with ***Fox 4 News*** in Cape Coral, Florida, one page of records in response to his request for the number of holding cells and interview rooms that will be included in the construction of the new office in Fort Myers. (Case Number 2011FOIA5976).

- On June 2, .2011, the Department of Homeland Security (DHS) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 301 pages of records responsive to his request for copies of documents listed in the weekly significant FOIA reports. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C). (Case Number DHS/OS/PRIV 11-0160).
- On June 2, 2011, the Department of Homeland Security (DHS) released to **Lucy Dalglish**, a reporter with the ***News Media & The Law*** in Washington, DC, 301 pages of records responsive to her request for copies of documents listed in the weekly significant FOIA reports. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C). (Case Number DHS/OS/PRIV 11-0669).
- On June 3, 2011, the Department of Homeland Security (DHS) released to **David Fowler**, an Associate Professor with **University of Oregon** in Eugene, Oregon, two pages responsive to his request seeking a listing of personnel counts reflecting positions in the 0080, 0083, 1801, 1802, 1810, 1811, 1881, 1889, 1894, 1895, 1896, 1899 occupational codes, to exclude the U.S. Secret Service, U.S. Coast Guard, and the Office of Inspector General. Portions of this response were withheld pursuant to FOIA exemption (b)(3). (Case Number DHS/OS/PRIV 11-0077).

IV. FOIA Appeals

- On May 17, 2011, **Natasha Minsker**, Death Penalty Policy Director for the **American Civil Liberties Union of Northern California** and **Tim Redmond**, Executive Editor with the ***San Francisco Bay Guardian*** in San Francisco, California, appealed the response from U.S. Customs and Border Protection (CBP) to their request for documents pertaining to the acquisition of controlled substances by state officials for the purpose of carrying out executions of condemned prisoners by lethal injection. (Case Number 2011-F03665).

V. FOIA Appeal Releases and Determinations

- **NSTR**

VI. Lawsuits

- In the matter of *Judicial Watch v. DHS* (D.D.C. 11-CV-604), Plaintiff filed a complaint March 23, 2011, claiming constructive denial pertaining to their request for records relating to the following: a) any and all records of, and/or records concerning Department of Homeland Security briefing regarding a systematic review of pending immigration cases against suspected illegal immigrants in Houston, Texas; b) Any and all records of general guidelines issued to Department of Homeland Security attorneys, allowing for dismissal of pending immigration cases; c) Any and all records detailing the determination and implementation of a systematic review of pending immigration cases against suspected illegal immigrants in Houston, Texas; d) Any and all correspondence with non-governmental organizations (to include, but not limited to, the American Immigration Lawyers Association) concerning the process for US Immigration and Customs Enforcement to give consideration to possible dismissal of pending immigration cases. ICE produced 235 pages of responsive records to plaintiffs on May 27, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of June 3 – 9, 2011
Privacy Office
June 13, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On June 8, 2011, United States Citizenship and Immigration Services (USCIS) posted an executive summary of its Unauthorized Practice of Immigration Law (UPIL) initiative and engagement sessions regarding the initiative on its public website. In January 2010, the USCIS Office of Public Engagement began development of the UPIL initiative by hosting a national engagement session on UPIL in Washington, DC to solicit individual feedback from stakeholders regarding the nature and scope of the UPIL problem. Following the national engagement session, USCIS selected seven partner cities to participate in the initiative: Atlanta, Baltimore, Detroit, Fresno, Los Angeles, New York, and San Antonio. USCIS subsequently hosted engagement sessions in each of the seven partner cities to enable community members, community organizations, and government officials to share their individual views regarding how best to achieve the stated aims of the UPIL initiative.

II. FOIA Requests

- On June 3, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) "augmented" FOIA logs on interim/final responses issued by ICE between May 16, 2011 and May 31, 2011. (Case Number 2011FOIA9355).
- On June 3, 2011, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of each of the DHS FOIA Weekly Reports for the years 2009, 2010, and 2011 to date. (Case Number 11-0896).
- On June 6, 2011, **Ron Nixon**, journalist with ***The New York Times*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all correspondence, and the agency's response, including letters, transcripts or summaries of telephone calls, as well as any emails or other electronic communications from members of the House of Representatives or U.S. Senate, officers of the House or Senate, committee of the House or Senate, or any staff members of the House or Senate to the agency regarding the expenditure of funds for specific projects or the expenditure of funds for specific companies or non-profit organizations for the most current fiscal year. (Case Number 11-0902).
- On June 7, 2011, **Jennifer Nicole Foster**, an Attorney at Law in Asheville, North Carolina, requested from the Department of Homeland Security (DHS) the following records: 1) all intelligence, surveillance,

interception of emails, phone calls, surveillance of Facebook messages, posts, emails, chats, friend requests and accept; 2) any intelligence gathering based on 'domestic terrorism' or any other activities considered by any local, state or federal law enforcement agencies to be considered illegal or against government interests, specifically directed at an individual's activism surrounding industrial, cannabis legalization, criminal just and jail reform, immigration and custom legal defense work, anti-death penalty advocacy, or any other matters deemed to warrant surveillance of an individual; 3) all matters of electronic surveillance through Facebook, including status updates, posts, friend requests and acceptances, emails, messages and chats; 4) any surveillance regarding an individual's work as an attorney and any interference with their private attorney-client communications whether by phone or email; 5) any warrant requests, wire tap requests or any other judicial applications for surveillance; 6) any and all investigation and/or law enforcement activities by or for the IRS; 7) any and all surveillance or law enforcement investigation of a radio show, Civil Disobedience Radio housed at 103.5 MAIN FM in Asheville, NC.; and 7) FBI, CIA, any "domestic" counter-intelligence agencies or law enforcement agencies. IRS, White House Secret Service and any and all unknown surveillance agencies involved domestic or foreign. (Case Number 11-0910).

- On June 7, 2011, **Robert P. Deasy**, Liaison & Information Director with the **American Immigration Lawyers Association (AILA)** in Washington, DC, requested from the Department of Homeland Security (DHS) a complete copy of the report of the review of the U.S. Citizenship and Immigration Services (USCIS) FOIA Information Processing System (FIPS) that the DHS Chief Information Officer conducted on April 30, 2010. (Case Number 11-0913).
- On June 7, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jennifer Lynch**, a staff attorney with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, seeking records created on or after January 1, 2006 discussing, concerning, or reflecting: 1) any problems, obstacles or limitations that hamper the FBI's current ability to conduct surveillance on communications systems or networks including, but not limited to, encrypted services like Blackberry (RIM), social networking sites like Facebook, peer-to-peer messaging services or Voice over Internet Protocol (VoIP) services like Skype, etc.; 2) any communications or discussions with the operators of communications systems or networks (including, but not limited to, those providing encrypted communications, social networking, and peer-to-peer messaging services), or with equipment manufacturers and vendors, concerning technical difficulties the FBI has encountered in conducting authorized electronic surveillance; 3) any communications or discussions concerning technical difficulties the FBI has encountered in obtaining assistance from non-U.S.-based operators of communications systems or networks, or with

equipment; manufacturers and vendors in the conduct of authorized electronic surveillance; 4) any communications or discussions with the operators of communications systems or networks, or with equipment manufacturers and vendors, concerning development and needs related to electronic communications surveillance enabling technology; 5) any communications or discussions with foreign government representatives or trade groups about trade restrictions or import or export controls related to electronic communications surveillance-enabling technology; and 6) any briefings, discussions, or other exchanges between FBI officials and members of the Senate or House of Representatives concerning implementing a requirement for electronic communications surveillance-enabling technology including, but not limited to, proposed amendments to the Communications Assistance to Law Enforcement Act (CALEA). (Case Number 11-0908).

- On June 7, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Faiza Patel**, Counsel with the **Brennan Center For Justice** in New York, New York, seeking the following documents: 1) copies of all materials shown, presented, or provided by the FBI or its agents, employees or representatives during any formal or informal outreach sessions or meetings with Muslim, Arab, and South Asian (MASA) community representatives and/or groups that have taken place since January 1, 2009; and 2) copies of all FBI policies, formal and informal, currently in effect that set forth, regulate, or govern the process by which an FBI agent, employee or representative obtains formal and/or informal authorization to make a public presentation to any MASA Community representatives and/or groups. (Case Number 11-0907).
- On June 8, 2011, **Steven Aftergood**, Director of the **Federation of American Scientists** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of a 2004 study entitled "Homeland Security Professional Development." (Case Number 11-0917).
- On June 8, 2011, **Paul Kramer**, an individual in Cambridge, Massachusetts, requested from the Department of Homeland Security (DHS) access to a report commissioned by the Office of the Secretary of Defense at some point between August 29, 2005 and October 3, 2005 on the governmental response to Hurricane Katrina. (Case Number 11-0919).
- On June 9, 2011, **Sarah J. Hollenbeck**, a journalist with **Waterman Broadcasting** in Fort Myers, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) information relating to the number of holding cells and interview rooms will be in ICE's new facility in South Fort Myers off of Daniels Road. (Case Number 2011FOIA9643).
- On June 9, 2011, **Jennifer Selin**, an individual in Nashville, Tennessee, requested from the United States Coast Guard (USCG) the following records: 1) a copy of all written communications from the USCG to the Speaker of the House, John Boehner (R-OH), or Chair of the House Committee on Oversight and Government Reform, Darell Issa (R-CA),

between January 3, 2011 and May 15, 2011; 2) a list of reports that the United States Coast Guard made to Congress in 2010 that were mandated in statute and to whom they were sent (e.g. House/Senate committees and subcommittees); and 3) a list of the House and Senate committees and subcommittees that heard testimony from USCG officials in 2010. (Case Number 2011FOIA2701).

Late Requests

- On May 25, 2011, **Gbemende Johnson**, an individual in Nashville, Tennessee, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) copies of the resumes (or materials otherwise justifying appropriate pay levels for Schedule C appointees) of all persons appointed to a Schedule C position from August 15, 2009 to May 15, 2011; 2) copies of the resumes (or materials otherwise justifying appropriate pay levels for non-career Senior Executive Service employees) of all persons employed by the agency as non-career members of the Senior Executive Service employed from August 15, 2009 to May 15, 2011; and 3) copies of the resumes of all persons employed as Senate-confirmed presidential appointments by the agency from August 15, 2009 to May 15, 2011. (Case Number COW2011000459).
- On May 25, 2011, **Gbemende Johnson**, an individual in Nashville, Tennessee, requested from the United States Citizenship and Immigration Services (USCIS) a list of all appointees (i.e., personnel appointed as a Senate-confirmed, non-career member of the Senior Executive Service, Schedule C appointee) serving in the agency between January 20, 2001 and May 15, 2011. (Case Number COW2011000460).
- On May 26, 2011, **Steven Miller**, a reporter with ***The New York Post*** in New York City, New York, requested from the United States Citizenship and Immigration Services (USCIS) copies of all correspondence, including letters and email, sent or received from January 1, 2008 to May 15, 2011 between bureau offices and any of the following members of Congress: Senator Charles Schumer (D-NY), Senator Kirsten Gillibrand (D-NY), Representative Gary Ackerman (D-NY), Representative Tim Bishop (D-NY), Representative Yvette Clarke (D-NY), Representative Joseph Crowley (D-NY, 7th), Representative Eliot Engel (D-NY), Representative Steve Israel (D-NY), Representative Pete King (R-NY), Representative Nita Lowey (D-NY), Representative Carolyn Maloney (D-NY), Representative Carolyn McCarthy (D-NY), Representative Gregory Meeks (D-NY), Representative Jerrold Nadler (D-NY) Representative Charles Rangel (D-NY), Representative Jose Serrano (D-NY), Representative Edolphus Towns (D-NY), Representative Nydia Velzaquez (D-NY), and Representative Anthony Weiner (D-N). (Case Number COW2011000430).
- On March 31, 2011, **Niki Moore**, a Pickering Fellow with the **Asian Law Caucus** in Washington, DC, requested from U.S. Customs and Border

Protection (CBP) the following records: 1) any and all policies, procedures, directives, guidance, protocols, legal analysis, training materials, final memoranda, and other documents and records mentioning or concerning questioning and searches of individuals traveling to or from Iran, to include indirect (through third country) flights; 2) any and all policies, procedures, directives, guidance, protocols, legal analysis, training materials, final memoranda, and other documents and records mentioning or concerning interviews, additional security checks, secondary screening or electronic searches of U.S. Citizens and U.S. Permanent residents, holding passports showing their "place of birth" as Iran or an Iranian city, while leaving or returning to the United States, from 2003 to present; and 3) any and all documents and records regarding permanent residency cards (green cards) revoked from 2003 to present, at the U.S. borders or patrolled in, including the citizenship and/or place of birth of individuals subject to such revocations. (Case Number CBP FOIA # 2011F12668).

III. FOIA Releases

- On June 6, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Sam Brooke**, an attorney with the **Southern Poverty Law Center** in Montgomery, Alabama, 1,476 pages related to his request seeking records regarding detainee grievance materials from eight detention facilities in Louisiana, Alabama, and Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA2139).
- On June 6, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Matthew Huisman**, a reporter with the **Dallas News** in Dallas, Texas, 10 pages of records responsive to his request seeking a list of Texas employers who were issued a notice of inspection regarding employment records that were fined as a result of their employment records. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA6562).
- On June 6, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeff Marcu**, a journalist with **First Coast News** in Jacksonville, Florida, 18 pages of records responsive to his request seeking a complete list of companies fined on final order by ICE and the amount of the fines. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA8346).
- On June 8, 2011, U.S. Immigration and Customs Enforcement (ICE) will release to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, 200 pages responsive to her request and includes three Microsoft Excel spreadsheets. Portions of those documents have been withheld to protect the names, phone numbers, and email addresses of ICE employees. (Case Number 2011FOIA0324).
- On June 8, 2011, United States Citizenship and Immigration Services (USCIS) released to **Dr. Paul Risenhoover,** a representative of **Robin**

Hood International Human Rights Legal Defense Fund in Tainan City, Taiwan, a response consisting of 8 total pages of records pertaining to any documents showing USCIS' attempts at compliance or contempt for the orders of Judge Paul Friedman in *Commonwealth of the Northern Mariana Islands v. USA.* These records were released in full. (Case Number NRC2010022893).

- On June 8, 2011, United States Citizenship and Immigration Services (USCIS) released to **Nancy Morawetz**, an Attorney with the **Immigrant Rights Clinic**, in New York, New York, 84 pages that include memorandums and a Standard Operating Procedure Manual that were written subsequent to July 11, 2006 and reference that Memorandum or its subject matter. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(7)(C). (Case Number NRC2010011032).
- On June 9, 2011, the United States Coast Guard (USCG) released to **Dom Yanchunas**, a journalist with Professional Mariner in Staten Island, New York, 49 pages of records pertaining to a fatal capsizing of the Vessel RICHARDSON's BAY on April 9, 2011 off San Francisco. These records were released in full. (Case Number 2011-2546).
- On June 9, 2011, the United States Coast Guard (USCG) released to **Juan Tamayo**, a reporter with the Maimi Herald in Miami, Florida, released 41 pages of records responsive to his request seeking material response to his request seeking entries in the log of the USCG 7th District, based in Miami, of the tugboat MUHEET and the barges it was towing. These records were released in full. (Case Number 2011-2328).

IV. FOIA Appeals

- On May 26, 2011, **Emily Creighton**, a Staff Attorney with the **American Immigration Council** in Washington, DC, appealed the response from U.S. Customs and Border Protection (CBP) to her request for records related to CBP's policies regarding a noncitizen's access to counsel during interactions with CBP and her request for a fee waiver. (Case Number H170224).
- On June 1, 2011, **Robert Deasy**, Liaison & Information Director with the **American Immigration Lawyers Association (AILA)** in Washington, DC, appealed the response from U.S. Customs and Border Protection (CBP) to his request for guidance issued by CBP related to circumstances when CBP will send an L-1 petition to U.S. Citizenship and Immigration Services (USCIS) instead of allowing withdrawal of the application for admission at the port of entry. (Case Number H170222).
- On June 3, 2011, **Tina Ghose**, a Homeland Security Researcher with the **Center for Investigative Reporting**, in Berkeley, California, appealed the response from U.S. Customs and Border Protection (CBP) to her request for data on the revocation of Secure Electronic Network for Travelers Rapid Inspection (SENTRI) lane passes by ports of entry. (Case Number H169419).

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *National Immigrant Justice Center (NIJC) v. DHS*, (N.D. Ill. 11-CV-3469), Plaintiff filed a complaint May 24, 2011, claiming constructive denial pertaining to their request for records related to Intergovernmental Service Agreements with the Jefferson County Jail and the Tri-County Detention Center in Illinois. (Case Number 2011FOIA7124).

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited **fr**om disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of June 10 – 16, 2011
Privacy Office
June 20, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On June 9, 2011, United States Customs and Immigration Services (USCIS) posted the interim policy memorandum entitled "The Role of USCIS District Directors in the Board of Immigration Appeals Recognition and Accreditation Process: Revisions to the Adjudicator's Field Manual, New Chapter 12.6, AFM Update AD 11-34" on its public website for stakeholder review and comment. This guidance clarifies the role and responsibilities of USCIS District Directors related to the recognition and accreditation process administered by the Board of Immigration Appeals, Executive Office for Immigration Review, Department of Justice. The period for comments ends on June 22, 2011.
- On June 13, 2011, United States Customs and Immigration Services (USCIS) launched *Records and Information from DMVs for E-Verify (RIDE)*, a new web-based feature that enables the USCIS E-Verify program to validate the authenticity of Mississippi drivers' licenses used by employees as Form I-9 identity documents. (Form I-9 is used to verify employees' employment authorization.) More than 80 percent of employees use drivers' licenses to establish their identities when completing the Form I-9. By enabling E-Verify to compare driver's license data against state records, RIDE will improve E-Verify's accuracy and help combat document fraud when determining employees' eligibility to work in the United States —all the while safe guarding personal data.

II. FOIA Requests

- On June 13, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the United States Citizenship and Immigration Services (USCIS) an index, log or other listing of all cases involving Cuban natives who arrived in the United States between April 15, 1980 and October 20, 1980, including the alien's date of birth and alien identification number. (Case Number COW2011000494).
- On June 14, 2011, **Paul Burkhardt**, a reporter with ***Bloomberg News*** in New York City, New York, requested from the United States Coast Guard (USCG) a copy of the corrected version of National Response Center incident report #979399, which contains information on the responsible party in the incident that took place at the Noko Philadelphia Refinery in Philadelphia, Pennsylvania. (Case Number 2011FOIA2738).
- On June 14, 2011, **T. Christian Crouse**, an individual in Murray, Kentucky, requested from the United States Coast Guard (USCG) the following records: 1) copies of the forms, including any notes or drawings for the submission of

the barge skimmer known as the "Big Gulp" during the Deepwater Horizon oil spill; 2) the date of the official testing of the first "Big Gulp" barge skimmer during the response to the oil spill; 3) the official submission form a named individual filled out during the oil spill regarding an alternative technology solution; 4) information about the submission of the alternative technology solution called the "Air Bubble Curtain"; 5) any information or suggestions or submissions made by the USCG Department of Resources and Development during the oil spill; and 6) a copy of the requirements for submitting an "alternative solution or invention" during the Deepwater Horizon oil spill through the USCG website. (Case Number 2011FOIA2763).

- On June 14, 2011, **Thomas Lake,** a writer with ***Sports Illustrated*** magazine, requested from the United States Coast Guard (USCG) records pertaining to an incident in the Gulf of Mexico off Clearwater, Florida, in late February and early March 2009 when four men on a boat went missing. (Case Number 2011FOIA2751).
- On June 13, 2011, **Scott MacFarlane**, a reporter with ***COX TV*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all expense reports or receipts for all purchases of food or beverage by staff of the DHS and its sub-agencies in March 2011. (Case Number DHS/OS/PRIV 11-0932).
- On June 14, 2011, **Scott MacFarlane**, a reporter with ***COX TV*** in Washington, DC, requested from the Department of Homeland Security (DHS) a list of all DHS employees in Ohio, Georgia, Pennsylvania, and North Carolina, who have been given or used government-issued take-home vehicles. (Case Number DHS/OS/PRIV 11-0939).
- On June 14, 2011, **Scott MacFarlane**, a reporter with ***COX TV*** in Washington, DC, requested from the Department of Homeland Security (DHS) a list or index of correspondence from the following individuals to DHS between January 2009 and the present: Senators Sherrod Brown (D-OH); Maria Cantwell (D-WA); Robert Casey (D-PA); Saxby Chambliss (R-GA); Richard Burr (R-NC); Lindsey Graham (R-SC); Jim DeMint (R-SC); Kay Bailey Hutchison (R-TX); John Isakson (R-GA); Patty Murray (D-WA); John D. Rockefeller, IV (D-WV); and Representatives Bob Gibbs (R-OH); Jay Inslee (D-WA); George Miller (D-CA); Silvestre Reyes (D-TX); Michael Turner (R-OH); and Lynn Woolsey (D-CA). (Case Number DHS/OS/PRIV 11-0940).
- On June 14, 2011, **Ryan Miklus**, an individual in Phoenix, Arizona, requested from the Transportation Security Administration (TSA) all security video footage from PHX for the Terminal 4, Gate C security checkpoint between 8:00 AM and 9:30 AM. (Case Number TSA11-0656).
- On June 15, 2011, **Russell Clemons**, an individual in Alabama, requested from the United States Coast Guard (USCG) the final determination for claims related to the Deepwater Horizon oil spill issued by the National Pollution Funds Center (NPFC) as follows: N10036-0198, N10036-0009, N10036-0020, N10036-0027, N10036-0554, and N10036-0461. These claims pertain to the Deepwater Horizon oil spill. (Case Number 2011FOIA2793).

- On June 15, 2011, **Abdullah Shamsi,** a law clerk with **Epic.org** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) any list of federal, state, local, and foreign governmental entities to which DHS plans or may choose to disclose information procured through social media monitoring; 2) any list of those private sector entities to which DHS plans or may choose to disclose information procured through social media monitoring; and 3) any record setting out DHS's legal authority to disclose information procured through social media monitoring, including memos, communications, and reports. (Case Number DHS/OS/PRIV 11-0944).
- On June 15, 2011, **R. Scott Moxley**, senior editor with ***OC Weekly/Village Voice Media, Inc.,*** in Costa Mesa, California, requested from the Department of Homeland Security (DHS) records pertaining to Leading Edge Aviation, Inc., a business based in Costa Mesa, California, from the period of January 1, 2010 to the present day. (Case Number DHS/OS/PRIV 11-0956).
- On June 15, 2011, **R. Scott Moxley**, senior editor with ***OC Weekly/Village Voice Media, Inc.,*** in Costa Mesa, California, requested from the Department of Homeland Security (DHS) all records in its possession pertaining to Helistream, Inc., or HeliStream, Inc., a business based in Costa Mesa, California, from the period of January 1, 2010 to the present day. (Case Number DHS/OS/PRIV 11-0957).
- On June 16, 2011, **Ladd Brubaker**, a reporter with the ***Deseret News*** in Salt Lake City, Utah, requested from the Department of Homeland Security (DHS) copies of any records, information or correspondence related to the deportation of five named parties, including email, voicemail, texts, letters, etc., including those received from or sent to third parties. (Case Number DHS/OS/PRIV 11-0958).

Late Requests

- On May 31, 2011, **Jennifer Selin**, a student at **Vanderbilt University** in Nashville, Tennessee, requested from United States Citizenship and Immigration Services (USCIS), all written communications from the Speaker of the House, John Boehner (R-OH), or Chairman of the House Committee on Oversight and Government Reform, Darrell Issa (R-CA) between January 3, 2011, and May 5, 2011. (Case Number NRC2011062482).
- On May 31, 2011, **Melissa Crow**, the Director of the **Legal Action Center of American Immigration Council** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) the following records pertaining to CBP's enforcement operations and activities within 100 miles of the United States-Mexico border aimed at and/or resulting in voluntary returns of individuals to their countries of origin from January 2009 to the present: 1) how the Department of Homeland Security (DHS) and/or CBP agents decide to stop, arrest and/or detain individuals believed to be present in the United States in violation of the immigration laws; 2) the questioning of individuals apprehended by DHS and/or CBP agents; 3) the determination whether apprehended individuals are eligible for voluntary return; 4) the means of

determining that individuals apprehended by DHS and/or CBP agents knowingly and voluntarily consent to voluntary return and knowingly and voluntarily waive their right to a hearing before an immigration judge and/or to any immigration relief for which they may be eligible; 5) agents' use of coercive tactics, including but not limited to the actual or threatened use of violence, sexual assault, and/or retaliation against family members to persuade individuals apprehended by DHS and/or CBP to accept voluntary return; 6) the processing of individuals apprehended by CBP for voluntary return in lieu of removal; 7) the means of ensuring that individuals who have signed Form I-826, "Notice of Rights and Request for Disposition," depart from the United States; 8) the use of voluntary return in lieu of removal; 9) training materials used to educate CBP agents about the use of voluntary return in lieu of removal; 10) the total number of voluntary returns of individuals to their countries of origin, the nationalities of individuals who agreed to voluntary return, and, if available, the number of voluntary returns per month during the timeframe January 2009 through April 2011; 11) alleged misconduct by DHS or CBP agents within 100 miles of the U.S.-Mexico border, including but not limited to documents relating to the alleged mistreatment of any individual while in CBP custody; 12) alleged use of coercive tactics by DHS or CBP agents within 100 miles of the U.S.-Mexico border, including but not limited to the actual or threatened use of violence, sexual assault, and/or retaliation against family members to persuade individuals apprehended by DHS and/or CBP to accept voluntary return; 13) investigations undertaken by DHS, CBP, or another government agency regarding alleged misconduct by DHS or CBP agents within 1000 miles of the United States-Mexico border, including but not limited to documents related to the alleged mistreatment of any individual while in CBP custody; and 14) investigations undertaken by DHS, CBP, or another government agency regarding the use of coercive tactics by DHS or CBP agents within 100 miles of the United States-Mexico border, including but not limited to the actual or threatened use of violence, sexual assault, and/or retaliation against family members to persuade individuals apprehended by DHS and/or CBP to accept voluntary return. (Case Number 2011F13090).

- On June 2, 2011, **Daniel Krauth**, a reporter with ***WPTV Channel 5*** in West Palm Beach, Florida**,** requested from the Transportation Security Administration (TSA) copies of all passenger claims and complaints made at the security lines during the screening process at Palm Beach International Airport between January 1, 2010 and June 1, 2011. (Case Number TSA11-0652).
- On June 7, 2011, **Jill Laster**, a reporter with ***Navy Times*** in Springfield, Virginia, requested from the United States Coast Guard (USCG) a copy of the investigation report into the actions of a named individual who was temporarily relieved of duty. (Case Number 2011FOIA2753).
- On June 09, 2011, **John Crumley**, a reporter with ***KMBC-TV*** in Kansas City, Missouri**,** requested from the Transportation Security Administration (TSA) video and all written reports regarding the security breach at Kansas City International Airport on June 9, 2011. (Case Number TSA11-0662).

- On June 9, 2011, **Beth Werlin**, Deputy Director of **Legal Action Center, American Immigration Council** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) records that relate or refer in any way to how applications and petitions affected by Section 3 of the Defense of Marriage Act are to be adjudicated. (Case Number COW2011000490).
- On June 10, 2011, **Michael Grabell**, a staff writer with ***ProPublica*** in New York City, New York, requested from the Transportation Security Administration (TSA) copies of all administrative injury claims filed regarding backscatter and millimeter wave scanners as well as copies of all radiation surveys, inspections, and radiation safety compliance audits conducted by the Army. (Case Number TSA11-0653).
- On June 10, 2011, **Jack Elbe**, an individual in Minocqua, Wisconsin, requested from the Transportation Security Administration (TSA) a copy of the video from March 2, 2011 of the security checkpoint at Central Wisconsin Airport. (Case Number TSA11-0655).

II. FOIA Releases

- On May 31, 2011, the United States Coast Guard (USCG) released to **Vin Cannamela**, a Feature Producer for **ESPN E:60** in Bristol, Connecticut, the audio of the distress calls from a September 5, 2009, accident in Spring Lake, Michigan. This request involved access to the incident case file as well as information on the first responders. No exemptions were claimed. (Case Number 2011FOIA2630).
- On June 13, 2011, Immigration and Customs Enforcement (ICE) issued to **Sarnata Reynolds**, Advocacy Director, Refugee and Migrants' Rights with **Amnesty International USA** in Washington, DC, a no records determination in response to her request seeking copies of manuals and supplementary materials referencing "voluntary return" and/or Form I-826, "Notice of Rights and Request for Disposition." (Case Number 2011FOIA6174).
- On June 15, 2011, the United States Coast Guard (USCG) released to **Tyler J. Francke**, a reporter with ***Branson Tri-Lakes News*** in Branson, Missouri, the activity number for the USCG investigation regarding the showboat *Branson Belle* in response to his request for documents about a grounding incident on Table Rock in Missouri. These records were released in full. (Case Number 2011FOIA2623.)
- On June 15, 2011, U.S. Customs and Border Protection (CBP) issued to **Michel Marizco**, a reporter with ***KJZZ Public Radio Arizona*** in Tempe, Arizona, a full denial in response to his request seeking a training video on agent suicide produced by the El Paso Sector in 2010. These records were withheld in full pursuant to FOIA Exemptions (b)(6) and (b)(7). (Case Number 11-0723).
- On June 15, 2011, U.S. Customs and Border Protection (CBP) released to **Michel Marizco**, a reporter with ***KJZZ Public Radio Arizona*** in Tempe, Arizona, one page of statistical information entitled "Suicide Report 2007-2011" in response to his request seeking all records of suicides of CBP agents

and inspectors since 2006, including but not limited to the name of the agent, the location of the port or sector assigned, the date of the suicide, the specific division within which the agent worked, and the specific duties of the agent. (Case Number 11-0722).

- On June 15, 2011, the Office of Inspector General (OIG) released to **Mike McGraw**, a reporter with the ***Kansas City Star*** in Kansas City, Missouri, 13 pages of correspondence pertaining to OIG report #OIG-11-13 entitled, "Review of the National Bio and Agro-Defense Facility Site Selection Process." Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case number 2011-083).
- On June 15, 2011, the Department of Homeland Security (DHS) released to **Laura Strickler,** a reporter with **CBS News** in Washington, DC, 1,133 pages records of congressional correspondence between DHS and any member of Congress or any congressional staff from February 1, 2009 through July 17, 2009. Portions of this response were withheld pursuant to FOIA Exemptions (b)5, (b)6, and (b)7. (Case Number DHS/OS/PRIV 09-0829).
- On June 16, 2011, the Department of Homeland Security (DHS) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 591 pages of records responsive to his request for copies of the weekly significant FOIA reports from January 2009 through May 31, 2011. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7). (Case Number DHS/OS/PRIV 11-0896).
- On June 16, 2011, the Federal Emergency Management Agency (FEMA) released to **Erin Jordan**, a reporter with the ***Gazette*** and **KCRG** in Cedar Rapids, Iowa, ten pages responsive to her request for a list of the total dollar amounts of Department of Homeland Security (DHS) Readiness Grants that went to each state since September 11, 2001. (Case Number 11-574).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *American Civil Liberties Union v. U.S. Department of Homeland Security, et al.*, (1:08-cv-01100-RBW), in which plaintiff's challenged the sufficiency of ICE's search and withholdings pertaining to their request seeking records relating to the deaths of immigrants in DHS custody. An Order on DHS's Motion for Summary Judgment on September 20, 2010 upheld all of ICE's withholdings and granted Summary Judgment. ICE prepared a declaration describing the timeline and processing of the request, along with the structure of the ICE FOIA Office at the time the request was received. This declaration was submitted along with the Defendants' Motion in Opposition to Plaintiff's request for attorney's fees on Friday, June 17, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of June 17 - 23, 2011
Privacy Office
June 27, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA-related items:

- On June 22, 2011, U.S. Immigration and Customs Enforcement (ICE) posted 57 pages pertaining to Secure Communities Nationwide Interoperability Statistics for Fiscal Year 2011 in its FOIA Library.

II. **FOIA Requests**

- On June 17, 2011, **Dan Grassetti**, a representative of the **Hills Conservation Network** in San Francisco, California, requested from the Department of Homeland Security (DHS) all records of any correspondence between Senator Dianne Feinstein (D-CA), her staff and any persons at DHS regarding three Federal Emergency Management Agency (FEMA) Pre-disaster Mitigation Grants and two FEMA hazard mitigation grants. (Case Number DHS/OS/PRIV 11-0963).
- On June 17, 2011, (b) (6) an individual in Laguna Hills, California, requested from United States Citizenship and Immigration Services (USCIS) the following records related to this individual's reassignment: 1) all documentation from September 2009 to the present from the California Service Center to the Nebraska Service Center in May 2010; 2) all documentation regarding this reassignment; and 3) Outlook email tapes for two named former USCIS employees containing references to this reassignment. (Case Number COW2011000510).
- On June 17, 2011, **Tia Ghose**, a Homeland Security Researcher with the **Center for Investigating Reporting** in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) access to and copies of location data on fencing installed along the United States-Mexico border since 2006 to include the following: 1) information about each segment of fence, including whether the fencing is pedestrian or vehicle; 2) the type of fencing employed, e.g., "post or rail" steel set in concrete or a mesh option, steel picket-style fence set in concrete, vehicle bollards similar to those found around Federal buildings, "Normandy" vehicle fencing, consisting of steel beams; or concrete jersey walls with steel mesh; and 3) whether a natural barrier, such as a river or a mountain, is considered a barrier in lieu of fencing. (Case Number CBP FOIA 2011F13729).
- On June 17, 2011, **Emily Willard**, a Research Associate with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) all documents relating to Operation Streamline, including but not limited to policy protocol guidelines, criminal proceedings, and criteria for discretionary "lateral repatriation." (Case Number 2011FOIA10067).
- On June 17, 2011, the **Drug Enforcement Administration (DEA)** referred to the United States Coast Guard (USCG) documents responsive to a request from Nemesio

Potes-Mina, an inmate at McRae Correctional Facility in McRae City, Georgia, seeking the DEA and Federal Bureau of Investigation (FBI) "Report of Investigation." (Case Number 2011FOIA2830).

- On June 17, 2011, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union, San Diego & Imperial Counties** in San Diego, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) memoranda, procedures, policies, directives, practices, guidance, or guidelines in force since December 8, 2009, that pertain to ICE's interpretation or implementation of Directive No. 11002.1, which concerns the parole of arriving aliens who have established a credible fear of persecution or torture; 2) any written communications or records reflecting non-written communications, by, to, between or among Detention and Removal (DRO) Field Office of San Diego and Imperial Counties personnel pertaining to parole under authority of 8 U.S.C. § 1 I 82(d)(5) or 8 C.F.R. § 212.5(d) created since December 7, 2009; 3) local statistics on parole decisions since January 4, 2010, including statistics compiled by the DRO Assistant Director pursuant to Directive No. 11002.1, ¶¶6.3, 7.2 and monthly statistical reports provided by the San Diego DRO Field Office Director pursuant to Directive No. 11002.1, ¶7.3(3); 4) Local statistics on parole decisions between November 6, 2007 and January 3, 2010, including statistics compiled by the DRO Assistant Director pursuant to Directive No.7-1.0, ¶7.2.2 and monthly statistical reports provided by the San Diego DRO Field Office Director pursuant to Directive No. 7-1.0, ¶7.3.3; 5) A random sample of records of parole adjudications since January 4, 2010, consisting of the random samples evaluated monthly by the Assistant Director of Operations pursuant to Directive No. 11002.1,¶ 8.11; and 6) records acquired, created, maintained, or possessed by ICE since January 4, 2010, describing or related to parole adjudications by the DRO Field Office of San Diego and Imperial Counties, including but not limited to that field office's log of parole adjudications, Record of Determination/Parole Determination Worksheets and, in the case of denials, the letters to asylum seekers including a brief explanation for the decision. (Case Number 2011FOIA10086).
- On June 20, 2011, **Vance Green**, an individual in North Arlington, New Jersey, requested from the U.S. Secret Service (USSS) copies of logs detailing then-Vice President Richard Cheney's arrival/entrance into the Presidential Emergency Operations Center (PEOC) on the morning of September 11, 2001, and a listing of persons in attendance, including but not limited to Transportation Secretary Norman Mineta. (Case Number 20110430).
- On June 20, 2011, **Arlene Gonzalez**, an individual in Alexandria, Virginia, requested from the United States Coast Guard (USCG) a copy of the CG-CIS May 14, 2007 investigation into a whistleblower incident. (Case Number 2011FOIA2832).
- On June 21, 2011, **Kirk Mitchell**, a reporter with ***The Denver Post*** in Denver, Colorado, requested from U.S. Immigration and Customs Enforcement (ICE) the names, dates of birth, home countries of citizenship, primary Colorado criminal charge, and the date and location of release from ICE custody of all illegal aliens with ICE holds released from custody in Colorado into the custody of ICE between 2006 and 2011. (Case Number 2011FOIA10102).

- On June 21, 2011, **Sarah Menkedick,** a researcher with ***Harper's Magazine,*** requested a document listing the behavioral indicators used by TSA SPOT officers to identify high-risk passengers as referenced in an April 15, 2011, CNN article. (Case Number TSA11-0677).
- On June 21, 2011, **Lena Masri**, a staff attorney with the **Council on American-Islamic Relations (CAIR), Michigan Chapter** in Southfield, Michigan, requested from the Transportation Security Administration (TSA) records regarding a named individual. (Case Number TSA11-0672).
- On June 21, 2011, **Matt Schroeder**, Manager of the Arms Sales Monitoring Project with the **Federation of American Scientists** in Washington, DC, requested from the Transportation Security Administration (TSA) a copy of the most recent list of civilian aircraft attacked with man-portable air defense systems worldwide since the 1970s. (Case Number TSA11-0676).
- On June 21, 2011, **Jordan Williams**, a reporter with ***KRGV-TV, Channel 5 News*** in Rio Grande Valley, Texas, requested from the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) copies of all incident reports, audio files, video files and any other paperwork associated with all DHS agencies who responded to a grenade found on the highway on April 24, 2011. (Case Number DHS/OS/PRIV 11-0969 and CBP FOIA # 2011F13727).
- On June 21, 2011, **Jorge O. Martinez**, the publisher and editor of **CentroDeportivo.com**, in Las Vegas, Nevada, requested from the U.S. Customs and Border Protection (CBP) and United States Citizenship and Immigration Services (USCIS) all entry and exit data from June 1, 2009 through May 31, 2011, for El Salvadorian President Carlos Mauricio Funes Cartagena and First Lady Vanda Guiomar Pignato de Funes. (Case Numbers CBP FOIA #2011F13640 and Martinez Request).
- On June 22, 2011, the **Defense Intelligence Agency** (DIA) referred to the United States Coast Guard (USCG) documents responsive to a request from the **National Security Archive** in Washington, DC, seeking any and all documents related in whole or in part to activities carried out by the Guatemalan Guerilla Group, "Unidad Revolucionarie National Guatemalteca" (URNG) in Mexico, including the following events: 1) the May 1993 confrontation between the Mexican army group of insurgents near Ocosingo, Chiapas, resulting in the death of one army officer and the arrest of eight Mexicans and two Guatemalans; 2) the November 1993 detention by the Mexican military of several presumed URNG members in the Chiapas state, who were accused of kidnapping a local cattle rancher and holding him for ransom; 3) repeated allegations made by the Mexican government during the years 1992-1994 of actions undertaken by the URNG on Mexican soil; and 4) any relationship between activities of the URNG in Chiapas and the emergence of the Zapatista National Liberation Army (EZLN), including but not limited to the transfer of arms. (Case Number 2011FOIA2865).
- On June 22, 2011, the **Defense Intelligence Agency (DIA)** referred to the United States Coast Guard (USCG) documents responsive to a request from the **National Security Archive** in Washington, DC, seeking all records relating in whole or in part to rumors of a military coup plot in Venezuela against the Perez administration in November 1991, and any events leading up to and immediately following coup

rumors, including: 1) warnings from a group of intellectuals, led by Arturo Uslar Pieti in October and November 1991 that a military coup might occur in Venezuela; 2) Ulsar's requests for an emergency government, the resignation of the supreme court, and congress; 3) Venezuelan Defense Minister Fernando Ochoa Antich's reaction on November 19, 1991 in dismissing warnings about a military coup in Venezuela. (Case Number 2011FOIA2866).

- On June 22, 2011, **The Defense Intelligence Agency** (DIA) referred to the United States Coast Guard (USCG) documents responsive to a request from **Jeremy Bigwood**, an investigative journalist with http://jeremybigwood.net in Washington, DC, seeking any records from January 2005 to the present regarding Venezuela's role in the 2006 Ecuadorian elections. (Case Number 2011FOIA2867).
- On June 22, 2011, **Mike Maybay**, a producer with ***KSTP Television*** in St. Paul, Minnesota, requested from the United States Citizenship and Immigration Services (USCIS) all forms N-648, "Medical Certification for Disability Exceptions," filed from January 1, 2005 to May 31, 2011. (Case Number Maybay Request).
- On June 22, 2011, **Seth Wessler**, a senior researcher with the **Applied Research Center** in New York, New York, requested from the Department of Homeland Security (DHS) the following records: 1) all records created after September 2008, including memoranda, reports, studies, correspondence, and drafts thereof, that respond to recommendations made by the DHS Office of Inspector General (OIG) as part of its 2009 report, "Removals Involving Illegal Alien Parents of United States Citizen Children"; 2) all records created after October 13, 2009, including memoranda, reports, correspondence, and drafts thereof, produced in response to Congressional requests for information regarding the removal of non-citizen parents of U.S. citizen children, including but not limited to responses to the request for information included in the Department of Homeland Security Appropriations Act Conference Report described above; 3) For each month and year for which data is available since 1996 to the present, all records, including reports, memoranda, correspondence, logs, charts, lists, summaries, and individual case files; 4) all records created after 1996, including reports, memoranda, correspondence, logs, charts, lists, and summaries, providing data about the final charge category that resulted in removal of any and all parents of US citizens; 5) all records created after September 30, 1996, pertaining to the removal of non-citizen parents of U.S. citizen children, including memoranda, correspondence, procedures, policies, directives, guidance, or guidelines, concerning when, why, and under what circumstances non-citizen parents of U.S. citizen children are placed in removal proceedings and/or removed from the United States; 6) all records created after September 30, 1996, including memoranda, correspondence, procedures, policies, directives, guidance, or guidelines, concerning when, why, and under what circumstances otherwise-removable non-citizens are permitted to remain in the United States because they are the parents of U.S. citizen children, as well as all records describing individual instances of such decisions and aggregating data on the frequency of such decisions. (Case Number DHS/OS/PRIV 11-0977).
- On June 23, 2011, **Casey Nesselhauf**, an individual with the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all records in the

Worksite Enforcement Activity Records and Index (LYNX) referring to Northwood Builders. (Case Number 2011FOIA10152).

- On June 23, 2011, **Christina Martinez**, a regional representative for **Senator Harry Reid (D-NV)** in Las Vegas, Nevada, requested from U.S. Immigration and Customs Enforcement (ICE) copies of an ICE Office of Professional Responsibility (OPR) investigation relating to a named individual. (Case Number 2011FOIA10168).
- On June 23, 2011, **Andrew Christy**, a law clerk from **Epic.org** in Washington, DC, requested from the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP)the following records: 1) all records regarding any individuals targeted for surveillance for support for or interest in WikiLeaks; 2) all records regarding lists of names of individuals who have demonstrated support for or interest in WikiLeaks; 3) all records of any agency communications with Internet and social media companies including, but not limited to Facebook and Google, regarding lists of individuals who have demonstrated, through advocacy or other means, support for or interest in WikiLeaks; and 4) all records of any agency communications with financial services companies including, but not limited to Visa, MasterCard, and PayPal.regarding lists of individuals who have demonstrated, through monetary donations or other means, support or interest in WikiLeaks. (Case Number DHS/OS/PRIV 11-0978 and 2011F13793).

<u>Late requests</u>

- On June 12, 2011, **Kevin Lapp**, an acting assistant professor with **New York University School of Law** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) copies of all monthly reports received by USCIS, including District Directors, from 1992 to the present relating to naturalization applications. (Case Number NRC2011063052).
- On June 15, 2011, **Juan Carlos Llorca,** a reporter with ***The Associated Press*** in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) the following records: 1) copies of the employment records of an individual Border Patrol Agent to reflect his training, employment history, disciplinary record, current posting, and any other information that is not subject to protection due to privacy reasons; 2) any memoranda regarding the June 7, 2010 , border crossing of an individual near El Paso, Texas; and 3) a copy of the report done following the internal investigation on the incident. (Case Number CBP FOIA #2011F13645).
- On June 16, 2011, **Louise Radnofsky**, a reporter with ***The Wall Street Journal*** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) records of all assets categorized and coded as “under-utilized” or “not utilized” in the Federal Real Property Profile as of the date on which processing of this request begins; 2) summary data covering the number of assets currently in the Federal Real Property Profile, the total number which are “over-utilized” or “utilized,” the corresponding building use categories/ codes, using organization, size, value, condition index, mission dependency, annual operating costs and congressional district; and 3) a copy of any response from GSA to a similar inquiry made for Federal Real Property Profile records under FOIA in the previous two years. (Case Number DHS/OS/PRIV 11-0966).

III. FOIA Releases

- On June 21, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, four pages of records in response to his request for a list of all current and former contractors who work on contracts for ICE as part of the Secure Communities program. Portions of the records were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number ICE 2011FOIA7590).
- On June 21, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, 46 pages of records in response to her request for copies of records of complaints/offenses and disciplinary outcomes by General Schedule (GS) level from October 1, 2009, through April 26, 2011. Portions of the records were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number ICE 2011FOIA7597).
- On June 21, 2011, U.S. Customs and Immigration Enforcement (ICE) released to **Randall Berg**, an individual with the **Florida Justice Institute, Inc.**, in Miami, Florida, 39 pages of records in response to their request seeking any and all video and audio recordings and photographs of a named individual's death and the shooting of another individual on or about 11 p.m. on February 10, 2011. Portions of the records were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA8562).
- On June 22, 2011, U.S. Customs and Immigration Enforcement (ICE) released to **Eric Tucker**, a reporter with ***The Associated Press*** in Washington, DC, 513 pages r regarding Operation Community Shield. Portions of the records were withheld pursuant to FOIA Exemption (b)(6), (Case Number 2011FOIA6707).
- On June 23, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Walter Roche**, a reporter with the ***Pittsburgh Tribune-Review*** in Pittsburgh, Pennsylvania, 39 pages in response to his request seeking records, emails, memos, or correspondence relating to the authorization or requested authorization for the transport and admission of children from orphanages in Haiti to the U.S. Portions of the response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA5338).
- On June 23, 2011, the U.S. Coast Guard (USCG) released to **Josh Gerstein**, a reporter with ***Politico*** in Alexandria, Virginia, three pages of material in response to a request from seeking records on the group "Vietnam Veterans Against the War." Portions of the response were withheld pursuant to FOIA Exemption (b)(3). (Case Number 2011FOIA2221).
- On June 24, 2011, the U.S. Coast Guard (USCG) released to **Dom Yanchunas**, an associate editor with the ***Professional Mariner*** magazine in Staten Island, New York, 49 pages of search and rescue activity records pertaining to the fatal capsizing of the *Richardson's Bay* on April 9, 2011 off San Francisco, California, MISLE Case 543372. The records were released in full. (Case Number FOIA 11-2546).
- On June 23, 2011, the Department of Homeland Security (DHS) Office of Science & Technology released to **Michael Grabell**, a staff writer with ***Pro Publica*** in New York, New York, 49 pages of emails responsive to his request for copies of all communications, including email, between Rapiscan Systems (or OSI Systems) and DHS Headquarters or the Transportation Security Lab regarding testing of the

backscatter X-ray machines and the release of those tests to the public. Portions of the response were withheld pursuant to FOIA Exemption (b)(6). (Case Number S&T 11-0003.27).

IV. FOIA Appeals

- On June 13, 2011, **Matt Jenkins**, a contributing editor for ***High Country News*** in Berkeley, California, appealed the U.S. Coast Guard's (USCG) partial denial of his December 2, 2008, request for copies of the incident investigation reports related to the following vessels: *Alaska I, Alaska Juris, Alaska Patriot, Alaska Pioneer, Alaska Ranger, Alaska Spirit, Alaska Victory, Alaska Voyager; Alaska Warrior; and Legacy.* The requester is appealing 1) the lack of responsive material for six of the vessels: and; 2) USCG's redaction of information from the Marine Violation Case Report for case MV92003688, which stemmed from a 1992 incident involving the fishing vessel *Alaskan Venture*. (Case Number 09FOIA0344).

V. FOIA Appeal Releases and Determinations

- On June 27, 2011, U.S. Customs and Border Protection (CBP) released to **Robert Deasy**, Liaison & Information Director with the **American Immigration Lawyers Association (AILA)** in Washington, D.C., three pages of records in their entirety consisting of excerpts from training materials and a handbook. Mr. Deasy appealed the CBP response to his request for guidance issued by CBP related to circumstances when CBP will send an L-1 petition to United States Citizenship and Immigration Services (USCIS) instead of allowing withdrawal of the application for admission at the port of entry. (Case Number H170222).

VI. Lawsuits

- In the matter of *Elliott Ozment v. U.S. Department of Homeland Security,* (M.D. Tenn 3:11-cv-00429), Plaintiff filed a complaint May 6, 2011, claiming constructive denial pertaining to their request for records relating to a joint operation between U.S. Immigration and Customs Enforcement (ICE) and the Metropolitan Nashville Police Department about gang presence at an apartment complex in Nashville, Tennessee. ICE has obtained a 60-day extension for filing the answer to the complaint.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of June 24 – 30, 2011
Privacy Office
July 5, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA-related items:

- NSTR

II. **FOIA Requests**

- On June 24, 2011, **Charles McLravy**, a producer with **Inside Edition** in New York, New York, requested from the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) a list of all evidence maintained by ICE in conjunction with any criminal investigation that has been designated to be missing, stolen, or otherwise unaccounted for during the last five years. (Case Numbers DHS/OS/PRIV 11-0980 and 2011FOIA10255).
- On June 24, 2011, **James Zilenziger**, a reporter with **CNSNews.com** in Alexandria, Virginia, requested from the Department of Homeland Security (DHS) all information concerning Christian Militants and Christian Militancy. (Case Number DHS/OS/PRIV 11-0981).
- On June 24, 2011, **Aliya Sternstein**, a senior correspondent with ***Government Executive*** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) all significant incident reports (SIRs) for events that took place on information technology systems from 2008 forward. (Case Number COW2011000530).
- On June 24, 2011, **Phillip Mocek**, a blogger with **MuckRock.com** in Somerville, Massachusetts, requested from the Transportation Security Administration (TSA) the administrative tracking file for his prior FOIA request TSA10-0624 seeking a copy of the Screening Management Standard Operating Procedure (SOP). (Case Number TSA11-0690).
- On June 24, 2011, **Ambika Kandasamy**, a reporter with the ***San Francisco Public Press*** in San Francisco, California, requested from United States Citizenship and Immigration Services (USCIS) copies of the two most recent applications under Form I-914, "Application for T Nonimmigrant Status," processed at the Vermont Service Center, one of which was approved, while the other was rejected. (Case Number COW2011000529).
- On June 24, 2011, **Brock Vergakis**, a reporter with ***The Associated Press*** in Norfolk, Virgina, requested from the U.S. Coast Guard (USCG) copies of the charge sheets and investigation reports pertaining to seven USCG crew members who were court-martialed for hazing abroad the *Venturous* between the summer of 2007 and the winter of 2009. (Case Number 2011FOIA2957).
- On June 27, 2011, **Jill Laster**, a reporter with the ***Navy Times*** in Springfield, Virginia, requested from the U.S. Coast Guard (USCG) copies of the charge sheets and investigation reports pertaining to seven USCG crew members who were court-

martialed for hazing aboard the *Venturous* between the summer of 2007 and winter of 2009. (Case Numbers 2011FOIA2956).

- On June 28, 2011, **Georganne Hassell**, an individual in Riverside, California, requested from the Transportation Security Administration (TSA) a copy of a report known as "The Boston Report," dated January 25, 2010, and addressed to the former Newark Federal Security Director pertaining to Screening of Passengers by Observation Technique. (Case Number TSA11-0691).
- On June 28, 2011, **Omar T. Mohammedi**, an attorney with Omar T. Mohammedi, LLC, in New York, New York, requested from the Department of Homeland Security (DHS) copies of the following records: 1) all records related to the World Assembly of Muslim Youth (WAMY) and the WAMY International relied upon by DHS that led to the DHS raid on the WAMY International's office in Virginia in 2004; 2) all records related to the investigation and the outcome of the investigation resulting from the DHS raid on the WAMY International's office in Virginia in 2004; 3) all records related and relied upon on the investigation and the arrest of a named individual, including but not limited to the outcome of the investigation and the release of that individual; and 4) all directives and/or memoranda sent or received by DHS related to the WAMY and the WAMY International during the period 1985 through 2004. (Case Number DHS/OS/PRIV 11-0992).
- On June 29, 2011, (b) (6) an individual in Florence, Arizona, requested from the Department of Homeland Security (DHS) records regarding an individual. (Case Number DHS/OS/PRIV 11-0998).
- On June 28, 2011, the Federal Bureau of Investigation (FBI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Faiza Patel**, Counsel to the Justice Program, **Brennan Center for Justice at New York University School of Law**, New York, New York, seeking the following records: 1) copies of all materials shown, presented, or provided by the FBI or its agents, employees or representatives during any formal or informal outreach sessions or meetings with the Muslim, Arab, and South Asian (MASA) community representatives and/or groups that have taken place since January 1, 2009; and 2) copies of all FBI policies, formal and informal, currently in effect that set forth, regulate, or govern the process by which an FBI agent, employee or representative obtains formal and/or informal authorization to make a public presentation to any MASA Community representatives and/or groups. (DHS/OS/PRIV 11-0994).
- On June 29, 2011, the Department of Health and Human Services referred to the Department of Homeland Security (DHS) records responsive to a request from **Alison Young,** a journalist with the ***Atlanta Journal-Constitution*** in Atlanta, Georgia seeking copies of documents and reports relating to discussions at CDC Involving raising the profile of the threat of XDR tuberculosis (TB) and a potential request for increased TB funding via the threat of XDR TB. (Case Number DHS/OS/PRIV 11-0999).
- On June 29, 2011, the Department of Commerce referred to the Department of Homeland Security (DHS) records responsive to a request from **Michael Ravnitzky**, an individual in Silver Spring, Maryland, seeking a copy of any records concerning the retrieval and sanitizing of U.S. Patent and Trademark Office or Commerce

Department computers that staff have used to download Wikileaks documents. (Case Number DHS/OS/PRIV 11-1000).

- On June 29, 2011, **Matt Jenkins**, a reporter with ***High Country News*** in Berkeley, California, requested from the U.S. Coast Guard (USCG) the following records: 1) a copy of the marine casualty investigation report into the sinking of the fishing vessel *Majestic Blue* on June 14, 2010; and 2) all records and correspondence associated with the investigation. (Case Number 2011FOIA2969).
- On June 29, 2011, **Matt Jenkins**, a reporter with ***High Country News*** in Berkeley, California, requested from the U.S. Coast Guard (USCG) a copy of the case file for the investigation USCG opened after the fishing vessel *Majestic Blue* arrived at Tarawa Atoll on October 19, 2009, and the captain of the vessel requested to be placed under USCG protection. (Case Number 2011FOIA2970).
- On June 29, 2011, **Seth Wessler**, a senior research associate with the **Applied Research Center**, in New York, New York, requested from the Department of Homeland Security, Office of Inspector General (OIG) records pertaining to OIG report #OIG-09-15 entitled, "Removals Involving Illegal Alien Parents of United States Citizen Children," and other data and records regarding the report's subject matter. (Case Number OIG FOIA#2011-140).
- On June 29, 2011, **Aliya Sternstein**, senior correspondent with ***Government Executive*** in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) all records associated with any investigation of IT employee misconduct in the United States Citizenship and Immigration Services' (USCIS) Texas Service Center for 2008 and 2009. (Case Number OIG FOIA#2011-139).
- On June 30, 2011, **Daniel Gonzalez**, a reporter with the ***Arizona Republic*** in Phoenix, Arizona, requested from the Office of Inspector General (OIG) records pertaining to a third party. (Case Number OIG FOIA#2011-141).
- On June 30, 2011, **Howard Altman**, a senior writer with the ***Tampa Tribune*** in Tampa, Florida, requested from the U.S. Coast Guard (USCG) records of the investigation report pertaining to USCG personnel hazing aboard the *Venturous*. (Case Number USCG2011FOIA2995).
- On June 30, 2011, **T. Christian Crouse,** an individual in Murray, Kentucky, requested from the U. S. Coast Guard (USCG) copies of the documents pertaining to the arrangement between the Federal Government and British Petroleum, Inc., (BP), whereby BP obtained or was given "official" permission to review all submissions to USCG, the Environmental Protection Agency (EPA) and the Interagency Alternative Technology Assessment Program for the Broad Agency Announcement Funding Opportunity Announcements created for the Deepwater Horizon Oil Spill response. (Case Number USCG2011FOIA2996).

<u>Late requests</u>

- On June 23, 2011, **Brian Cook**, an employee of **ABC-TV**, requested from the Transportation Security Administration (TSA) documents describing the pay, bonus, and incentive structures for all employee levels at Raleigh-Durham International Airport. (Case Number TSA11-0686).
- On June 23, 2011, **Igor Bobic**, a journalist with ***Talking Points Memo*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies

of any new communication or memos within the past year regarding guidelines for use of federal dollars for federal trainers in local counterterrorism programs. (Case Number DHS/OS/PRIV 11-0979).

- On June 23, 2011, **Ladd Brubaker**, a reporter with ***Deseret News*** in Salt Lake City, Utah, requested records related to the deportation cases of five named individuals. (Case Number COW2011000528).

III. FOIA Releases

- On June 24, 2011, United States Citizenship and Immigration Service (USCIS) released to (b) (6), an individual in Tucson, Arizona, 135 pages of records relating to the immigration records of three named individuals. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). An additional fifteen pages were referred to the United States Department of State. (Case Number HQS2011000019).
- On June 20, 2011, United States Citizenship and Immigration Services (USCIS) released to **Senator Charles E. Grassley** in Washington, DC, 1,576 pages in response to his request for correspondence between individuals relating to the transfer of SES level employees and an SF-52. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number HQS2010000123).
- On June 27, 2011, the U.S. Coast Guard (USCG) released 49 pages of material in response to the request by **Juan Tamayo** with the ***Miami Herald*** for rescue activity 3901091 involving the vessel *Muheet*. These records were released in full.
- On June 29, 2011, the U.S. Coast Guard (USCG) released to **Amy Lester,** a reporter with ***KWTV News 9*** in Oklahoma City, Oklahoma, National Response Center (NRC) reports in response her request seeking the number of oil spills that occurred at TransCanada's Keystone Pipeline since June 2010. These records were released in full. (Case Number USCG2011FOIA2733).
- On June 30, 2011, the United States Citizenship and Immigration Services (USCIS) released **to Alex Block, a senior edit**or at ***The Hollywood Reporter*** in Los Angeles, California, 556 pages in response to his request for records related to the immigration history and status of the file of the late Simon Mark Monjak. Portions of the response were withheld pursuant to FOIA Exemptions (b)(3), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number COW2010000162).
- On June 30, 2011, U.S. Customs and Immigration Enforcement (ICE) released to 2011, **John Parres**, a journalist with **NakedGovernment.org** in San Diego, California, 100 pages of investigative records from the Treasury Enforcement Communications System (TECS) database in response to his requested for copies of all TECS records regarding Operation In Our Sites. Portions of the response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA7113).
- On June 30, 2011, United Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with ***Witness Unto Me*** in Topock, Arizona, 22 pages of records in response to his request for all records **concernin**g Leonard Ravenhill (1907-1994). The records were released in full. (Case Number COW2010000370).

- On June 30, 2011, the Department of Homeland Security (DHS) released to **Jason Smathers**, a blogger with ***Witness Unto Me*** in Topock, Arizona, 237 pages of email in response to his request for records referencing FOIA and Privacy Act requests submitted by Jason Smathers that contain remarks, comments, note, explanations, etc., made by DHS personnel or contractions about the processing of these requests and appeals if appropriate, the invocation of exemptions or related matters. Portions of the response were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number DHS/OS/PRIV 11-0045).

IV. FOIA Appeals

- On June 28, 2011, **J. Scott Keene**, an individual in Boston, Massachusetts, appealed the U.S. Coast Guard's denial of his March 1, 2011, request for a copy of any records contained in the discharge package of a former seaman that concern allegations of rape and sexual harassment. The requester is appealing USCG's decision to withhold information under FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 11FOIA030).

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.* (S.D.N.Y. 10-3488), (Secure Communities Case), Plaintiff filed a complaint April 27, 2010, claiming constructive denial with regard to ICE FOIA 10-2674. ICE released 790 pages of I-213, (Record of Deportable/Inadmissible Alien) narratives to plaintiffs on June 30, 2011.
- In the matter of *Center for Constitutional Rights, Inc., v. Department of Defense, et al*. (11-CV-3533), Plaintiff filed a complaint May 24, 2011, claiming constructive denial pertaining to their request for records relating to the May 31, 2010 Israeli military operation in international waters involving the Flotilla headed to Gaza with humanitarian supplies, including the U.S.-registered *Challenger I.* This complaint includes DHS (ESEC and PRIV), PLCY, S&T, OI&A and the USCG. *UASA has* requested an extension to file its answer, and the Center for Constitutional Rights has granted one until August 22, 2011.
  - In the matter of *Judicial Watch v. DHS* (D.D.C. 11-CV-606), Plaintiff filed a complaint March 23, 2011, claiming constructive denial pertaining to their request for records relating to the following: 1) any and all records of communications between the Department of Homeland Security and any of the following entities, concerning "deferred action" or "parole" to suspend removal proceedings against a particular individual or group of individuals for a specific timeframe; as well as records of communications concerning "selective reprieve" to the segment of the population holding expired visas: The White House; The Executive Office of the President; Any third parties; and 2) any and all DHS internal communications concerning changes to existing policies and practices regarding "deferred action or parole," and "selective reprieves." On June 28, 2011, U.S. Immigration and Customs Enforcement (ICE)

released to **John Althen**, FOIA Program Manager with **Judicial Watch** in Washington, DC, 1,840 pages of records responsive to his FOIA request. Portions of these records are withheld pursuant to Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of July 1-8, 2011
Privacy Office
July 11, 2011
Weekly FOIA Report

I. **Efficiency and Transparency -** Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA-related items:

- On June 22, 2011, United States Citizenship and Immigration Services (USCIS) hosted an engagement with American Immigration Lawyers Association (AILA) representatives. USCIS addressed questions related to the National Security Entry-Exit Registration System (NSEERS), Requests for Evidence, the EB-1 visa category, and court case decisions.

II. **FOIA Requests**

- On July 1, 2011, **Michael Grabell**, a staff writer with ***ProPublica*** in New York, New York, requested from the Transportation Security Administration (TSA) a copy of any risk-benefit or cost-benefit analysis and recommendations prepared by TSA regarding Advanced Imaging Technology (AIT) or backscatter technology. (Case Number TSA11-0700).
- On July 1, 2011, **Rick Neale**, a reporter with ***Florida Today*** in Melbourne, Florida, requested from the United States Coast Guard (USCG) the incident reports related to the fire and sinking of MISS KAITLYN in the Indian River off Rockledge Drive on June 29, 2101. (Case Number 2011FOIA3026).
- On July 5, 2011, **Mike Baker**, a reporter with ***The Associated Press*** from Olympia, Washington, requested from U.S. Customs and Border Protection (CBP) a copy of all Border Patrol Checkpoint Activity Reports filed between January 1, 2006 and present. (Case Number CBP FOIA # 2011F14242).
- On July 6, 2011, **Barton Gellman**, a contributing Editor-at-Large with ***Time Magazine*** in New York, New York, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG), and the United States Coast Guard (USCG) all records released in response to a FOIA request or Mandatory Declassification Review to former Vice President Richard "Dick" Cheney (R), Elizabeth "Liz" Cheney, or a third party acting on their behalf since January 20, 2009. (Case Number DHS/OS/PRIV 11-1008, OIG FOIA #2011-142, and 2011FOIA3045).
- On July 7, 2011, **John Althen**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS)
- copies of the following documents: 1) the internal DHS Memorandum/Administrative Directive issued on November 22, 2010, addressing those who are opposed to, or engaged in the disruption of the implementation of enhanced airport screening procedures, or "domestic extremists"; and 2) all training manuals, training videos, and/or written guidance for conducting the Transportation Security Administration's (TSA) new enhanced pat-down procedures at checkpoints nationwide, first implemented at the end of October 2010. (Case Number 11-1019).

Late requests

- On June 30, 2011, **Ambika Kandasamy**, a reporter with the ***San Francisco Public Press*** in San Francisco, California requested from the United States Citizenship Services (USICIS) the following records: 1) two most recent T Nonimmigrant Status Visa (T-Visa) applications that have been processed at the Vermont Service Center; and 2) the applications and all supporting documents and written decisions, including: written evidence that applicants provide to support the claim that they are or have been a victim of a severe form of trafficking. (Case Number COW2011000541).
- On June 30, 2011, **Michael Grabell**, a staff writer with ***ProPublica*** in New York, New York, requested from the Department of Homeland Security (DHS) copies of the following records: 1) a copy of a letter written by U.S. Representative Jane Harman (D-CA-36) to Secretary Janet Napolitano on January 26, 2010 urging her to expedite the installation of Rapiscan body scanning machines; and 2) a copy of the congressional correspondence logs dating from January 1, 2008 through the present. (Case Number DHS/OS/PRIV 11-1015).
- On June 30, 2011, **Scott MacFarlane**, a reporter with ***Cox Media Group*** in Washington, DC, requested from the Transportation Security Administration (TSA) all emails sent or received by the TSA Administrator or the TSA Chief of Staff in March, April, or May 2011, that include either the terms "Charlotte," "Charlotte Douglas," "Charlotte Douglas Airport," or "Hartsfield." (Case Number TSA11-0696).

III. FOIA Releases

- On June 30, 2011, the Department of Homeland Security (DHS) issued to **Michael Grabell**, staff writer with **ProPublica**, a no records determination in response to his request seeking memoranda and e-mails, between Rapiscan Systems (or OSI Systems) and DHS Headquarters or the Transportation Security Lab regarding testing of the backscatter X-ray machines and the release of those tests to the public. (Case Number DHS/OS/PRIV 11-0835).
- On July 1, 2011, United States Citizenship and Immigration Services (USCIS) released to **Alex Ben Block**, a reporter with ***The Hollywood Reporter*** in Los Angeles, California, 556 pages from Simon Monjack's alien file. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number COW2010000162).
- On July 1, 2011, United States Citizenship and Immigration Services (USCIS) released to **Susan Carroll**, a reporter with the ***Houston Chronicle*** in Houston, Texas, 1,581pages of records responsive to her request seeking reports, audits, or memos regarding citizenship test results from January 2009 to September 28, 2010. These records were released in full. (Case Number COW2010000419).
- On July 1, 2011, United States Immigration and Customs Enforcement (ICE) issued to **Na Eng**, a researcher with **NBC Universal** in Englewood Cliffs, New Jersey, a no records determination in response to her request for documents pertaining to meetings between officials from several law firms and Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)/ICE , as well as contracts between DHS and Corrections Corporation of America (CCA) pertaining to the Eloy Detention Center in Eloy, Arizona. (Case number 2011FOIA9138).

- On July 1, 2011, the Department of Homeland Security (DHS) released to **Joshua Evans**, a representative with **Public Records Strategies** in Washington, DC, 28 pages of correspondence records from the Enterprise Correspondence Tracking (ECT) system between the Department of Homeland Security (DHS) and Rahm Israel Emanuel from 2002 to November 30, 2010. Portions of the response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0225).
- On July 1, 2011, the Department of Homeland Security (DHS) released to **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, new York, 50 pages of records related to correspondence between the DHS and the office of U.S. Rep. Michele Bachmann (R-MN); 2) Bachmann & Associates Inc.; 3) Bachmann Clinic Property LLC; 4) Minnesota Summit Project Inc.; 5) Bachmann Farm Family Limited Partnership; or 6) Michele Bachmann. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6) and (b)(7)(E). (Case Number DHS/OS/PRIV 11-0551).
- On July 1, 2011, United States Immigration and Customs Enforcement (ICE) issued to **Shawn Hills**, a representative with the **Democratic Senatorial Campaign Committee** (DSCC) in Washington, DC, a no records determination in response to his request for documents involving correspondence and other information requested by or provided to Representative Dean Heller (R-NV-2) from January 4, 2006 to April 21, 2011. (Case Number 2011FOIA7594).
- On July 1, 2011, United States Citizenship and Immigration Services (USCIS) released to **Susan Long**, a researcher from **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 719 pages of records and information recorded in the USCIS FOIA database and tracking systems regarding the receipt, processing, and responses provided on FOIA remands from the DHS General Counsel's Office and/or the U.S. federal courts for the period FY 2005 to FY 2010. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2010000019).
- On July 1, 2011, the Department of Homeland Security (DHS) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, six pages of correspondence between the Department of Homeland Security (DHS) and the Republican Governors Association. Portions of this response were withheld pursuant to FOIA exemption (b)(6). The release is uploaded into SharePoint: (Case Number DHS/OS/PRIV 11-0129).
- On July 1, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with ***Witness Unto Me*** in Topock, Arizona, 22 pages responsive to his request seeking the alien file belonging to Leonard Ravenhill. These records were released in full. (Case Number COW2010000370).
- On July 1, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with ***Witness Unto Me*** in Topock, Arizona, 24 pages from the alien file belonging to Jeanne Balencour. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2010000386).
- On July 1, 2011, the U.S. Coast Guard (USCG) released to **Johnny Wong**, Knowledge Manager with ***Davidson Kempner Capital Management, LLC*** in New York, New York, 12 pages of certificates, surveys, and diagrams from the Marine

Information for Safety & Law Enforcement (MISLE) database pertaining to the Deepwater Horizon incident that occurred on April 20, 2010 involving Transocean. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(A) and (b)(7)(C). (Case Number FOIA 10-2478).

- On July 5, 2011, the Department of Homeland Security (DHS) released to **John Cook**, a journalist with ***Gawker Media*** in Brooklyn, New York, two pages of records responsive to his request seeking correspondence between Roger Ailes, Tom Ridge, or Michael Chertoff during their tenures as DHS Secretary. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0860).
- On July 5, 2011, United States Immigration and Customs Enforcement (ICE), issued to **Casey Nesselhauf**, a representative with the **Democratic Congressional Campaign Committee (DSCC)** in Washington, DC, a no records determination in response to his request for all records in the Worksite Enforcement Activity Records and Index (LYNX) referring to Northwood Builders. (Case Number 2011FOIA10152).
- On July 7, 2011, the Department of Homeland Security (DHS) issued to **Gregory Kauffman**, a representative of the Pennsylvania Democratic Party, a no records determination to his request seeking all records, correspondence, and communication between Pennsylvania State Senator Jacob "Jake" Corman (R-PA-34), his staff, and DHS Headquarters or Privacy Office. (Case Number DHS/OS/PRIV 11-0836).
- On July 8, 2011, the U.S. Coast Guard (USCG) issued to **Paul Gottlieb**, a reporter with the ***Peninsula Daily News*** in Port Angeles, Washington, a full denial in response to his request seeking copies of the investigative report of the MH-60 Jayhawk rescue helicopter on July 7, 2010. These pages were withheld in full pursuant to FOIA Exemption (b)(5). (Case Number 2011FOIA2086)
- On July 8, 2011, the Office of Inspector General (OIG) released to **Sean Reilly**, a staff writer with the ***Federal Times*** in Springfield, Virginia, six pages of data related to OIG report #OIG-11-72 entitled *Special Report: Summary of Significant Investigations*. The records were released in full. (Case Number FOIA 2011-123).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Judicial Watch v. DHS* (D.D.C. 11-CV-606), Plaintiff filed a complaint March 23, 2011, claiming constructive denial pertaining to their request for records relating to the following: 1) any and all records of communications between the Department of Homeland Security and any of the following entities, concerning “deferred action” or “parole” to suspend removal proceedings against a particular individual or group of individuals for a specific timeframe; as well as records of communications concerning “selective reprieve” to the segment of the population holding expired visas: The White House; The Executive Office of the President; Any

third parties; and 2) any and all DHS internal communications concerning changes to existing policies and practices regarding “deferred action or parole,” and “selective reprieves.” ICE released an additional 400 pages of email records to the plaintiff on July 7, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of July 8 - 15, 2011
Privacy Office
July 18, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On July 12, 2011, United States Citizenship and and Immigration Services (USCIS) announced it will no longer offer parole to individuals denied refugee status by the Moscow Parole Program in Moscow pursuant to the Lautenberg Amendment to the Foreign Operations Appropriations Act. Individuals in Moscow to whom USCIS has already offered parole must plan to arrive in the United States by September 30, 2011. A provision of the Lautenberg Amendment allows certain individuals who were denied refugee status to be inspected and paroled into the United States on a humanitarian basis. After one year of residence in the U.S., these individuals may apply for a green card without regard to visa availability. Within the Moscow program, this provision is limited to refugees from countries of the former Soviet Union who meet Lautenberg criteria. Congress has not extended this Lautenberg Amendment provision, and it will expire at the end of the fiscal year.
- On July 14, 2011, United States Citizenship and Immigration Services (USCIS) and the Department of State (DOS) Office of Children's Issues Adoption Division held a teleconference to discuss the July 13, 2011, bilateral adoptions agreement between the United States and the Russian Federation. The agreement will provide additional safeguards to better protect the welfare and interests of children and all parties involved in intercountry adoptions. The teleconference provided an opportunity to discuss the agreement's current status and significance and preview implementation planning.

II. **FOIA Requests**

- On July 6, 2011, **Jonathon Shacat**, a reporter with the ***Bisbee Daily Review*** in Bisbee, Arizona, requested from U.S. Customs and Border Protection (CBP) a copy of video footage filmed on June 12, 2011, by a camera tower in the Coronado National Memorial, Hereford, Arizona, known as Montezuma Tower. (Case Number 2011F14526).
- On July 11, 2011, **Jeff Blizzard,** an individual, requested from the Transportation Security Administration (TSA) the first, last, middle name, and position of all TSA employees working at Terminal 2, Allegiant Air, at St. Petersburg-Clearwater International Airport (PIE) on July 8, 2011, between 7:00 AM and 8:00 AM. A video regarding an alleged incident that occurred during this time period at PIE has recently been posted on the Internet. (Case Number TSA11-0719).
- On July 11, 2011, **Justin McCarthy**, an Investigation researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) all records concerning use of U.S. Government funds to provide security and/or any other services to First Lady Michelle Obama, Malia Obama, Sasha Obama, and any

companions on their June 2011 trip to South Africa and Botswana. (Case Number 20110505).

- On July 11, 2011, **Matt Tomsic**, a staff writer with the ***Charleston Regional Business Journal*** in Mount Pleasant, South Carolina, requested from the United States Coast Guard (USCG) copies of cruise ship inspections done in Charleston, South Carolina, between January 1, 2008 through June 30, 2011, including all written work, notes, pictures, video and audio recordings produced during the inspections. (Case Number 2011FOIA3089).
- On July 11, 2011, **Larry W. Bryant**, a columnist for ***UFO Magazine*** in Alexandria, Virginia, requested from the United States Coast Guard (USCG) a copy of the USCG case file created to process the requestor's March 17, 2011, FOIA request for information about any post-1973 USCG UFO-encounter cases reportable under provision [sic] Joint Army-Navy-Air Publication 146. (Case Number 2011FOIA3100).
- On July 12, 2011, **Robert R. Gasaway**, a partner with **Kirkland & Ellis LLP**, in Washington, DC, requested from the United States Coast Guard (USCG) all witness statements or notes of witness interviews, in any form, taken during any investigation into the Deepwater Horizon incident of April 20, 2010. (Case Number 2011FOIA3113).
- On July 13, 2011, **Ellyn Moran Santiago**, a journalist with ***Patch.com*** a news website, requested from the U.S. Coast Guard (USCG) information about two recent incidents involving the following: 1) a J35C sailboat struck by a fishing trawler in Block Island Sound, three miles off Watch Hill, Maine; and 2) a fishing trawler out of North Carolina that struck a boat in Long Island Sound, 60 miles south of Montauk, New York. (Case Number 2011FOIA3129).
- On July 11, 2011, **John Althen**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) all statistical records from the ENFORCE database for Fiscal Years 2005 through 2010 and the first and second quarters of Fiscal Year 2011 pertaining to the following: 1) the total number of persons smuggled and apprehended by year; 2) the total number of smugglers apprehended by year; 3) the total number of smugglers deported by year; 4) the total number of OTM's ("Other Than Mexicans") smuggled and apprehended by country of origin and by year; and 5) the total number of "Special Interest Aliens" smuggled and apprehended by year. (Case Number CBP FOIA # 2011F14429).
- On July 8, 2011, **Beth Werlin**, Deputy Director, Legal Action Center, the **American Immigration Council** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records that refer to ICE policies regarding non-citizens whose cases are affected by Section 3 of the Defense of Marriage Act. (Case Number 2011FOIA10581).
- On June 22, 2011, **Eric Seiber**, Assistant Professor, Health Services Management & Policy, **Ohio State University College of Public Health** in Columbus, Ohio, requested from U.S. Immigration and Customs Enforcement (ICE) the following records for fiscal years 2001 - 2011: 1) counts of Immigrantion and Naturalization Services "deportable aliens located" as the result of internal investagations; 2) counts of Immigration and Naturalization Services "deportable aliens located" as the result of Section

287(g) agreements (Section 287(g) of the Immigration and Nationality Act) with law enforcement agencies; and 3) the total of Immigration and Naturalization Services "deportable aliens located" as the result of any sources (just the total of all deportable aliens located). (Case Number 2011FOIA10600).

- On July 11, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) one document totaling 80 pages responsive to a request from **Valerie A. Burch**, a staff attorney with the **American Civil Liberties Union (ACLU)** in Harrisburg, Pennsylvania, seeking any the following records: 1) any material prepared, collected or maintained by any FBI entity regarding two named individuals and their inclusion on any watch list including, but not limited to: a) watch list nomination forms; b) communications initiating a case opening; c) notice of initiation; d) any other watch list nomination materials; and e) any materials housed on the Federal Bureau of Investigation's (FBI) Automated Case Support (ACS) system, the Violent Gang and Terrorist Organization File (VGTOF), the Terrorist Identities Datamart Environment (TIDE), and the terrorist screening database maintained by the Terrorist Screening Center (TSC); 2) shared by any FBI entity and any other components, agencies, law enforcement officials and/or airlines about those individuals, including but not limited to Intelligence Information Reports; 3) related to those individuals and the FBI's questioning of them at Fort Rucker, Alabama on or about January 10, 2002; 4) maintained by an FBI entity or indexed or maintained under the names or other identifying information for those individuals; 5) documenting FBI processes and policies regarding the legal basis for detaining someone whose name appears on a watch list; 6) shared by any FBI entity and any other components, agencies, law enforcement officials and/or airlines regarding policy and/or processes for sharing and/or gathering information related to a watch list; 7) distributed by any FBI entity to any other components, agencies, law enforcement officials and/or airlines regarding policy and/or processes related to a watch list; 8) including policy directives, procedures and guidance regarding access to watch lists by any individual or agency, including airline or airport employees; 9) including policy directives, procedures and guidance regarding whether religious beliefs, political beliefs, membership in groups or any other First Amendment activity factors into placing individuals on any watch lists; 10) containing information about the number of names on the consolidated terror watch list or any watch list; and 11) documenting FBI processes, policies, guidance, evaluations and/or descriptions regarding the following: a) criteria for watch list nominations; b) the methods for effecting nominations; c) requirements for updating watch list records when new information is obtained; d) requirements for removing watch list records when it is determined that an individual should not be watch-listed; e) the use of watch lists; f) the accuracy of watch lists; g) the correction of watch list information; h) the maintenance of watch lists; and i) the types of watch lists. (Case Number DHS/OS/PRIV 11-1031).
- On July 11, 2011, **Danielle Cohen**, an attorney with **The Chestnut Firm** in Gainesville, Florida, requested from the Transportation Security Administration (TSA) reports regarding security breaches for the past five years at Charlotte/Douglas International Airport (CLT) in Charlotte, North Carolina, as well as all Suspicious

Incidents Reports (SIRs), transportation intelligence assessments, notes and/or gazettes for CLT for the past five years. (Case Number TSA11-0724).

- On July 13, 2011, **G. William Germano, Jr.,** an attorney with the **Law Offices of Frederick K. Brewington** in Hempstead, New York, requested from the Department of Homeland Security (DHS) the following records: 1) documents listing the names of any and all DHS agents that responded to, had any contact with, or were present at an incident involving and/or related to his client and their encounter and/or involvement with DHS on or about July 30, 2009, at the Gabreski Airport Air National Guard Base in Suffolk County, New York; 2) any and all 911 tapes of emergency telephone calls, radio transmission tapes, and other calls made to and/or between agents relating to be preserved and maintained; 3) full copies of any investigative records and reports made by DHS agents regarding the aforementioned incident; and 4) whether his client's name was added to the Terrorist Screening Database, the FBI Terrorist Watch List, the "No Fly" List, or any other such counter terrorism list used by the U.S. Government screening agencies, subsequent to the aforementioned incident. (Case Number DHS/OS/PRIV 11-1032).
- On July 14, 2011**, Steven A. Emerson**, President of **SAE Productions** in Washington, DC, requested from the Department of Homeland Security (DHS) all communications between Former DHS Officer for Civil Rights and Civil Liberties Daniel Sutherland and other U.S. Government officials from July 1, 2010 to July 31, 2010, wherein there was any reference to the Investigative Project on Terrorism (IPT) or to the requestor. (Case Number 11-1044).

<u>Late requests</u>

- On June 22, 2011, **Eric Seiber**, Assistant Professor, Health Services Management & Policy, **Ohio State University College of Public Health** in Columbus, Ohio, requested from U.S. Immigration and Customs Enforcement (ICE) the following records for fiscal years 2001 - 2011: 1) counts of Immigration and Naturalization Service "deportable aliens located" as the result of internal investigations; 2) counts of Immigration and Naturalization Service "deportable aliens located" as the result of Section287(g) agreements (Section 287(g) of the Immigration and Nationality Act) with law enforcement agencies; and 3) the total of Immigration and Naturalization Service "deportable aliens located" as the result of any sources (just the total of all deportable aliens located). (Case Number 2011FOIA10600).
- On July 1, 2011, **Janice Kephart**, Director, National Security Policy, **Center for Immigration Studies** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) the following records: 1) information from February 2010 to date, pertaining to illegal pursuits, apprehension or rescue reports and/or statistics by month or by incident (whatever reporting is available) for the Secure Border Initiative area termed "TUS-1" by the Department of Homeland Security (DHS), including but not limited to exact locations, dates, number of illegal aliens involved, and any information related to illegal contraband including vehicles, arms, or drugs; 2) from August 2010 to date, illegal pursuits, apprehension or rescue reports and/or statistics by month or by incident (whatever reporting is available) for the Secure Border Initiative area termed "AJO-1" by DHS, including but not limited to exact locations, dates, numbers of illegal aliens/vehicles involved, and any information related to

illegal contraband including arms or drugs; 3) from 2001 to date, illegal apprehension, removal and prosecution statistics for the southwest border broken down by southwest border state (California, Arizona, New Mexico and Texas) and/or southwest border by Border Patrol Sector; and 4) from 2011 to date, "Special Interest Alien" apprehension, removal, and prosecution statistics for the southwest border broken down by southwest border state (California, Arizona, New Mexico and Texas) and/or southwest border by Border Patrol Sector. (Case Number 2011F14468).

III. FOIA Releases

- On July 7, 2011, U.S. Immigration and Customs Enforcement (ICE), released to **Susan Long** Co-Director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 1237 pages of database descriptions, user instructions, and field parameters in response to her request for records regarding the General Counsel Electronic Management System (GEMS) database. A total of 513 pages of records were withheld in part pursuant to FOIA Exemptions 6, 7(C), and 7(E); 724 pages of records were released in full. (Case Number 2011FOIA6713).
- On July 8**,** 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Sean Reilly**, a staff writer with the ***Federal Times*** in Springfield, Virginia, six pages of records responsive to his request for itemized supporting data used to compile the number of convictions and total amount of fines, restitution, administrative cost savings, and recoveries included in OIG report #OIG-11-72, "Special Report: Summary of Significant Investigations." These records were released in full. (Case Number OIG FOIA #2011-123).
- On July 12, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Ruth Clapp** with the Office of **U.S. Representative Adam Smith (D-WA)**, two pages regarding contract HSCEDM-09-C-00009 and contained records from the Office of Acquisitions. These records were released in full. (Case Number 2011FOIA9110).
- On July 12, 2011, the United States Coast Guard (USCG) released to **Matt Jenkins**, a journalist with the ***High Country News*** in Berkeley, California, 86 pages of records in response to his request for the Search and Rescue Activity 3616728 Case Report on the vessel *Majestic Blue*. These records were released in full. (Case Number 2011FOIA2970).
- On July 13, 2011, the United States Coast Guard (USCG) released to **John Cook**, a reporter with ***Gawker Media*** in New York, New York, 54 pages of records consisting of email, written correspondence, and memoranda responsive to his request for all FOIA requests to USCG made by ***The New York Times***, and ***The Associated Press.*** Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA1100).
- On July 13, 2011, the United States Coast Guard (USCG) released to **Helen Jung**, a reporter with ***The Oregonian*** in Portland, Oregon, 16 pages of records including a case report, a weather report, a flight record review, charts, and radio logs related to the rescue of six people from a boat in the Columbia River on May 29, 2009. Portions of this response are withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA2565).

- On July 13, 2011, the United States Coast Guard (USCG) released to **Joshua Melvin**, a reporter with the ***San Mateo County Times*** in San Mateo, California, five pages of material consisting of the vessel critical profile. Portions of this response are withheld pursuant to FOIA exemptions (b)(6), (b)(7)(a), and (b)(7)(C). (Case Number 2010FOIA2969).
- On July 14, 2011, United States Citizenship (USCIS) will release to **E.J. Graff**, a senior researcher with ***The Schuster Institute for Investigative Journalism*** in Waltham, Massachusetts, 231 pages consisting of e-mails and bulletins related to the "grave concerns about the reliability of Nepal's adoption system and the accuracy of the information in children's official files" as cited in the State Department's Consular Affairs Office of Children's Issues March 4, 2010 Adoption Alert. Portions of the response are withheld pursuant to FOIA exemptions (b)(5) and (b)(6). Additionally, portions of the response are being referred to the Department of State for their processing and direct response to the requester. (Case Number COW2010000008).
- On July 14, 2011, United States Coast Guard (USCG) released to **Paul Burkhardt**, a reporter with ***Bloomberg News*** in New York, New York, a one-page National Response Center (NRC) Notification Update regarding NRC incident report #979399. These records were released in full. (Case Number 2011FOIA2738).
- On July 14, 2011, the Department of Homeland Security (DHS) released to **Alison Young**, a reporter with ***USA TODAY*** in McLean, Virginia, six pages of congressional correspondence responsive to her request for records relating to failures of the joint DHS/Transportation Security Administration/Center for Disease Control "Do Not Board list" to stop passengers deemed serious health risks from boarding commercial flights. These records were released in full. (Case Number DHS/OS/PRIV 11-0278).
- On July 14, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers,** a blogger with ***Witness unto Me*** in Topock , Arizona, 593 pages in reference to the processing of his FOIA/PA request submitted to USCIS that contains remarks, notes, worksheets, emails and supporting documents. Portions of this response were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number COW2010000489).
- On July 15, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with ***Witness Unto Me*** in Topock, Arizona, 31 pages of records in their entirety and 57 pages in part responsive to his request for all notes or other communication concerning USCIS FOIA request HQS2010000119. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number COW2010000423).

IV. FOIA Appeals

- On June 24, 2011, **Sarnata Reynolds**, Director of Policy and Advocacy, Refugee and Migrants' Rights Program at **Amnesty International USA (AIUSA)** in Washington, DC, appealed the response from U.S. Customs and Border Protection (CBP) to her request for training materials available to CBP border patrol agents and officers to aid them in identifying victims of trafficking or other crimes that may make them eligible for a U or T visa and victims of domestic violence who may qualify for relief under the above mentioned visas and/or the Violence Against Women Act.

V. FOIA Appeal Releases and Determinations

- **NSTR**

VI. Lawsuits

- **NSTR**

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of July 15 - 22, 2011
Privacy Office
July 25, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On July 15, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA library statistics reflecting the average daily population by detention facility for May 2011.
- On July 18, 2011, United States Citizenship and Immigration Service (USCIS) announced the availability of new data reports covering agency performance in a broad range of data and operational areas on its website at www.uscis.gov/data. Prepared at the request of agency stakeholders, the reports advance agency efforts to enhance transparency and improve customer service. To date, the Office of Performance and Quality has made ten data sets available and will continue to add more.
- On July 19, 2011, the United States Citizenship and Immigration Service (USCIS) Asylum Division hosted its quarterly stakeholder meeting. The engagement allowed participants to ask questions and raise issues regarding asylum operations. The invitation to the meeting was posted on the USCIS public website.

II. **FOIA requests**

- On July 15, 2011, **Russell Clemons**, an individual in Orlando, Florida, requested from the United States Coast Guard (USCG)the following documents pertaining to the National Pollution Funds Center (NPFC): 1) the number of claims; 2) total dollar amounts paid; 3) the percentages shown in the General Accountability Office (GAO) report GAO-11-397R; 4) confirmation that the NPFC has still denied 100 percent of all related claims to date; 5) the number of claims that have been paid; and 6) the total amount that has been paid relative to those claims. (Case Number 2011FOIA3148).
- On July 15, 2011, **Joel Waltzer**, an attorney with **Waltzer & Wiygul** in Harvey, Louisiana, requested from the United States Coast Guard (USCG) the following records: 1) all FOSC, UAC or NIC orders or directives regarding the program, any directives regarding its structure, eligibility, licensing and certification requirements, the payment of VOO vessel owners, captains and crew participants, VOO Charter agreements, VOO OSRO contracts, VOO vessel standby requirements, VOO chains of authority, VOO vessel decontamination requirements, VOO off-hire dispatch notifications; 2) maps or other graphical depictions of the VOO ports of demarcation (forward operating bases) and their associated response area boundaries; 3) all ICS-207-CG or ICS-AC207-CG-EPA organization charts, or any similar forms directing the structure of the VOO system; 4) documents regarding the process of selecting vessels to participate in the response; and 5) all Daily Incident Action Plans, ICS-203 Assignment lists or similar documents, ICS 214 Unit Activity or similar documents,

ICS 202 Objectives or similar documents, ICS-230 Daily Meeting Schedules or similar documents, which relate to VOO Program. (Case Number 2011FOIA3161).

- On July 18, 2011, **Paul Orfandedes**, an attorney with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all communications concerning the Phoenix, Arizona, Police Department's Home Invasion and Kidnapping Enforcement (HIKE) Taskforce between a named agent with the Phoenix Field Office and a named individual with the Phoenix Police Department during April and/or May 2009. (Case Number 2011FOIA11120[1]).
- On July 18, 2011, **Daniel J. Stotter**, an attorney with **Stotter & Associates, LLC** in Corvallis, Oregon, requested from the Department of Homeland Security (DHS) copies of all records created from April 2005 to the present that refers to or which discuss (b) (6) or their client. (Case Number DHS/OS/PRIV 11-1055).
- On July 18, 2011, **Joel Waltzer**, an attorney with the **Waltzer & Wiygul in Harvey** Louisiana, requested from the United States Coast Guard (USCG)copies of the following documents relating to the Deepwater Horizon oil spill: 1) all aerial photographs taken by a distribution free aerial mapping camera of areas located in Plaquemines, Jefferson, Lafourche and Terrebonne Parishes in Louisiana ; 2) all bathymetric measurements taken in Port Fourchon in Lafourche Parish, Louisiana; and 3) all signed Shoreline Treatment Recommendations and No Further Treatment Standards applicable to [UAC] Morgan City, Louisiana. (Case Number USCG2011FOIA3162).
- On July 18, 2011, **Emily Willard,** a research associate at **The National Security Archive**, The George Washington University in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all documents, including training manuals, spending plans, and cables, detailing training of personnel in Mexico on anti-money laundering practices, through the Merida Initiative; 2) records relating to aid to Mexico's Financial Intelligence Unit (FIU); and 3) supporting police and prosecutors would be wed to expand software for data management and data analysis associated with financial intelligence functions and law enforcement. (Case Number DHS/OS/PRIV 11-1057).
- On July 18, 2011, **Scott MacFarlane**, a reporter with ***COX MEDIA*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of any DHS correspondence, guidance, contingency plans or reports to/with the Office of Management and Budget regarding any preparations for a government shutdown or a failure of the Federal Government to raise the debt ceiling. (Case Number DHS/OS/PRIV 11-1059).
- On July 18, 2011, **Scott MacFarlane**, a reporter with ***COX MEDIA*** in Washington, DC, requested from the Department of Homeland Security (DHS) any records or correspondence from or to DHS during the period 2010 through 2011 that includes reference to two specified individuals. (DHS/OS/PRIV 11-1060).
- On July 18, 2011, **Scott MacFarlane**, a reporter with **COX MEDIA** in Washington, DC, requested from the Department of Homeland Security (DHS) any correspondence within DHS and/or between DHS, the White House, and other agencies or persons regarding the requestor or COX Television in during the period 2009 through 2011. (Case Number DHS/OS/PRIV 11-1061).

- On July 18, 2011, **Anne Yeager**, a reporter with ***Fox-59 TV*** in Indianapolis, Indiana, requested from the Transportation Security Administration (TSA) all complaints filed against the Indianapolis International Airport in Indianapolis, Indiana, from 2008 through 2011, including the names of people who have file and the details surrounding those complaints. (Case Number TSA11-0739).
- On July 19, 2011, **Al Baker**, Bureau Chief, police headquarters bureau with ***The New York Times*** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) any documents, notes, annotations or audits or reports or programmatic reports prepared by or for DHS by the State of New York or by any DHS affiliates, officers, officials, contractors, or others, regarding the New York Police Department's Lower Manhattan Security Initiative (LMSI), since its 2005 inception through the most current report available. (Case Number DHS/OS/PRIV 11-1071).
- On July 19, 2011, **Jessica Greene**, a writer with the ***Huffington Post, America Online*** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) the following records: 1) the number of grants allocated for armored personnel carrier vehicles; 2) the departments to which these were distributed; 3) the amount of each grant; and 4) the date on which it was made. (Case Number PRIV 11-1068).
- On July 19, 2011, **Rick Heneghan**, Producer/Host CommonSense HD with ***BCATV*** in Burlington, Massachusetts, requested from the Department of Homeland Security (DHS) information pertaining to the subject heading "tactical light and laser technology" in particular models, manufactures, and vendors. (DHS/OS/PRIV 11-1073).
- On July 19, 2011, **Gregory Korte,** a reporter with ***USA TODAY*** in Washington, DC, requested from the Department of Homeland Security (DHS) all records related to DHS reviews or investigations into the January 7, 2010, explosion at Texas Tech University in Lubbock, Texas, during research conducted under the Department's ALERT program. (Case Number 11-062).
- On July 19, 2011, **Lena Masri**, staff attorney with the Michigan Chapter of the **Council on American-Islamic Relations (CAIR)** in Southfield, Michigan, requested from the Transportation Security Administration (TSA) any and all records related to a named individual (Privacy Act waiver provided). (Case Number TSA11-0751).
- On July 19, 2011, **Vivek Mittal**, Equal Justice Works Fellow, requested from the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and the Office of the Inspector General (OIG) records pertaining to stipulated removal, a program by which an immigration judge may enter an order of deportation, exclusion, or removal stipulated to by the alien without a hearing, including records collected, created, maintained, or prepared by DHS and the Department of Justice. (DHS/OS/PRIV 11-1081).
- On July 19, 2011, **Daniel Noyes**, a reporter for ***ABC News***, in San Francisco, California, requested from the United States Coast Guard (USCG) a copy of the audio from the Voyage Data Recorder during the COSCO BUSAN incident on November 7, 2007. (Case Number 2011FOIA3203).

- On July 19, 2011, **Douglas E. Pine**, a blogger with **gCaptain.com** in Vashon, Washington, requested from the United States Coast Guard (USCG) all documents concerning the *Majestic Blue* from her date of U.S. flagging to the present, including illegal activities alleged to have taken place on board with regard to her sinking and the deaths of two crewmembers. (Case Number USCG2011FOIA3189).
- On July 19, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of Ms. Jacob's initial request, her appeal, and all other records on, about, mentioning, or concerning the appeal made by Sally Jacobs, which was assigned file number APP2009001258. (Case Number 11-1072).
- On July 20, 2011, **Tamra Ingersoll**, a journalist with ***CBS-5 News*** in Phoenix, Arizona, requested from the Transportation Security Administration (TSA) surveillance video and/or stills regarding an alleged incident that occurred on July 14, 2011, at Sky Harbor International Airport in Phoenix, Arizona. (Case Number TSA11-0753).
- On July 20, 2011, **Senator John D. Rockefeller, IV** (D-WV), in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to the estate of the deceased sister of a named individual. (Case Number DHS/OS/PRIV 11-1082).
- On July 20, 2011, **Deeda Schroeder**, a reporter wit**h the *Daily Astorian*** in Astoria, Oregon, requested from the United States Coast Guard (USCG) all documentation of an Oregon Search and Rescue Case involving the *Dahlia* (MISLE Case number 556659). (Case Number 2011FOIA3197).
- On July 20, 2011, **Maria Ines Zamudio**, a journalist with ***The Chicago Reporter*** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) access to the number of illegal aliens identified through the Secure Communities program in Illinois by each local enforcement agency, including the reason for arrest. (Case Number 2011FOIA11292[1]).
- On July 21, 2011, **Shannon Sanders**, an individual in Des Moines, Iowa, requested from the Department of Homeland Security (DHS) any and all open records requests Congressman Christopher S. Murphy (D-CT) received since January 1, 2011. (Case Number DHS/OS/PRIV 11-1085).

<u>Late requests</u>

- On June 13, 2011, **Jose Alvarez Garcia,** an editor with ***Life and Style Magazine*** requested from United States Citizenship and Immigration Service (USCIS) the following records: 1) how many requests USCIS receives the from Mexican people; 2) how many in a global total percent from the EB-5 Visa requests are from Mexican people; 3) how many requests from Mexican people are accepted; and 4) approved. (Case number COW2011000574).
- On July 3, 2011, **Stephen Rankin**, an individual in Portsmouth, Virginia, requested from United States Citizenship and Immigration Services (USCIS) immigration records regarding a named individual (deceased) and his immigration status in the United States including: 1) when he arrived in the United States; 2) probable cause

summaries for warrants for his arrest and/or deportation; 3) warrants issued for his arrest and/or deportation; 4) NCIC entries; 5) NCIC hit confirmations; 6) paperwork provided from the United States to his home country of Kazakhstan regarding his status.7) transmissions exchanged between his home country of Kazakhstan and the United States regarding his status as an immigrant/alien; 8) any existing summaries of cases involving him that USCIS is aware of, both active and closed. (Case Number NRC2011072987).

- On July 11, 2011, **Yan Liang,** an individual with ***New Immigrant United (NIU)*** in Germantown, Tennessee, requested the following records: 1) family-based I-485 applications approved for the whole world in fiscal year 2011; and 2) employment-based I-485 applications approved for the whole world in fiscal year 2011 by Category (EB1, EB2, EB3, EB4, EB5, EW) by country. (Case Number COW2011000572).
- On July 12, 2011, **Carlton Proctor**, a reporter with the ***Pensacola News-Journal*** in Pensacola, Florida, requested from the Transportation Security Administration (TSA) information about the number of security breaches and any accompanying details of the most serious incidents that took place at Pensacola Gulf Coast Regional Airport in Pensacola, Florida, between July 1, 2006 and July 1, 2011. (Case Number TSA11-0728).
- On July 13, 2011, **Greg Berry**, Assistant News Director with ***CBS-42*** in Birmingham, Alabama, requested from the Transportation Security Administration (TSA) information about security breaches at the following airports: 1) Atlanta (ATL); 2) Georgia; 3) Birmingham (BHM); 4) Dothan (DHN); 5) Huntsville (HSV); 6) Mobile (MOB); 7) Muscle Shoals (MSL); 8) Tuscaloosa (TCL); 9) Memphis (MEM); 10) Nashville (BNA); and 11) New Orleans (MSY). (Case Number TSA11-0741).
- On July 13, 2011, **Joel Eisenbaum**, a reporter with ***KPRC-TV*** in Houston, Texas requested from the Transportation Security Administration (TSA) the number of security breach incidents at for George Bush Intercontinental Airport and Houston Hobby Airport in Houston, Texas. (Case Number TSA11-0729).
- On July 13, 2011, **Lori Hinkle**, a reporter with ***WSMV-TV*** in Nashville, Tennessee, requested from the Transportation Security Administration (TSA) the amount of security breaches that have occurred at the Nashville International Airport in Nashville, Tennessee. (Case Number TSA11-0735).
- On July 13, 2011, **Eric Marshall**, content manager with ***WBRZ-TV*** in Baton Rouge, Louisiana, requested from the Transportation Security Administration (TSA) information about the number of security breaches that have occurred at Baton Rouge [Louisiana] Metropolitan Airport. (Case Number TSA11-0742).
- On July 14, 2011, **Jeff Cole**, a reporter with ***Fox-29 TV*** in Philadelphia, Pennsylvania, requested from the Transportation Security Administration (TSA) a list and descriptions of all security breaches at Philadelphia International Airport in Philadelphia, Pennsylvania, from 2001-2011. (Case Number TSA11-0733).
- On July 14, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the United States Citizenship and Immigration

Services (USCIS) an exact copy of the final release to NRC2009041663 on CD. (COW2011000580).

- On July 14, 2011**, Phil Rogers**, a reporter wit***h NBC-Chicago*** in Chicago, Illinois, requested from the Transportation Security Administration (TSA) case reports or other documentation, investigative reports, and follow-up documentation concerning security breaches at Chicago O'Hare and Midway Airports in Chicago, Illinois, from September 11, 2011 to July 14, 2011. (Case Number TSA11-0734).
- On July 14, 2011, **Samantha Watson**, an attorney with the **Democratic Congressional Campaign**, in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all correspondence between officials at ICE and the former Rhode Island Superintendent of Police and Head of the Rhode Island Department of Public Safety. (Case Number 2011FOIA10970).

III. FOIA Releases

- On July 15, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with ***Witness Unto Me*** in Topock, Arizona, 88 pages of records in response to his request for information about the processing of FOIA request HQS2010000119. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number COW2010000423).
- On June 18, 2011, the United States Coast Guard (USCG) released to **Heather Smathers**, a staff writer with the ***Arizona Independent*** in Topock, Arizona, 152 pages of material in response to her request for all records on concerning the Bullhead City River Regatta in Arizona. The records were released in full. (Case Number 2011FOIA2278).
- On July 19, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Elizabeth Simpson**, an attorney with the **Southern Coalition for Social Justice** in Durham, North Carolina, two documents in response to her request for all records related to the law enforcement action that resulted in the arrest of approximately 26 individuals on the side of Interstate-10 in and/or around Lake Charles Louisiana on or about the morning of April 15, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA2074).
- On July 19, 2011, the Department of Homeland Security (DHS) Management Directorate released to **Dave Perera**, a journalist with ***FierceGovernment*** in Washington, DC, 61 pages of records responsive to his request for the contract for the Transformation and Systems Consolidation (TASC) initiative. Portions of the response were withheld pursuant to FOIA Exemption (b)(4). (DHS/OS/PRIV
- On July 19, 2011, the Department of Homeland Security (DHS) Management Directorate released to **Gregory Korte**, a journalist with ***USA Today*** in Washington, DC, an Excel spreadsheet with the complete export of the Real Property Asset Management Database. Portions of this response were withheld pursuant to FOIA Exemption (b)(7)(e). (Case Number MGMT 11-75).
- On July 20, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with ***Witness Unto Me*** in Topock, Arizona, 23 pages from the alien file of Guillaume Balencour. Portions of this response were withheld pursuant to FOIA exemption (b)(6).

- On July 20, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-Director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, a spreadsheet of 631 cases in response to her request seeking augmented FOIA logs on interim/final responses issued between May16, 2011 through May 31, 2011. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA9355).
- On July 21, 2011, United States Citizenship and Immigration Services (USCIS) released to **Isabel Vincent**, a reporter with the ***New York Post*** in New York, New York, two pages of material responsive to her request for correspondence between Congressman Gregory Meeks (D-NY) and USCIS on behalf of his constituent. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2010000207).
- On July 22, 2011, the United States Coast Guard (USCG) released to **Amy Harris**, a reporter with ***Half Moon Bay Review*** in San Mateo, California, 49 pages of material in response to her request for a file copy of the oil spill incident regarding the sunken houseboat Gypsy at the Pillar Point Harbor. The records were released in full. (Case Number FOIA 10-2970).
- On July 22, 2011, the United States Coast Guard (USCG) issued to **Howard Altman**, a senior writer with the ***Tampa Tribune*** in Tampa, Florida, a full denial for an investigation report pertaining to USCG personnel hazing aboard the Venturous. These pages were withheld in full pursuant to FOIA Exemption (b)(5). (Case Number 2011FOIA2995).
- On July 22, 2011, United States Citizenship and Immigration Services (USCIS) released to **Paul Maas Risenhoover**, Executive Director of **Robin Hood International Human Rights Legal Defense Fund** in Tainan City, Taiwan, 8 pages of material consisting of e-mail correspondence between USCIS officials and Department of Justice (DOJ) officials. Portions of this response were withheld pursuant to FOIA exemption (b)(7)(C) and (b)(7)(E). (Case Number COW2010000387).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *WeCount! Inc. et al. v. U.S. Department of Homeland Security* (1:11-cv-00143), Plaintiff filed a complaint January 21, 2011, claiming U.S. Immigration and Customs Enforcement (ICE) application of Exemption (b)(7)(A) was overbroad in response to their request seeking records relating to criminal and/or civil enforcement actions against sex-trafficking conducted by ICE on or between November 18 through November 19, 2008, in Miami Dade County, Broward County, and Palm Beach County, Florida. On July 19, 2011, ICE released an additional 150 pages of

Assistant Secretary Notes and Public Affairs records consisting of emails and press statements to the plaintiff.

- In the matter of *American Civil Liberties Union v. Department of Homeland Security* (USDC ED MI 2:11-cv-12997-SFC-MAR) in which plaintiff claimed constructive denial, and wrongful denial of expedited processing. This is regarding a FOIA request filed May 25, 2011 seeking records related to the ICE enforcement action that took place on the afternoon and evening of February 23, 2011 at 43 Rose Street, Grand Rapids, Michigan, 49507. Suit was filed on July 12, 2011, and a copy of the complaint was provided to the ICE FOIA Office on July 20, 2011.
- In the matter of *Yaoguang Vincent Ma v. U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement* (1:11-cv-04382), Plaintiff filed a complaint June 28, 2011, claiming U.S. Immigration and Customs Enforcement (ICE) improprer application of FOIA Exemptions pertaining to their request seeking a complete copy of the subject's Alien file. The request was claimed to have been filed with the United States Customs and Immigration Service (USCIS). U.S. Immigration and Customs Enforcement (ICE) has no record of this request ever bein*g* received by the ICE FOIA Office, either from the requester or by referral from USCIS**.**

FOIA Exemptions

***Exemption 1**: classified national defense and foreign relations information*

***Exemption 2**: internal agency per*sonnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of July 22 - 29, 2011
Privacy Office
August 1, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On July 27, 2011, U.S. Immigration and Customs Enforcement (ICE) posted a copy of the Intergovernmental Service Agreement for the Irwin County Detention Center in Ocilla, Georgia, to its FOIA Library. Since October 1, 2009, ICE has posted more than 1,000 documents to www.ice.gov/foia.

II. **FOIA Requests**

- On July 22, 2011, **Michael Grabell**, a staff reporter with ***ProPublica,*** requested from the Department of Homeland Security (DHS) copies of the following records: 1) all email to or from former DHS Secretary Michael Chertoff to or from any account with the domain names "rapiscansystems.com," "rapiscan.com," or "osi-systems.com" from January 1, 2006, through January 21, 2009; 2) all email to or from Secretary Chertoff from January 1, 2006, to January 21, 2009, containing the terms "Rapiscan," "body," "WBI, scanners," "imagers," "AIT," "advanced imaging technology," "x-ray," "backscatter," "radiation," or "OSI"; and 3) all email to or from Secretary Chertoff to or from any of 23 named individuals, including DHS Secretary Janet Napolitano, from January 21, 2009, through the present. (Case Number DHS/OS/PRIV 11-1088).
- On July 22, 2011, **Sean Dunagan**, a researcher with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) all records regarding, concerning, or related to the promotional video sponsored and distributed by DHS that is the subject of the July 22, 2011, article published in the ***Daily Mail*** (U.K.) entitled, "Who Does Homeland Security Think Poses the Greatest Risk?" (Case Number DHS/OS/PRIV 11-1089).
- On July 22, 2011, **Douglas G. Morris**, an attorney and legal historian in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) all records relating to Ernst Fraenkel and Werner Willie, described as anti-Nazi lawyers in Nazi Germany, who became U.S. citizens. (Case Number COW201100608).
- On July 22, 2011, **Keith Herbert**, a journalist with ***Newsday*** in Melville, New York, requested from the Transportation Security Administration (TSA) records detailing security breach information at Long Island MacArthur, John F. Kennedy International, and LaGuardia airports in New York and Newark Liberty International Airport in Newark, New Jersey, from September 11, 2001, through September 11, 2011. (Case Number TSA11-0757).

- On July 25, 2011, **John Eligon**, a reporter with ***The New York Times*** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the recordings of any and all telephone conversations between an individual housed at the Eloy Federal Contract Detention Facility in Eloy, Arizona, and a named individual from May 14, 2011, through July 1, 2011. (Case Number 2011FOIA11598).
- On July 25, **Mattathias Schwartz**, a writer with ***The New Yorker***, in New York, New York, requested from U.S. Customs and Border Protection (CBP) the following records: 1) video recordings made from a Department of Homeland Security (DHS) P-3 Orion aircraft of a May 24, 2010, raid on Trivoli Gardens, a neighborhood in Kingston, Jamaica; 2) video recording and any written accounts relating in whole or in part to any gun battles that took place in Kingston, Jamaica, between May 20, 2010 and June 1, 2010; and 3) flight records showing the location and registration numbers of all DHS aircraft in Jamaican airspace between May 20, 2010 and June 1, 2010. (Case Number CBP FOIA 2011F13093).
- On July 26, 2011, **Ginger McCall**, Assistant Director of EPIC Open Government Project, **Epic.org**, in Washington, DC, requested from the Department of Homeland Security (DHS) copies of the following records: 1) all communications or agreements between the United States Government and corporations including, but not limited to, Paypal, Visa, and Mastercard, regarding the personal information including, but not limited to, the identities of donors to Wikileaks; and 2) all communications or agreements between the government and corporations including, but not limited to, Amazon.com, EveryDNS, internet service providers, and website hosting companies, regarding the personal information including, but not limited to the identities of individuals who accessed or attempted to access the Wikileaks website or the November release. (DHS/OS/PRIV 11-1096).
- On July 26, 2011, **Andrew Christy**, a law clerk with **Epic.org**, in Washington DC, requested from the Department of Homeland Security (DHS) documents regarding a joint National Security Agency (NSA) and DHS pilot program designed to monitor all internet traffic routed to several defense contractors and attempts to detect whether there are malicious programs within this internet traffic designed to compromise the defense contractor security, specifically: 1) all contracts and communications with Lockheed Martin, CSC, SAIC, Northrop Grumman, or any other defense contractors regarding the new NSA pilot program; 2) all contracts and communications with AT&T, Verizon and CenturyLink or any other IPSs regarding the new NSA pilot program; 3) all analyses, legal memoranda, and related records regarding the new NSA pilot program; 4) any memoranda of understanding between NSA and DHS or any other government agencies or corporations regarding the new NSA pilot program; and 5) any privacy impact assessment performed as part of the development of the new NSA pilot program. (DHS/OS/PRIV 11-1104).
- On July 27, 2011**, Alice Borrelli**, a researcher with **Lion TV (**for PBS) in New York, New York, requested from the United States Coast Guard (USCG) 24 hours of GPS data preferably from the past year for vessels operating on the Hudson River/New York waterways. (Case Number USCG2011FOIA3282)
- On July 27, 2011, J. Gordon Arbuckle and Philip A. Bangert, attorneys with **Patton Boggs L.L.P.**, in Washington, DC, requested from the United States Coast Guard

(USCG) any and all records located in any USCG office since April 20, 2010, associated with USCG exercise of authority under the Oil Pollution Act of 1990 (OPA) as pertains to the Oil Spill Liability Trust Fund (OSLTF), the Deepwater Horizon Oil Spill event of April 20, 2010, the Deepwater Offshore Drilling Moratorium imposed by the Obama Administration on July 12, 2010, and the Administration's agreements and understandings with the responsible parties for the Deepwater Horizon event or with the Gulf Compensation Fund. (Case Number USCG2011FOIA3286).

- On July 28, 2011, United States Citizenship and Immigration Services (USCIS) referred to the Department of Homeland Security (DHS) a request from **Jason Smathers**, a blogger with ***MuckRock,*** in Somerville, Massachusetts, seeking all records on, about, mentioning, or concerning a Ahmed Wali Karzay (Karzai), now deceased. (DHS/OS/PRIV 11-1107).

Late Requests

- On July 21, 2011, **Josh Rosenthal**, an individual from Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) copies of any correspondence between USCIS and Congressman Steven Arnold King (R-IA). (COW2011000593).

III. FOIA Releases

- On July 22, 2011, the United States Coast Guard (USCG) released to **Amy Harris**, a reporter with the ***Half Moon Bay Review*** in San Mateo, California, 49 pages of material consisting of the incident report, witness statements, an incident management report, the vessel critical profile, weather conditions, messages, and an enforcement summary. These records were released in full. (Case 2010FOIA2970).
- On July 22, 2011, the United States Citizenship and Immigration Services (USCIS) issued to **Paul Maas Risenhoover,** Executive Director, **Robin Hood International Human Rights Legal Defense Fund,** in Tainan City, Taiwan, a denial determination pertaining to eight pages of correspondence between USCIS officials and Department of Justice (DOJ) officials pertaining to his request for 1) agreements between DOJ or U.S. Attorneys and the Thai CDC (Community Development Company) of Los Angeles, California, for "victims services" for T visa applicants; 2) sums paid out pursuant to such agreements by DOJ to Thai CDC or for cooperating witnesses or the like to Thai CDC; 3) the number of "victims" covered by such agreements; 4) all DOJ documents or Criminal Division documents explaining the territorial scope of the thirteenth amendment as applied to a number of specified territories and countries; 5) all DOJ documents about corporate responsibility for incidental slavery conducive to their operations, such as Star Kist on American Samoa, or the Koo Kwan Min ships in the Marshall Islands; 6) all DOJ documents explaining the standards for "involuntary servitude" and "documentary servitude"; 7) all DOJ or U.S. Attorney correspondence among the U.S. Department of State, USCIS, DHS, or Thailand regarding H-2A visa holders; 8) all DOJ or U.S. Attorney documents evincing

incredibility of T visa applicant statements or assertions, and all Attorney General opinions denying to certify a T visa applicant as cooperative; 9) all DOJ, U.S. Immigration and Custom Enforcement (ICE), U.S. Customs and Border Protection (CBP), DHS, or U.S. Department of State documents and guidance to or among each other about how to ensure persons departing the United States are leaving voluntarily and not coercively deported with Transportation Security Administration (TSA) and CBP assistance by failure to enquire of the voluntariness of their departure. These pages were withheld in full pursuant to FOIA Exemptions (b)(7)(C) and (b)(7)(E). (Case Number COW2010000387).

- On July 22, 2011, the United States Coast Guard (USCG) issued a full denial to **Howard Altman**, a Senior Writer with the ***Tampa Tribune*** in Tampa, Florida, of records responsive to his request for the investigation report pertaining to USCG personnel hazing aboard the *Venturous*. Thirty-nine pages of records were withheld pursuant to FOIA Exemption (b)(5). (Case 2010FOIA2995).
- On July 25, 2011, the United States Coast Guard (USCG) released to **Russell Clemons**, an individual in Orlando, Florida, a two-page letter containing various statistics related to the National Pollution Funds Center (NPFC) in response to his request for 1) the number of claims; 2) total dollar amounts paid; 3) the percentages shown in the General Accountability Office (GAO) report GAO-11-397R; 4) confirmation that the NPFC has still denied 100 percent of all related claims to date; 5) the number of claims that have been paid; and 6) the total amount that has been paid relative to those claims These statistics were released in full. (Case Number FOIA 2011-3148).
- On July 25, 2011, United States Citizenship and Immigration Services (USCIS) released to **Michael Anthony Giglio**, a reporter with ***Newsweek*** in Brooklyn, New York, 276 pages from a named individual's alien file. Portions of the response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C) and b(7)(E). (Case Number COW2010000425).
- On July 26, 2011, the Department of Homeland Security (DHS) released to **Jenny Small,** a researcher with ***Judicial Watch*** in Washington, DC, 21 pages of DHS law enforcement communications related to Operation Against Smugglers Initiative on Safety and Security (OASISS). Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(7)(E). (Case Number DHS/OS/PRIV 11-0667).
- On July 26, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Michael Wereschagin,** a reporter with the ***Pittsburgh Tribune-Review*** in Pittsburgh, Pennsylvania, a no records response pertaining to his request for an accounting of legal expenses charged to ICE for services involving congressional testimony, hearings, investigations, and inquiries from 2000 to the present. (Case Number 2011FOIA7975).
- On July 27, 2011, the Department of Homeland Security (DHS) released to **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, 289 pages of records related to the processing of 11 discrete FOIA requests. Portions of the response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 11-0792).

- On July 27, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Laura Crimaldo,** a reporter with the ***Boston Herald*** in Boston, Massachusetts, 26 pages of records responsive to her request seeking the correspondence between Suffolk County (Massachusetts) Sheriff's Department officials and ICE employees from July 1, 2010, through August 30, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number 2011FOIA116).
- On July 27, 2011, the Federal Law Enforcement Training Center (FLETC) released to **Emily P. Carey**, a policy advocate with the **American Civil Liberties Union (ACLU), New Mexico Center for Border Rights** in Las Cruces, New Mexico, 185 pages of training materials in response to her request for records pertaining to use of force and use of deadly force. Portions of the response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number FOIA 11-053).
- On July 27, 2011, the United States Coast Guard (USCG) released to **Matt Tomsic**, a staff writer with ***Charleston Regional Business Journal*** in Charleston, South Carolina, 199 pages of documents in response to his request for cruise ship inspections done in Charleston from January 1, 2008, until June 30, 2011. These records were released in full. (Case Number FOIA 11-3089).
- On July 28, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Aliya Sternstein**, Senior Correspondent with ***Government Executive*** in Washington, DC, 126 pages of records pertaining to an investigation of IT employee misconduct in the U.S. Citizenship and Immigration Services' Texas Service Center. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number OIG FOIA #2011-139).
- On July 29, 2011, U.S. Customs and Border Protection (CBP) released to **Anatol Shmelev,** a research fellow with the **Hoover Institute at Stanford University** in Palo Alto, California, three pages of documents in response to his request to the Federal Bureau of Investigation (FBI) seeking records on the Russian National Revolutionary Party. These records were released in full. (Case Number CBP FOIA 2011F15045).

IV. FOIA Appeals

- On July 28, 2011, **Paul T. Muniz**, an attorney with **Burns and Levinson L.L.P.,** appealed on behalf of the Gloucester Fish Exchange, Inc., the United States Coast Guard (USCG) partial denial of a July 7, 2011 request seeking the following records: 1) all correspondence, including email, by and between a named individual and a Chief Administrative Law Judge, concerning, regarding, or referring to the specified Special Master's Report; 2) all correspondence, including email, by and between a named individual and any employee of the National Oceanic and Atmospheric Administration (NOAA) concerning, regarding or referring to that Special Master's Report; 3) all correspondence, including email, by and between the Honorable Parlen L. McKenna and the Honorable Charles B. Swartwood, III, Ret., concerning, regarding or referring to the report; 4) all correspondence, including email, by and between a named individual and any employee of the Department of Homeland

Security (DHS) concerning, regarding or referring to the report; 5) all correspondence, including email, by and between a named individual and any employee of the U.S. Department of Commerce concerning, regarding or referring to the report; 6) all correspondence, including email, by and between two named individuals concerning, regarding or referring to the report; 7) the parties' response, if any, to Exhibit A; 8) all correspondence, including email, by and between a Chief Administrative Law Judge and any employee of the Department of Commerce concerning, regarding or referring to the report; 9) all correspondence, including email, by and between two named individuals and any employee of the DHS concerning, regarding or referring to the report; 10) a copy of the correspondence dated May 5, 2005, from a named individual identified on page 19 of Exhibit A; 11) a copy of the entire email string involving that named individual described at the bottom of Exhibit A; 12) a list of all travel by USCG Administrative Law Judges funded by the U.S. Department of State ; and 10) all correspondence, including email, by and/or between a named individual and any other person concerning, regarding, or referring to the report. USCG withheld portions of responsive documents in their entirety pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2011FOIA2760).

V. FOIA Appeal Releases and Determinations

- On July 27, 2011, the United States Coast Guard (USCG) released to **Matt Jenkins**, a reporter with ***High Country News*** in Berkeley, California, 23 pages of documents in response to his appeal of the determination on his request for copies of various incident investigation reports. These records were released in full. (Case 2011FOIA3185).
- On July 27, 2011, U.S. Customs and Border Protection (CBP) released to **Tia Ghose**, a Homeland Security Researcher with the **Center for Investigative Reporting**, in Berkeley, California, approximately 30,000 lines of data in spreadsheet format in response to her appeal for data on the revocation of Secure Electronic Network for Travelers Rapid Inspection (SENTRI) lane passes by ports of entry. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number H169419).

VI. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of July 30 – August 5, 2011
Privacy Office
August 8, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On July 27, 2011, the United States Citizenship and Immigration Services (USCIS) Offices of Transformation Coordination and Public Engagement invited interested parties to review the implementation of a new, online product designed to move immigration services from a paper-based to an electronic, account-based system that employs improved technologies and redesigned business processes. This simplified, web based system will allow customers to submit and track their applications online and enhance USCIS's ability to process cases with greater precision, security, and timeliness. Stakeholder feedback elicited over the past few years through local listening sessions and national engagements has been instrumental in informing the development and deployment of the new system. USCIS is now evaluating how it can support the voluntary adoption of the online system by individuals who will be directly affected by this initial release.
- On July 28, 2011, the United States Citizenship and Immigration Services (USCIS) Office of Public Engagement invited customers and stakeholders to participate in a free Spanish-language event entitled "Enlace." This public engagement provided USCIS with an opportunity to share updates, make a presentation focused on the topic of the unauthorized practice of immigration law**,** and respond directly to questions posed by the public.
- On July 28, 2011, the United States Citizenship and Immigration Services (USCIS) Service Center Operations Directorate and the California Service Center invited interested parties to participate in a Religious Workers Stakeholder Engagement. This meeting provided a brief overview of the religious worker program and addressed inquiries and questions received from stakeholders.
- On July 29, 2011, the United States Citizenship and Immigration Services (USCIS) Office of Public Engagement hosted a teleconference to discuss the process of registering for Temporary Protected Status under the re-designation as well as the process of re-registering under the extension.
- On August 1, 2011, U.S. Immigration and Customs Enforcement (ICE) posted a copy of the Secure Communities Nationwide Interoperability Report to its FOIA Library.
- On August 2, 2011, the United States Citizenship and Immigration Services (USCIS) Service Center Operations Directorate and the Office of Public Engagement invited interested parties to an interactive engagement for discussions pursuant to the consultation requirements of the "O" and "P" nonimmigrant classifications. This is the most recent of several public engagements to focus on these classifications. During this session, stakeholders expressed an interest in meeting with USCIS to

address issues related to consultations with labor and management organizations and peer groups.

- On August 3, 2011, U.S. Immigration and Customs Enforcement (ICE) posted a copy of a Memorandum of Agreement on Parole Authority to its FOIA library.

II. FOIA Requests

- On August 1, 2011, **Azadeh Shahshahani**, National Security/Immigrants' Rights Project Director with the **American Civil Liberties Union of Georgia** in Atlanta, Georgia, requested from the Department of Homeland Security (DHS) and the Office of Inspector General (OIG) all Death in Detention records regarding the death of a named ICE detainee. (Case Numbers DHS/OS/PRIV 11-1118, OIG FOIA 2011-150, and 2011FOIA12357).
- On August 1, 2011, **Amanda Wegryn**, an individual, requested information from the Transportation Security Administration (TSA) regarding the percentage of overall claims regarding lost/damaged luggage that are denied. (Case Number TSA11-0777).
- On August 2, 2011, **Brian D. Hill**, reporter and founder of **USWGO** Alternative News, requested from the Department of Homeland Security (DHS) public records regarding any political profiling documents that specify what groups are monitored by fusion centers across the country and which kinds of people are profiled. (Case Number DHS/OS/PRIV 11-1125).
- On August 2, 2011, **LaNia Coleman**, a journalist with ***The Bay City Times*** in Bay City, Michigan, requested from the United States Coast Guard (USCG) copies of any incident reports and other documents, records and/or photographs regarding a search and rescue mission that took place on the afternoon of July 31, 2011, in Saginaw Bay, Michigan. (Case Number USCG2011FOIA3326).
- On August 2, 2011, **Judy Mottl**, an editor with **BabylonVillagePatch.com** in Sayville, New York, requested from the United States Coast Guard (USCG) a copy of the citation and/or the name, age, and address of the person issued a citation at about 8 PM on the evening of July 30, 2011, by the USCG Fire Island unit when it assisted a boat with three passengers during a rescue patrol. (Case Number USCG2011FOIA3328).
- On August 2, 2011, **Karen Sudol**, a reporter with ***The Record*** in New Jersey, requested from the United States Coast Guard (USCG) the following records: 1) a transcript of a hoax call made to USCG Station Sandy Hook in New Jersey on June 13 or June 14, 2011, during which the crew of a sailboat reported that they were abandoning ship in Sandy Hook; 2) a breakout of the number of calls designated hoaxes that have been placed to the USCG in the Hudson River, New York, and Northern New Jersey area, including Sandy Hook, in the past three years; 3) information pertaining to the breakout in of the number of hoax calls placed to the USCG in District 5; and 4) the range of price of what it costs the USCG to respond to the average search and rescue hoax call. (Case Number USCG2011FOIA3330).
- On August 2, 2011, **Gabriel Scott**, with the **Waltzer and Wiygul Law Firm** in Harvey, Louisiana, requested from the United States Coast Guard (USCG) records concerning the final claims determination memoranda for claims submitted and

adjudicated as "subsistence" claims under the Oil Pollution Act (OPA) to the National Pollution Funds Center. (Case Number USCG2011FOIA3332).

- On August 2, 2011, **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, requested from the United States Coast Guard (USCG) the following records: 1) all records regarding, concerning or related to the November 8, 2010, engine fire aboard the *Carnival Splendor*; 2) all records regarding the assistance provided to passengers of the *Carnival Splendor* by the USCG Cutter *Morgenthau*, 3) all records related to USCG participation in the investigation of the fire by the Panama Maritime Authority; and 4) all records of communication between any USCG official, officer, or employee and any other individual or entity regarding the November 8, 2010, engine fire aboard the *Carnival Splendor*. (Case Number USCG2011FOIA3343).
- On August 2, 2011, **Emily Willard**, a research associate with the **National Security Archive** at George Washington University in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents regarding the May 31, 2010, death of a named individual injured while attempting to escape from deportation to the Mexican side of the United States-Mexico border. (Case Number 2011FOIA12243).
- On August 2, 2011, **B.J. Davis**, President of **Fleur de Lis Film Studios** in Studio City, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the name, rank and office location for ICE official spokesperson(s) during the period January 1, 2007, through January 1, 2008; 2) the name, rank, and office location for ICE spokesperson(s) who provided commentary, response and/or made any other known contact with members of the media, including but not limited to *The National Enquirer* , during the time period of January 1, 2007, through January 1, 2008, regarding a named individual (now deceased) ; 3) copies of any and all inquiries received by ICE from members of the media and/or press and subsequent responses from ICE regarding that individual from July 1, 2004, through the present; 4) copies of any and all inquiries received by ICE from members of the media and/or press regarding a second named individual with two aliases (also now deceased) from July 1, 2004, through the present; 5) copies of any and all responses provided by ICE through its representatives and spokespersons to the inquiries from members of the media and/or press regarding the second named individual at any point between July 1, 2004 and the present; 6) copies of any and all communications between ICE press/media representatives/spokespersons with any government officials, including but not limited to DHS/ICE, the Federal Bureau of Investigation, the Drug Enforcement Agency, the Los Angeles Police Department, and the California Attorney General's Bureau of Narcotic Enforcement related to media inquiries received by ICE with respect to both individuals; and 7) copies of any and all records pertaining to the first individual's arrest and detention by ICE on immigration charges in 2007 to include any and all records based on which such immigration issues were initiated an investigated. (Case Number 2011FOIA12358).
- On August 2, 2011, **Neil Munro**, a reporter with ***The Daily Caller*** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) copies of Form I-134, "Affidavit of Support" and Form I-864A, "Contract Between

Sponsor and Household Member of Immigration Sponsors," submitted between January 2000 and January 2002 and including the following phrases in the "occupation" line: "Member of Congress," "U.S. Senator," "U.S. Representative," "Governor," "Officeholder," "Lawmaker," "Legislator," "Congressman," "Congresswoman," "Judge," "Politician," "Senator," "Lieutenant Governor," "Secretary of State," and "Attorney General." (Case Number COW2011000633).

- On August 3, 2011, **Emily Willard,** a research associate at **The National Security Archive**, The George Washington University in Washington, DC, requested from the Federal Law Enforcement Training Center (FLETC) the following records: **"**all documents, including but not limited to, training manuals, spending plans, and cables, detailing the training of personnel in Mexico for enhanced border protection through the Merida Initiative." (Case Number FOIA 11-117).
- On August 3, 2011, the Federal Bureau Investigation (FBI) referred to the United States Coast Guard (USCG) documents responsive to a request from **Michael Bobelian**, a journalist with the ***Washington Monthly*** in New York, New York, for all documents, materials, and files related to Armenian Secret Army for Liberation of Armenia (ASALA). (Case Number USCG2011FOIA3351).
- On August 2, 2011, **Jason Smathers**, a blogger with ***Muckrock*** in Somerville, Massachusetts, requested from the United States Coast Guard (USCG) all records concerning Temporary Final Rule: Safety Zones: Bullhead City regatta, Bullhead City, Arizona, published in the *Federal Register* and having Document ID USCG-2011-0410-0001, Docket ID USCG-2011-0410, and *Federal Register* Number 2011-16539. (Case Number USCG2011FOIA3353).
- On August 4, 2011, **Sean O'Callaghan,** a doctoral student at the **University of Portsmouth**, in Portsmouth, UK, requested from the Federal Law Enforcement Training Center (FLETC) a detailed outline of any training related to interrogation of suspects, witnesses, and/or victims, including but is not limited to, the length of training, the issues covered in training, as well as what, if any, policies/procedures regarding interrogation. (Case Number FOIA 11-118).

<u>Late requests</u>

- On February 23, 2011, **Laura Wides-Munoz**, a reporter with ***The Associated Press*** in Miami, Florida, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) number of Cubans seeking to enter the United States through the 2006 Cuban Medical Processional Parole, broken down both by the country in which the individual had worked most recently prior to the request; and 2) the number of such requests by year since 2006, and the number of individuals for whom the United States has approved entry. (Case Number NRC2011077330).
- On July 27, 2011, **Michael Ravnitzky**, an individual from Silver Spring, Maryland, requested from United States Citizenship and Immigration Services (USCIS) a copy of all reports addressing the scope of the losses of Immigration and Naturalization

Service (INS) records in the September 11, 2001, attack on the World Trade Center in New York, New York. (Case Number COW2011000624).

- On July 27, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all records on, about, mentioning or concerning Ahmed Wali Karzai. (DHS/OS/PRIV 11-1107).
- On July 29, 2011, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Maryland, requested from United States Citizenship and Immigration Services (USCIS) a copy of the initial request made by a named individual, the appeal of that request, and all other records on, about, mentioning, or concerning that appeal, which was assigned file number APP2009001258. (Case Number COW2011000630).
- On July 29, 2011, **T.C. Crouse**, an individual, requested from the Department of Homeland Security (DHS) the following records: 1) the agreement between the Federal Emergency Management Administration (FEMA) and DHS and/or the United States Coast Guard (USCG) and British Petroleum (BP) made during the Deepwater Horizon response whereby BP was made the "third party" to review all incoming submissions of inventions of new oil spill response technologies and/or alternative technologies submitted to USCG and the Environmental Protection Agency (EPA) pursuant to Federal Government Funding Opportunities and/or grants; 2) the information regarding the actual submission of new inventions and/or alternative technologies, submitted for Federal Government funding opportunities by two named individuals; 3) all the information regarding the "Air Bubble Curtain," supposedly submitted by an EPA worker with the Florida State Office; and 4) all notes and submissions for the very first invention used, which would have been the "barge blockade" and/or "oil pump barges" first described for use to block the oil from entering the Louisiana marshlands. (DHS/OS/PRIV 11-1119).

III. FOIA Releases

- On July 15, 2011, United States Citizenship and Immigration Services (USCIS) released to **Steven Emerson**, President of **SAE Productions** in Washington, DC, 88 pages of records in response to his request for information relating to the Chicago Roundtable meetings, including reports, memos, emails, and documents identifying participants of the meetings, attendee evaluation forms, and any audio/video presentations or recordings used during the meetings. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number COW2010000538).
- On July 27, 2011, the Federal Law Enforcement Training Center (FLETC) released to **Emily P. Carey**, Policy Advocate with the **American Civil Liberties Union of New Mexico**, in Los Cruses, New Mexico, 185 pages of records in response to her request for information concerning reports that the Department of Homeland Security (DHS) made to Congress in 2010 that were mandated in statute as well as to whom they were sent, e.g., House/Senate committees and subcommittees, and to the House and Senate committees and subcommittees that heard testimony from agency officials in 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number FOIA 11-053).

- On July 28, 2011, the Office of Inspector General (OIG) released to **Aliya Sternstein**, a senior correspondent with ***Government Executive*** in Washington, DC, 126 pages of records associated with IT employee misconduct investigations in United States Citizenship and Immigration Services' (USCIS) Texas Service Center for 2008 and 2009. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number OIG 2011-139).
- On July 29, 2011, the Federal Law Enforcement Training Center (FLETC) issued to **Jennifer Selin**, an individual, a no records determination in response to her request seeking a list of reports that the Agency made to Congress in 2010 that were mandated in statute and to whom they were sent (e.g. House/Senate committees and subcommittees)**;** and**,** a list of the House and Senate committees and subcommittees that heard testimony from agency officials in 2010.**"** (Case Number FOIA 11-091 and FOIA 11-092).
- On August 1, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Sarnata Reynolds**, Director of Policy, Advocacy, Refugee and Migrants' Programs with **Amnesty International USA** in Washington, DC, 3,045 pages of records responsive to her request seeking copies of manuals, workbooks, guidebooks, guidelines, instructions, memoranda, rules, notes, directives, regulations, publications, documents, executive orders, and any other materials proved to law enforcement agencies participating in 287(g). Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), and (b)(7)(C). (Case Number 2011FOIA5978).
  On August 1, 2011, U.S. Customs and Border Protection (CBP) will release to **Anatol Shmelev**, a research fellow with the **Hoover Institution at Stanford University,** three pages of response records related to the Russian National Revolutionary Party. The records will be released in full. (Case Number 2011F15045).
- On August 1, 2011, the Management Directorate (MGMT) released to **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, two SF-50 pages from the official personnel file of a former DHS employee. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number MGMT 11-154).
- On August 2, 2011, the United States Coast Guard (USCG) issued to Tamara Freinstein with the National Security Archive in Washington, DC, a nonresponsive letter pertaining to the documents forwarded from the Defense Intelligence Agency (DIA) responsive to her request seeking all records relating in whole or in part to rumors of a military coup plot in Venezuela against the Perez administration in November 1991, and any events leading up to and immediately following coup rumors, including: 1) warnings from a gorup of intellectuals, led by Arturo Uslar Pieti in October and Novermber 1991, that a military coup might occur in Venezuela; 2) Ulsar's requests for an emergency government, the resignation of the supreme court, and congress; and 3) Venezuelan Defense Minister Fernando Ochoa Antich's reaction on November 19, 1991, in dismissing warnings about a military coup in Venezuela. (Case Number 2011FOIA2866).
- On August 2, 2011, the United States Immigration and Customs Enforcement (ICE) released to **David Shapiro**, a staff attorney with the **American Civil Liberties**

Union's National Prison Project in Washington, DC, 334 pages of records that were either substantiated or did not have a clear finding by the Office of Professional Responsibility in response to his request for records concerning sexual abuse of detainees in ICE custody from January 1, 2007, to the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number ICE 11-4893).

- On August 3, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Sean Reilly**, a staff writer with the ***Federal Times*** in Springfield, Virginia, 38 pages of records pertaining to supporting data used to develop the total number of convictions, fines, restitution, administrative cost savings, and recoveries listed on page i of OIG report #OIG-10-88, entitled *Special Report: Summary of Significant Investigations*. Portions of this response were withheld pursuant to FOIA Exemption (b)(5). (Case Number OIG FOIA #2011-122).
- On August 3, 2011, the United States Customs and Border Protection (CBP) released to **Amy Woodward**, an intern with the **Independence Institute** in Golden, Colorado, 43 pages of records in response to her request for the 2009 inventory list of lost, damaged, or destroyed equipment and property. Portions of this response were withheld pursuant to FOIA Exemption (b)(7)(E). (Case Number 2011F07668).
- On August 3, 2011, the Department of Homeland Security (DHS) released to **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, a three-page letter addressed to Secretary Janet Napolitano from the Motion Picture Association in response to his request for information related to the December 2009 summit on intellectual property (IP Summit). The document was released in full. (Case Number DHS/OS/PRIV 11-0845).
- On August 3, 2011, the United States Coast Guard (USCG) released to **Rick Neale**, a reporter for ***Florida Today*** in Melbourne, Florida, 50 pages of material consisting of the incident report, witness statements, an incident management report, photographs, and messages responsive to his request seeking the incident reports related to the fire and sinking of MISS KAITLYN in the Indian River off Rockledge Drive on June 29, 2101. These records were released in full. (Case Number 2011FOIA3026).
- On August 3, 2011, the United States Coast Guard (USCG) released to **Cindy Zipf** with **Clean Ocean Action** in Highlands, New Jersey, 180 pages of material consisting of the emails and letters in response to her request seeking all documents created on or after February 7, 2011, in the USCG's possession that pertain to the Liberty Natural Gas deepwater port application. These records were released in full. (Case Number 2011FOIA2871).
- On August 4, 2011, the Department of Homeland Security (DHS) released to **David Barr**, a representative with the **Democratic National Committee** in Washington, D.C., 200 pages of records associated with the correspondence between the Department of Homeland Security (DHS) and either Mississippi Governor Haley Barbour (R) or former House Speaker Newt Gingrich (R). Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 11-0170).

- On August 4, 2011, United States Citizenship and Immigration Services (USCIS) released to **Susan Carroll**, a reporter with the ***Houston Chronicle*** in Houston, Texas, a three page list of individuals who were granted citizenship posthumously. These records were released in full. (Case Number COW2010000420).
- On August 4, 2011, the Department of Homeland Security (DHS) released to **Russell Carollo**, a journalist in Pueblo, Colorado, 42 pages of correspondence logs for Chairman Darrell Issa (R-CA) from the Enterprise Correspondence Tracking (ECT) system. Portions of this response were withheld pursuant to FOIA exemptions (b)(4) and (b)(6).
- On August 4, 2011, the Department of Homeland Security (DHS) released to **David Goldstein**, Washington correspondent with ***The Kansas City Star/McClatchy Newspapers*** in Washington, DC, nine pages of correspondence between the Department of Homeland Security (DHS) and either Senator Samuel Dale "Sam" Brownback (R-KS) or Senator Charles Patrick "Pat" Roberts (R-LA). Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0772).
- On August 4, 2011, the Department of Homeland Security (DHS) released to **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, New York, 70 pages from the record of FOIA case number DHS/OS/PRIV 10-0872. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0879).
- On August 4, 2011, the Department of Homeland Security (DHS) released to **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, New York, 37 pages from the record of FOIA case number DHS/OS/PRIV 10-0454. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0880).
- On August 4, 2011, the Department of Homeland Security (DHS) released to **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, New York, 65 pages from the record of FOIA case number DHS/OS/PRIV 07-874 including the initial request, final response and responsive records. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0881).
- On August 4, 2011, the Transportation Security Administration (TSA) released to **Chris Paschenko**, a journalist with ***Galveston County Daily News*** in Galveston, Texas, one page of information responsive to his request for any and all documents related to the issuance of a Transportation Worker Identification Credential (TWIC) to a named individual and statistics on TWIC waivers granted in the state of Texas since the program's inception. This record was released in full. (Case Number TSA10-0006).
- On August 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Senator Majority Leader Harry Reid (D-NV)** in Las Vegas, Nevada, 37 pages of records responsive to his request for a copy of an Office of Professional Responsibility investigation involving a named individual. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C), (b)(7)(E) and Privacy Act Exemption (k)(2). (Case Number 2011FOIA10168).

- On August 4, 2011, the Office of Inspector General (OIG) released to **Azadeh Shahshahani**, National Security/Immigrants' Rights Director of the **American Civil Liberties Union of Georgia** in Atlanta, Georgia, 16 pages of Death in Detention records regarding a named Immigration and Customs Enforcement detainee. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C) (OIG FOIA #2011-150).
- On August 5, 2011, U.S. Customs and Border Protection (CBP) issued to **Jonathon Shacat**, a reporter with the ***Bisbee Daily Review*** in Bisbee, Arizona, ano records determination in response to his request seeking a copy of the U.S. Border Patrol video footage filmed on June 12, 2011 by a camera tower in the Coronado National Memorial, known as Montezuma Tower. (Case Number 2011F14526).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *WeCount! Inc. v. U.S. Department of Homeland Security*, (Case 1:11-cv-00143-RMC) Plaintiff filed a complaint on January 21, 2011, claiming improper exemptions were applied to responsive records pertaining to a their FOIA request seeking records relating to criminal and/or civil enforcement actions against sex-trafficking conducted by U.S. Immigration and Customs Enforcement (ICE) on or between November 18, 2008, through November 19, 2008, in Dade, Broward, and Palm Beach Counties, Florida, On August 2, 2011, ICE released an additional 197 pages of responsive records from the Office of Public Affairs and the Office of Professional Responsibility.
- In the matter of *Board of County Supervisors of Prince William County, VA v. U.S. Department of Homeland Security* (Case1:11-cv-00819-JCC-JFA), Plaintiff filed a complaint on August 4, 2011, claiming unlawful withholding of records responsive to a November 22, 2010, FOIA request seeking information about individuals taken into physical custody in Prince William County as held by the Police Department or the Adult Detention Center and to which physical custody was then turned over to ICE from January 1, 2008, to the present.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of August 13 – 20, 2011
Privacy Office
August 22, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On August 15, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that "Self Check," a free online service of E-Verify that allows workers to check their own employment eligibility status, is now available in Spanish and accessible to residents in 16 additional states. Self Check is the first online service offered directly to workers by E-Verify, a Department of Homeland Security (DHS) program administered by USCIS in partnership with the Social Security Administration. USCIS will continue to evaluate and improve the Self Check service, which it intends to expand nationwide by spring 2012.
- On August 16, 2011, U.S. Immigration and Customs Enforcement (ICE) posted FOIA logs for June and July 2011 to its FOIA library.
- On August 16, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website its intention to automatically extend employment authorization for Liberian nationals covered under Deferred Enforced Departure (DED) through March 31, 2012. USCIS's announcement follows President Obama's decision to extend DED for qualified Liberians and those persons without nationality who last habitually resided in Liberia. The six-month automatic extension of existing Employment Authorization Documents (EADs) will permit eligible Liberians to continue working while they file their applications for new EADs. The new EADs will cover the full 18 months of the DED extension. In addition to automatically extending the validity of EADs for Liberian nationals covered under DED, USCIS will publish a notice in the *Federal Register* instructing these individuals how to obtain employment authorization for the remainder of the extension period.
- On August 17, 2011, United States Citizenship and Immigration Services (USCIS) posted the Interim Policy Memorandum "Transfer of Final Adjudication Authority to the National Benefits Center for Adjustment of Status Cases Filed Pursuant to Section 13 of Public Law 85-316 of 9/11/1957; Revision to *Adjudicator's Field Manual* (AFM)" on its public website for stakeholder review and comment. This memorandum transfers final adjudication authority to the Director of the National Benefits Center (NBC) for Form I-485, "Application to Register Permanent Residence or Adjust Status," filed pursuant to Section 13 of Public Law 85-316 and revises *Adjudicator's Field Manual* Chapter 23.10. The period for submitting comments closes on August 30, 2011.

II. **FOIA requests**

- On August 15, 2011, **Ginger McCall**, Open Government Counsel, and **Alex Stout,** a law clerk, with **Epic.org** in Washington, DC, requested from the Department of

Homeland Security (DHS) copies of the following agency records: 1) the Privacy Threshold Analysis for the Future Attribute Screening Technology (FAST) Project; and 2) the record of review and approval of the Privacy Threshold Analysis by the DHS Privacy Officer. (Case Number DHS/OS/PRIV 11-1166).

- On August 15, 2011, **Kate Farrish** a freelance writer with **C-HIT.org**, the Connecticut Health Investigative Team website in Tolland, Connecticut, requested from the United States Coast Guard (USCG) statistics on the number of marine investigations/incidents and/or arrests in 2010 made by USCG in the ports of Bridgeport, New Haven and New London, Connecticut. (Case Number USCG2011FOIA3485).
- On August 16, 2011, **Adam Rawnsley**, an individual in Arlington, Virginia, requested from the Department of Homeland Security (DHS) records that reference or mention quantum computing or quantum cryptography dated between May 11, 1976, and May 17, 2011, that have been held or created by the White House's Office of Science and Technology Policy. (Case Number DHS/OS/PRIV 11-1170).
- On August 16, 2011, **John A. Farrell**, a senior reporter with ***The Center for Public Integrity*** in Washington, DC, requested from the Department of Homeland Security (DHS) all records reflecting any communication, including but not limited to letters, email, memoranda, reports, appointment calendars, and telephone call logs, and dated between August 2008 and the present related to a named individual and/or LightSquared (a/k/a SkyTerra, Motient Corp., Mobile Satellite Ventures, Harbinger, TerreStar, etc.). (Case Number DHS/OS/PRIV 11-1171).
- On August 16, 2011, **Daniel Gonzalez**, a senior reporter for ***The Arizona Republic*** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following data regarding recidivism rates of migrants apprehended along the Southwest Border: 1) rates for participants (migrants) of the Mexican Interior Repatriation Program for fiscal years 2004 through 2010, including separately recidivism rates for migrants who participated in the program but were re-arrested by CBP at any later date, not just during the operation of the program; 2) rates for migrants apprehended in all Southwest Border sectors combined for fiscal years 2000 through 2010; 3) rates for migrants apprehended in the Tucson sector for fiscal years 2000 through 2010; 4) rates for migrants apprehended in the Yuma sector for fiscal years 2000 through 2010; and 5) rates for migrants apprehended in all other individual sectors that make up the Southwest Border Region for fiscal years 2000 through 2010. (Case Number CBP FOIA 2011F16031).
- On August 17, 2011, **Stephen Davis**, an investigative reporter with ***WITI-TV FOX 5*** in Brown Deer, Wisconsin, requested from the United States Coast Guard (USCG) the following records from 2009 through 2011: 1) documentation of compliance from the *SS Badger* as it pertains to coal ash dumping in Lake Michigan; 2) any and all investigative reports, including letter incident reports concerning the *SS Badger* and; 3) any correspondence or documentation concerning the *SS Badger* meeting current regulations or compliance with Environmental Protection Agency (EPA) guidelines. (Case Number USCG2011FOIA3518).
- On August 17, 2011, **Edward Harold**, an attorney with **Fisher and Phillips** LLP in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) the

final determination memorandum for Claim Number N10036-1037, associated with the Deepwater Horizon oil spill. (Case Number USCG2011FOIA3525).

- On August 17, 2011, **Sean P. Murphy**, a reporter with ***The Boston Globe***, in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) evaluations of expenditures of DHS grant money provided to Massachusetts and Boston for various programs, equipment, training and other purposes; and 2) evaluations intended to determine the effectiveness of those programs, equipment, training and other purposes in achieving homeland security goals, for the last three years for which DHS has completed evaluations. (Case Number DHS/OS/PRIV 11-1173).
- On August 17, 2011, **Azadeh Shahshahani**, an attorney with the **American Civil Liberties Union Foundation (ACLU) of Georgia** in Atlanta, Georgia, requested from the Department of Homeland Security (DHS) records relating to detention facilities in Georgia that house detainees in U.S. Immigration and Customs Enforcement (ICE) custody. (Case Number DHS/OS/PRIV 11-1174).
- On August 17, 2011, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, requested from the Department of Homeland Security (DHS) records relating to the policy of increased scrutiny of people who cross the border from the United States to Mexico, specifically information relating to the Obama Administration's March 2009 Southwest Border Initiative and the Arizona Joint Field Command. (Case Number DHS/OS/PRIV 11-1175).
- On August 18, 2011, the U.S. Department of State (DOS) referred to the Department of Homeland Security (DHS) records responsive to a request from **Christopher Calabrese**, Counsel with the **American Civil Liberties Union (ACLU)** in Washington, DC, seeking records created since September 2001 and held by the DOS regarding advice, technical assistance or other guidance the Government has provided to foreign nations in the creation of a system similar to the United State's US-VISIT Program. (Case Number DHS/OS/PRIV 11-1179).
- On August 18, 2011, **Zachary Katznelson** with the **American Civil Liberties Union Foundation** in New York, New York, requested from the Department of Homeland Security (DHS) records relating to Presidential power to restrict access to or shut down portions of the internet, a/k/a the "kill switch." (Case Number DHS/OS/PRIV 11-1180).

<u>Late Requests</u>

- On August 11, 2011, **Devon Hardy,** a research associate with the **Center for Infrastructure Protection and Homeland Security at the George Mason University School of Law** in Arlington, Virginia, requested from the Transportation Security Administration (TSA) a copy of a June 21, 2006 report entitled "Terrorist Threat to US Highway System." (Case Number TSA11-0796).
- On August 11, 2011, **Lewis Kamb**, a reporter with ***The News Tribune*** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) the following records for each year since July 2004 through July 2011: 1) a breakdown of the originating states of immigrant detainees held by ICE at the Northwest Detention Center in Tacoma, Washington; 2) the total number of immigrant detainees held by

ICE nationally and at the Northwest Detention Center; and 3) the average duration of detention for immigrant detainees held by ICE nationally and at the Northwest Detention Center. (Case Number 2011FOIA13074).

- On August 11, 2011, **Lewis Kamb,** a reporter with ***The News Tribune*** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) all contracts and contract modifications pertaining to operations at the Northwest Detention Center in Tacoma, Washington, from January 1, 2003, to the present. (Case Number 2011FOIA13079).

III. FOIA Releases

- On July 22, 2011, the United States Coast Guard (USCG) issued to **Howard Altman**, a senior writer with the ***Tampa Tribune*** in Tampa, Florida, a denial in response to his request for records of the investigation report pertaining to USCG personnel hazing aboard the *Venturous.* These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number USCG 2011FOIA2995).
- On August 2, 2011, the United States Coast Guard (USCG) released to **Jill Laster**, a reporter with the ***Navy Times*** in Springfield, Virginia, 75 pages of materials consisting of memoranda and log books in response to her request seeking a copy of the investigation report pertaining to a USCG officer. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCG2011FOIA2753).
- On August 2, 2011, the United States Coast Guard (USCG) released to **Alice Borrelli**, a researcher with **Lion TV**, on behalf of PBS in New York, New York, AIS data tracks. These records were released in full. (Case Number USCG2011FOIA3282).
- On August 12, 2011, United States Citizenship and Immigration Services (USCIS) released to **Russell Carollo**, a journalist in Pueblo, Colorado, 17 pages of Access Database training information in response to his request seeking information related to T-Visas. Portions of the records were withheld pursuant to FOIA Exemption (b)(6). (Case number COW2010000435).
- On August 13, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Sarnata Reynolds**, Advocacy Director, Refugee Migrant's Rights at **Amnesty International USA** in Washington, DC, 3,045 pages of records responsive to her request for copies of records relating to guidelines provided to local law enforcement agencies under the 287(g) program. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA5978).
- On August 16, 2011, U.S. Customs and Immigration Enforcement (ICE) released to **Walter Roche**, a reporter with the ***Pittsburgh Tribune Review*** in Pittsburgh, Pennsylvania, 11 pages of records responsive to his request seeking records relating to the authorization for the transport and admission of children from Haiti to the United States. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA5787).
- On August 16, 2011, the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) released to **Sean Reilly**, a senior staff writer

with the ***Federal Times*** in Springfield, Virginia, 11 pages of records pertaining to FLETC enrollment since January 2009 to the present. These records were released in full. (Case Number FOIA 11-121).

- On August 17, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jennifer Kay**, a reporter with ***The Associated Press*** in Miami, Florida, 197 pages of records responsive to her request seeking copies of any and all files ICE had on a former ICE detainee. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA5915).On August 17, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Azadeh Shahshahani**, an attorney with the **American Civil Liberties Union (ACLU)** of Georgia in Atlanta, Georgia, a denial in response to her request for copies of all Death in Detention records concerning a named individual who died in ICE custody on April 28, 2011. Records, documents, and/or other material are being withheld in full pursuant to FOIA Exemption (7)(A). (Case Number 2011FOIA12357).
- On August 17, 2011, United States Citizenship and Immigration Services (USCIS) released to **Steven Emerson**, president of **SAE Productions**, **Inc**., in Washington, DC, 138 pages responsive to his request seeking information pertaining to 39 named individuals and/or Islamic Centers. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4), (b)(6) and (b)(7)(E). (Case Number COW2010000262).
- On August 17, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers,** a blogger with ***Witnesses Unto Me*** in Topock, Arizona, 113 pages of records in response to his request for information relating to John Murray (1898-1975). These records were released in full. (Case number COW2010000509).
- On August 17, 2011, the Department of Homeland Security (DHS) released to **William Theobald,** a correspondent with the **Gannett Co., Inc.** in Washington, DC, 30 pages of congressional logs from the Enterprise Correspondence Tracking (ECT) system for U.S. Senator Robert Phillips "Bob" Corker, Jr. (R-TN), U.S. Senator Lamar Alexander (R-TN), Representative Jim Cooper (D-TN), and U.S. Representative Marsha Blackburn (R-TN). Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (Case Number DHS/OS/PRIV 11-0800).
- On August 18, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers,** a blogger with ***Muckrock*** in Somerville, Massachusetts, 746 pages of records responsive to his request for records concerning the processing of eleven different FOIA requests. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number COW2011000387).
- On August 18, 2011, the United States Coast Guard (USCG) released to **Jason Smathers**, a blogger with ***Muckrock*** in Somerville, Massachusetts, 41 pages of material consisting of applications, checklists, emails, and letters responsive to his request for all records concerning the Temporary Final Rule promulgated for the 2011 Bullhead City Regatta in Bullhead City, Arizona. These records were released in full. (Case Number USCG2011FOIA3353).

- On August 18, 2011, the Department of Homeland Security (DHS) released to **Andrew Christy**, a law clerk with **Epic.org** in Washington, DC, 222 pages of press clippings including articles related to WikiLeaks in response to his request for records pertaining to individuals who have demonstrated support or interest in Wikileaks. These records were released in full. (DHS/OS/PRIV 11-0311).
- On August 19, 2011, United States Citizenship and Immigration Services (USCIS) released to **Steven Emerson**, president of **SAE Production**s in Washington, DC, six pages of records from the Computer Linked Application Information Management System (CLAIMS) database in response to his request for any and all records related to the Selimiye Mosque in Methuen, Massachusetts. Portions of this response were withheld pursuant to FOIA Exemption. (Case Number COW2010000275).
- On August 19, 2011, United States Citizenship and Immigration Services (USCIS) released to **R. Scott Moxley,** senior editor with ***OC Weekly/Village Voice Media, Inc.,*** in Costa Mesa, California, eight pages of records responsive to his request for records pertaining to Leading Edge Aviation, Inc. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E), and Privacy Act Exemption (k)(2). (Case Number 2011FOIA10140).

III. FOIA Appeals

- On August 242011, Leo Banks with the Tucson Weekly in Tucson, Arizona, appealed the response from U.S. Customs and Border Protection (CBP) to his request for records relating to the investigagtion of individuals discovered in the Coronado National Forest near Arivaca, Arizona, around May 30, 2011, during the Murphy Complex Fire. CBP denied a portion of the initial request because the requester failed to include authorizations for release from the individuals. (CBP Case Number 2011F14336).
- On July 28, 2011, **Veena Dubal**, a staff attorney with the **Asian Law Caucus** in San Francisco, California, appealed the no records response from U.S. Customs and Border Protection (CBP) regarding her request for records relating to: 1) questioning and searches of individuals traveling to or from Iran; 2) interviews, additional security checks, secondary screening or searches of U.S. Citizens or Permanent Residents holding passports showing their "place of birth" as Iran or an Iranian city from 2003 to present; and 3) permanent resident cards revoked from 2003 to present, including citizenship and/or place of birth of individuals subject to such revocation. (CBP Case Number 2011F12668).
- On August 1, 2011, **Reilly Nolan** with the **American Small Business League** in Pentaluma, California, appealed the lack of response from U.S. Customs and Border Protection (CBP) to his request for email from any Department of Homeland Security employee and a named individual from Electronic Data Systems Corporation and/or Hewlett-Packard Company from December 1, 2010 through March 15, 2011. (ASBL Nolan Appeal). On August 8, 2011, **Emily Willard,** a research associate with the **National Security Archive** in Washington, DC, appealed the no records response issued by U.S. Customs and Border Protection (CBP) to her request for records related to the killing of a named individual on September 30, 2010, and the Zetistas subgroup of the Zetas cartel. (CBP Case Number 2011F12568).

IV. FOIA Appeal Releases and Determinations

- On August 18, 2011, U.S**. Customs and Border Protection** (CBP) released to **Eric Lipton**, a reporter with ***The New York Times*** Washington Bureau in Washington, DC, 41 additional pages of material responsive to his request seeking information about CBP Northern Border Operations. The appellate release consists of the Air Enforcement Strategy report and most recent CBP Northern Border Strategy. Portions of this response were withheld pursuant to FOIA Exemption (b)(7)(E). (CBP Case Number H167261).

V. Lawsuits

- In the matter of *WeCount! Inc. v. U.S. Department of Homeland Security*, (Case 1:11-cv-00143-RMC), Plaintiff filed a complaint January 21, 2011, claiming improper exemptions were applied to records responsive to a November 27, 2009 FOIA request seeking documents relating to criminal and/or civil enforcement actions against sex-trafficking conducted by U.S. Customs and Immigration Enforcement (ICE) on or between November 18, 2008 through November 19, 2008, in Miami Dade County, Broward County, and Palm Beach County, Florida. On August 16, 2011, ICE released an additional 230 pages of responsive records from the ICE Office of Homeland Security Investigations to Plaintiffs.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or

prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of August 20 – 27, 2011
Privacy Office
August 29, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
   - NSTR

II. **FOIA Requests**
   - On August 22, 2011, **Gary Kreep**, Executive Director of the **United States Justice Foundation** in Ramona, California, requested from the Department of Homeland Security (DHS) copies of all documentation complied by DHS and all its sub-agencies concerning the April 2009 DHS memo entitled "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment," including, but not limited, updates, amendments, revisions, or additions to that memo and any subsequent documentation related to the subject of rightwing extremism compiled from April 2009 through July 2011. (Case Number DHS/OS/PRIV 11-1195).
   - On August 22, 2011, **Gary Kreep,** an attorney with the **United States Justice Foundation** in Ramona, California, requested from the Department of Homeland Security (DHS) copies of all such documentation compiled by DHS and all its sub-agencies, concerning the activities of a named individual, including, but not limited by way of exclusion, a leader of the Cedar Valley Tea Party, a leader of the Anti-Agenda 21 Lock Box issue in Cedar Falls, Iowa, and as vocal protester against the policies of President Obama from July 2008 through July 2011. (Case Number DHS/OS/PRIV 11-1196).
   - On August 22, 2011, **Hank Whipple**, a freelance journalist in Madison, Wisconsin, requested from the United States Coast Guard (USCG) information concerning what, if any, action was taken against the officers of the *Michigan* relating to a collision on December 11, 1998, and the final outcome of such action. (Case number USCG 2011FOIA3567).
   - On August 24, 2011, **Bob Mackin**, a columnist with ***Business in Vancouver*** in North Vancouver, British Columbia, requested from the Department of Homeland Security (DHS) a copy of the 2010 Olympics Joint Threat Assessment, which was released on January 22, 2010, and the related after-action review or like report. (DHS/OS/PRIV 11-1204).
   - On August 24, 2011, **Michael Ravnitzky** an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of internal agency memos or other correspondence or documents that review or discuss the merits and/or disadvantages of iPads and/or similar pad/tablet computer devices for employee use during the 2011 calendar year. (DHS/OS/PRIV 11-1213).

- On August 24, 2011, **Rick Heneghan**, Producer/Host ***Commonsense HD, BCATV*** in Burlington, Massachusetts, requested from the Department of Homeland Security (DHS) all records of Department of Homeland Security, including but not limited to the Federal Law Enforcement Training Center (FLETC) communications with other DHS components, discussing the use of non-lethal electronic weapons. (DHSW/OS/PRIV 11-1214).
- On August 25, 2011, Angel McCurdy, a public safety reporter with ***Northwest Florida Daily News*** in Fort Walton Beach, Florida, requested from the United States Coast Guard (USCG) information on the June 4, 2011 boating incident involving the *Fuelish Pleasure* in Fort Walton Beach, Florida, including the official citations received by the boater, as well as the costs of each citation. (Case Number USCG2011FOIA3618).
- On August 25, 2011, **Dan Stein**, President of the **Federation for American Immigration Reform (FAIR)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) information concerning the recent administrative decision to review immigration cases on an individual basis and dismissing those cases which do not reveal a criminal conviction as set forth in the letter of August 18, 2011 to Senator Reid et al, and in the June 17, 2001, memorandum of ICE Director John Morton, to which it refers, specifically: 1) any calculations, studies or other documents which document a shortage of resources for completing the removal proceedings for aliens currently involved in the process of removal and/or documents used to derive the amount of resources lacking and relied upon in creating this new policy; 2) any document in which DHS sought supplemental funding from Congress to address the lack of resources which led to the adoption of this new policy; 3) the documents demonstrating the specific costs of the labor hours employees will expend to conduct this case-by-case review, as well as the specific costs of any need for additional employees and labor hours; 4) any statutes or regulations relied upon by DHS which authorizes it to grant work authorization to individuals whose cases would be dismissed or delayed under this new policy; 5) the studies documenting the projected fiscal impact of granting work authorization to illegal aliens, in particular, documents that relate that impact to the nation's current elevated unemployment rate; and 6) the guidelines and limitations the Department has implemented to guide prosecutorial discretion. (Dan Stein FOIA). [*N.B., this request has not yet been received by ICE, but is posted on FAIR's website and has received significant media attention, therefore it is included in this week's report. Once it is received officially by ICE, the response time will begin to run.*]

<u>Late Requests</u>

- On August 15, 2011, **Jennifer Lynch** with the **Electronic Frontier Foundation** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following: 1) all agency records (including, but not limited to electronic records) created from 2008 to the present discussing, concerning, or reflecting ICE's plans to collect, sample, analyze and store DNA; 2) records documenting or discussing contexts in which ICE currently collects or plans to collect DNA from "non-United States persons who are detained under the authority of the

United States"; 3) records documenting or discussion issues or potential problems related to collecting DNA from non-United States persons and/or plans to address those issues; 4) records documenting uses, capabilities, performance and limitations of the DNA analyzer discussed above and in a nextgov.com article, or other DNA collection tools, including information on any contexts in which they have been used; 5) any and all communications with other agencies, including but not limited to the Federal Bureau of Investigation and the Department of Justice, regarding DNA collection, storage, and/or sharing; 6) any and all communications with Congress concerning ICE's current or planned DNA collection, storage and sharing; 7) all Privacy Impact Assessments and/or Privacy Threshold Analyses related to ICE's current or planned DNA collection, storage and sharing; and 8) all System of Records Notices ("SORNs") related to ICE's current or planned DNA collection, storage and sharing. (Case Number ICE 2011FOIA13882).

- On August 18, 2011, the Transportation Security Administration (TSA) perfected a May 16, 2011, request from **David Borer** of **the American Federation of Government Employees (AFGE),** Washington, DC, for statistics related to TSA's Disciplinary Review Board (DRB), including the number of cases filed, the number of cases filed with and without the appellant employing a designated representative, the total number of decisions issued by the DRB, including the number of cases where either appeal was granted or the penalty was mitigated, and copies of all final DRB decisions. (Case Number TSA11-0810).
- On August 19, 2011, **Jeff Smith**, a reporter with ***WSOC-TV Eyewitness News***, in Charlotte, North Carolina, requested from the Department of Homeland Security (DHS) a copy of the following records: 1) a list of all DHS grants committed to Charlotte, the Charlotte-Mecklenburg Police Department, the Mecklenburg County Sheriff's Office, and any other city agency relating to safety and security for the 2012 Democratic National Convention; 2) the name of each grant; 3) a brief explanation of the purpose of the grant; and 3) how much money is allocated under the grant. (Case Number DHS/OS/PRIV 11-1190).

III. FOIA Releases

- On August 19, 2011, United States Citizenship and Immigration Services (USCIS) released to **Steven Emerson,** President of **SAE Productions** in Washington, DC, six pages of Computer Linked Application Information Management System (CLAIMS) records responsive to his request for any and all records related to the Selimiye Mosque located in Methuen, Massachusetts. Portions of the response were withheld pursuant to FOIA exemption (b)(6). (Case Number COW2010000275).
- On August 23, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Josh Margolin**, a reporter with the ***New York Post*** in New York, New York, 16 pages of records containing unclassified reports in response to his request for any and all records in printed and electronic formats pertaining to Osama Bin Laden's role in the September 11, 2001 terror attacks, the 1993 attack on the World Trade Center, and the raid that culminated in Bin Laden's death. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C), (b)(7)(E) and (b)(7)(F). (Case Number 2011FOIA8489).

- On August 23, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Joseph Rosenbloom,** a freelance journalist in Newton, Massachusetts, 405 pages of email and grievance forms in response to his request for information about complaints about medical or health services rendered at detention centers within ICE jurisdiction in Boston, Massachusetts, El Paso, Texas, and New Orleans, Louisiana. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2011FOIA7895).
- On August 23, 2011, the United States Coast Guard (USCG) released to **Judy Mottl**, an editor with ***BabylonVillagePatch.com***, an online news site in Sayville, New York, five pages of records, including a vessel inspection, responsive to her request for a citation issued by the USCG Fire Island unit during a rescue patrol. These records were released in full. (Case Number USCG2011FOIA3328).
- On August 23, 2011, the United States Coast Guard (USCG) released to **Edward Harold**, an attorney with **Fisher & Phillips LLP** in New Orleans, Louisiana, a three-page summary in response to his request for the final determination memo for claim number N10036-1037 related to the Deepwater Horizon Oil Spill. These records were released in full. (Case Number USCG2011FOIA3525).
- On August 24, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Kate Brumbeck,** a reporter with ***The Associated Press*** in Atlanta, Georgia, 110 pages of email in response to her request for copies of communications concerning Secure Communities between ICE and Gwinnett County, Georgia; specifically, records concerning failures, delays, or problems with Secure Communities interoperability. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (FOIA Case Number 2011FOIA6153).
- On August 24, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jennifer Kay**, a reporter with ***The Associated Press*** in Miami, Florida, 168 pages of email, detention, and medical files, and two spreadsheets related to Haiti flight manifest information in response to her request for information concerning Wildrick Toussaint Guerrier (deceased). Portions of this response were withheld pursuant to FOIA Exemption (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA5915).
- On August 24, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Rebecca Sharpless**, an attorney with the **University of Miami School of Law Immigration Clinic** in Coral Gables, Florida, 168 pages of email, detention, and medical files, and two spreadsheets related to Haiti flight manifest information in response to her request for information concerning Wildrick Toussaint Guerrier (deceased).. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA6565).
- On August 24, 2011, the United States Coast Guard (USCG) released to **Patrick Peterson**, a reporter with ***Florida Today*** in Melbourne, Florida, 24 pages of material consisting of inspection reports, in response to his request seeking all documents regarding the inspection of the *Victory 1* casino cruise vessel prior to its resumption of service as a passenger vessel supporting casino cruises from Cape Canaveral, Florida, in Summer 2010. These records were released in full. (Case Number USCG2011FOIA3439).

- On August 24, 2011, United States Citizenship and Immigration Services (USCIS), released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 73 pages of records in response to his request for copies of the USCIS Employee Misconduct Reporting Form and the *Management Inquiry Handbook*. The records were released in full. (Case Number COW2011000109).
- On August 25, 2011, the Department of Homeland Security (DHS) released to **Gregory Korte**, a staff writer with ***USA Today*** in Washington, DC, 340 pages of congressional logs from the Enterprise Correspondence Tracking (ECT) system in response to his request seeking all correspondence between DHS and the House Committee on Oversight and Government Reform, its chairman, Representative Darrell Issa (R-CA), or subcommittees, from January 1, 2010, through August 22, 2011. Portions of this response were withheld pursuant to FOIA exemptions (b)(4), (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 11-0451).
- On August 26, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Matthew Kownacki**, a researcher with **Judicial Watch** in Washington, DC, 294 pages of records in response to his request for all ICE records concerning a named individual arrested for murder in February 2011. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA5969).
- On August 26, 2011, United States Citizenship and Immigration Services (USCIS) released to **Seth Wessler**, a senior research associate for the **Applied Research Center** in New York, New York, three pages of records responsive to his request for information regarding the extent to which people deported by the Department of Homeland Security (DHS) are the parents of U.S. citizen children. These records were released in full. (Case Number COW2011000699).
- On August 26, 2011, United States Citizenship and Immigration Services (USCIS) released to **Steven Emerson**, President of **SAE Productions**, **Inc**. in Washington, DC, 119 pages of records responsive to his request for all records pertaining to the Islamic Center of Jersey City, New Jersey. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number COW2010000302).
- On August 26, 2011 United States Citizenship and Immigration Services (USCIS) released to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, 765 pages of records responsive to her request for documents, records, correspondence, and reports regarding fraud or waste in the EB-5 visa program from FY2003 to date. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number COW2011000111).

IV. FOIA Appeals

- On August 19, 2011, **Tia Ghose**, homeland security researcher with the **Center for Investigative Reporting** in ***Berkeley, California,*** appealed the response from U.S. Customs and Border Protection (CBP) to her request for records related to the

location of the border fence. In response to the initial request, CBP denied the request pursuant to FOIA Exemption (b)(7)(E). (Case Number CBP2011F3729).

V. FOIA Appeals Releases and Determinations

- On August 24, 2011, U.S. Customs and Border Protection (CBP) released 87 pages of records consisting of the Use of Force Handbook to **Matthew Kownacki** a researcher with **Judicial Watch** in Washington, DC, in response to his request for a copy of the *Firearms and Use of Force Handbook* utilized by Customs and Border Protection on December 14, 2010, and a copy of any subsequently amended version of that handbook. Portions of this appellate response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F). (CBP Case Number H161505).

VI. Lawsuits

- In the matter of *Judicial Watch v. Department of Homeland Security (DHS,)* (D.D.C. 11-cv-00725-HHK), Plaintiff claimed constructive denial relating to a February 16, 2011 FOIA request seeking copies of records and communications regarding a report prepared at the direction of the DHS Secretary concerning Carlos Martinelly-Montano, an unlawfully present alien charged with killing a Benedictine nun and injuring two others in an August 2010 drunk driving incident in Prince William County, Virginia, ICE sent Plaintiff its second and final response. The response included 662 pages of emails, portions of which were withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(C).

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of

personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of August 28 – September 3, 2011
Privacy Office
September 6, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On August 30, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its online FOIA library Fiscal Year 2011 to date interoperability statistics for Secure Communities nationwide.

II. **FOIA Requests**

- On August 29, 2011, **Hina Shamsi**, a staff attorney with the **American Civil Liberties Union (ACLU) Foundation** in New York, New York, requested from the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) records relating to requests for and disclosures of customer or user records, personal information or personally identifiable information (PII), contents of electronic communications, and malware signatures, virus signatures, heuristic signatures, or any other type of cybersecurity-related signatures, by communications providers to the federal government, for cybersecurity purposes, including but not limited to:1) any and all memoranda (including Office of Legal Counsel memoranda), legal interpretations, procedures, privacy impact assessments, policies, directives, practices, guidance, rules or guidelines created since January 19, 2001, relating to the request for, receipt, screening, retention or dissemination of cybersecurity-related disclosures received from communications providers; 2) any and all inter or intra-agency correspondence created since January 19, 2001, relating to the request for, receipt, screening, retention or dissemination of cybersecurity-related disclosures received from communications providers; legal interpretations of any law permitting the receipt, screening, retention, or dissemination of such disclosures; or procedures, privacy impact assessments, policies, directives, practices, guidance, rules or guidelines governing the receipt, screening, retention, or dissemination of such disclosures; 3) any and all correspondence created since January 19, 2001, with state and local government agencies relating to the request for, receipt, screening, retention or dissemination of cybersecurity-related disclosures received from communications providers; legal interpretations of any law permitting the receipt, screening, retention or dissemination of such disclosures; or procedures, privacy impact assessments, policies, directives, practices, guidance, rules or guidelines governing the receipt, screening, retention or dissemination of such disclosures; 4) any and all records created since January 19, 2001, indicating the number of a) government requests to communications providers for cybersecurity-related disclosures under the self-defense provisions of the Wiretap Act and the Electronic Communications Privacy Act and the mechanism by which the

disclosures were requested, such as, but not limited to, warrants, subpoenas, national security letters, exigent letters, other written requests, and oral requests; b) cybersecurity-related disclosures by communications providers under the self-defense provisions of the Wiretap Act and the Electronic Communications Privacy Act; c) government requests to communications providers for cybersecurity-related disclosures under laws relating to computer trespassers, and the mechanism by which the disclosures were requested, such as, but not limited to, warrants, subpoenas, national security letters, exigent letters, other written requests, and oral requests; d) cybersecurity-related disclosures by communications providers under laws relating to computer trespassers; e) government requests to communications providers for cybersecurity-related disclosures based on "emergencies involving danger of death or serious physical injury to any person," 18 USC § 2702(b)(8) and 2702(c)(4), and the mechanism by which the disclosures were requested, such as, but not limited to, warrants, subpoenas, national security letters, exigent letters, other written requests, and oral requests; f) cybersecurity-related disclosures by communications providers based on "emergencies involving danger of death or serious physical injury to any person"; g) government requests to communications providers for cybersecurity-related disclosures under the Foreign Intelligence Surveillance Act; h) cybersecurity-related disclosures by communications providers under the Foreign Intelligence Surveillance Act; i) government requests to communications providers for malware signatures, virus signatures, heuristic signatures, or any other type of cybersecurity-related signatures, and the legal authority for the requests; j) disclosures of mal ware signatures, virus signatures, heuristic signatures, or any other type of cybersecurity-related signatures, by communications providers and the legal authority for the disclosures; k) any other governmental requests to communications providers for cybersecurity-related disclosures, the legal justification for the requests, and the mechanism by which the disclosures were requested, such as, but not limited to, warrants, subpoenas, national security letters, exigent letters, other written requests, and oral requests; and l) any other cybersecurity-related disclosures by communications providers and the legal justification for the disclosures. 5) For all items in 4) (above), any and all records created since January 19, 2001, indicating: a) the number of times communications providers voluntarily made disclosures to the government without a request and the legal justification for such disclosures; b) the number of individuals, corporations, non-profits and other entities, including labor unions and activist groups, about whom disclosures were requested; c) the number of requests from the government for cybersecurity-related disclosures with which communications providers complied in full; d) the number of requests from the government for cybersecurity-related disclosures with which communications providers refused to comply in whole or in part, and the reasons for those refusals, including any discussion of the First Amendment to the Constitution and any information relating to the type of entity about which information was sought, including individual, corporation, non-profit, labor union, activist group, etc.; e) the number of instances in which after communications providers refused to

comply in whole or in part with government requests for cybersecurity-related disclosures, the government: (a) sought court orders for the disclosures and the result of those court proceedings; or (b) issued subpoenas or other mechanisms for the disclosures, including any information relating to the type of entity about which information was sought, including individual, corporation, non-profit, labor union, activist group, etc.; the number of times communications providers went to court to quash subpoenas for cybersecurity-related disclosures or to challenge other mechanisms requesting or requiring cybersecurity-related disclosures, and the outcome of those proceedings, including any information relating to the type of entity about which information was sought, including individual, corporation, non-profit, labor union, activist group, etc.; f) the number of requests for cybersecurity-related disclosures the government initiated then dropped before receiving such disclosures, and the number of such request with which the communications providers refused to comply in whole or in part before the request was dropped, including any information relating to the type of entity about which information was sought, including individual, corporation, non-profit, labor union, activist group, etc.; g) the number of times communications providers informed the government they had no relevant disclosures to provide; h) the number of prosecutions, deportation proceedings, or other law enforcement proceedings that resulted from cybersecurity related disclosures or requests for such disclosures; i) the number of times communications providers provided disclosures beyond those requested by the government and the government's response to that action; and j) the number of times communications providers provided disclosures beyond that permitted under existing legal authority and the government's response to that action; 6) any and all documents created since January 19, 2001 indicating whether the cybersecurity-related disclosures sought by the government or provided by the communications providers were for information provided prospectively, in real time, or based on historical records or data, and if historical, the age of the information sought; 7) any and all documents created since January 19,2001 indicating what was done with cybersecurity-related disclosures received from communications providers, including how long the disclosures were kept by the receiving agency; whether any disclosures were disseminated, and if so, to whom and for what purpose; and whether any of the disclosures were destroyed and if so, how long they were retained before they were destroyed, including any information relating to whether the disclosures were provided at the request of the government; 8) any and all reports, assessments, including privacy impact assessments, or reviews issued or conducted, relating to the request for, receipt and screening of, and retention and dissemination of cybersecurity-related disclosures received from, communications providers, created since January 19, 2001, including any such materials created by the offices of the Attorney General, Director of National Intelligence, the head of any other intelligence agency, the Director of the Federal Bureau of Investigation, the Inspector General of the Department of Justice, or the Inspector General of any other agency included in this request; 9) any and all records created since January 19, 2001 concerning complaints about,

investigations of, or disciplinary actions related to, request for cybersecurity-related disclosures from communications providers or the sharing of cybersecurity-related disclosures by communications providers with the government; 10) any and all records created since January 19, 2001 relating to reimbursements requested or received by communications providers for expenses related to cybersecurity-related disclosures, including the legal justification for those reimbursements. (Case Numbers PRIV 11-1228, 2011FOIA14048).

- On August 29, 2011, **Russell Carollo**, a journalist in **Pueblo, Colorado**, requested from the Department of Homeland Security (DHS) records related in any way to travel by DHS employees and/or financed by DHS, including travel paid for by other entities, public or private. (Case Number DHS/OS/PRIV 11-1230).
- On August 29, 2011, **Richard Pollock**, a journalist with **Pajamas Media and PJTV** in Washington, DC, requested from the United States Secret Service (USSS) all documents and communications relating to President Obama's Rural Tour 2011 traveling within Minnesota, Iowa, and Illinois in August 2011, including but not limited to records relating to the full costs for the entire bus tour, including fuel, personnel, food, alcohol and expenses; non-security communications on choosing and planning the itinerary; personnel participating in the tour; the number of vehicles involved in the caravan per state; fuel and operating costs for operating the secure bus for the President; fuel and operating costs for all vehicles in the convoy including the bus; security costs associated with travel; specialized personnel on the tour including chefs and waiters; and communications requesting road closures to local and state authorities. (Case Number 8-29-11 request).
- On August 30, 2011, **Michael Donoghue**, a reporter with the ***Burlington Free Press*** in Burlington, Vermont, requested from U.S. Immigration and Customs Enforcement (ICE) all correspondence pertaining to the work status of an ICE Special Agent whose home was raided by a dozen ATF agents on August 3, 2011. (Case Number 2011FOIA14177).
- On August 30, 2011, **Jeff Smith**, a reporter with ***Eyewitness News*** in Charlotte, North Carolina, requested from the Department of Homeland Security (DHS) a list of all Department of Homeland Security grants committed to the City of Charlotte, the Charlotte-Mecklenburg Police Department, the Mecklenburg County Sheriff's Office, and any other city agency relating to safety and security for the 2012 Democratic National Convention, including the name of each grant, a brief explanation of the purpose of the grant, and how much money is allocated under the grant. (Case Number DHS/OS/PRIV 11-1227).
- On August 30, 2011, **Michael George**, a reporter with ***ABC Action News*** in Tampa, Florida, requested from the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) a copy of risk/threat assessment(s) or report(s) for the Port of Tampa from September 11, 2001, through the present in addition to any report(s) on security issues/incidents at the Port of Tampa for the same time period. (Case Numbers DHS/OS/PRIV 11-1228, 2011F16648).

- On August 30, 2011, **Kevin Curran**, an assignment editor with ***KPNX-TV*** in Phoenix, Arizona, requested from the Transportation Security Administration (TSA) a copy of any written reports and surveillance video of three named individuals passing through a checkpoint at Phoenix Sky Harbor International Airport on August 5, 2011. (Case Number TSA11-0839).
- On August 30, 2011, **Michael DeKort**, an individual in Gibsonia, Pennsylvania, requested from the United States Coast Guard (USCG) all of the information USCG supplied for discovery in the following FCA case, Civil Action No. 3-06-CV-1792-O. (Case Number USCG 2011FOIA3671).
- On August 30, 2011, **Simone Sebastian**, a reporter with ***The Houston Chronicle*** in Houston, Texas, requested from the United States Coast Guard (USCG) the following records: 1) the letter dated December 6, 2010, submitted by USCG to Transocean requesting the company's plan to remove components of the Deepwater Horizon rig from the Gulf of Mexico; and 2) all subsequent documents, letters, etc., submitted by Transocean and/or its representatives to USCG and/or its partnering agencies in response to that request. (Case Number USCG2011FOIA3672).
- On August 31, 2011, an unnamed editor with the ***J.J. Chronicles***, an Internet publication, requested a list of attendees, the costs, and any and all photographs related to a party held by the Vice President and his wife at the Naval Observatory on or about June 11, 2011. (Case Number 8-31-11 request).
- On September 1, 2011, **Fred Schulte**, senior reporter with ***The Center for Public Integrity*** in Washington, DC, requested from the United States Secret Service (USSS) copies of all logs of overnight visitors to the White House from January 2009 through the present, with the name of the person, person visited, and all other data fields pertaining to the visit, including the time, date, and room occupied. (Case Number 9-1-11 request).
- On September 1, 2011, **Scott MacFarlane**, a reporter with ***COX TV*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all electronic mail sent between DHS staffers and the offices of United States Representatives Silvestre Reyes (D-TX), Steve Pearce (R-NM), and Sue Myrick (R-NC), in July 2011. (Case Number DHS/OS/PRIV 11-1239).
- On September 1, 2011, **Mike McGraw**, a reporter with the ***Kansas City Star*** in Kansas City, Missouri, requested from the Department of Homeland Security (DHS) documents related to the National Bio and Agro Defense Facility (NBAF) proposed for Manhattan, Kansas, specifically: 1) all Personal Financial Disclosure statements filed by Jay Cohen, former DHS undersecretary for Science and Technology; David Franz, of the Homeland Security Science and Technology Advisory Committee (HSSTAC) and James Johnson, chair of the DHS screening committee that oversaw the site selection; 2) all minutes of HSSTAC meetings from 2005 through the present; 3) documents containing the most current cost estimates for construction of the Manhattan lab and decommissioning of the Plum Island facility; 3) any DHS analysis of the relative costs of constructing NBAF in Manhattan, compared with the other site finalists, and any justification for

building the facility in Manhattan despite higher costs; 4) any documents explaining the justification for building the facility in Manhattan despite the potentially higher negative impact from a release of hoof and mouth disease there; 5) any documents responding to the National Research Council's November 2010 report entitled "Evaluation of a Site-Specific Risk Assessment for the Department of Homeland Security's Planned National Bio-Agro Defense Facility in Manhattan, Kansas"; 6) any documents responding to allegations by the Texas Bio & Agro-Defense Consortium that although Texas was evaluated to have the highest rating among all sites, DHS arbitrarily modified the results by rounding up the Kansas site rating from 90.5 and rounding down the Texas site rating from 91.5; 7) any documents responding to claims by the same group that DHS officials met with members of the Kansas consortium at the Manhattan site, even though they allegedly declined to speak with similar officials at other sites; 8) any documents relating to real or alleged conflicts of interest by officials involved in the NBAF site selection process; 9) any DHS response to a June 2005 memo from the Centers for Disease Control (CDC) entitled "Comments from the Centers for Disease Control and Prevention on 'The National Bio and Agro Defense Facility Fact Sheet Communications Plan-Action,'" i.e., any response to the notation that there is no continuous need to work with large animals under BSL-4 conditions and therefore, DHS should consider incorporating a large animal BSL-4 lab into the design of a "currently planned" BSL-4 lab instead of building a new facility in Manhattan; 10) any analyses, prepared or collected as part of the NBAF project, of accidental releases by other BSL3 or BSL4 labs; and 11) any DHS documents relating to or commenting on recent audits of the Kansas Bioscience Authority or an ongoing criminal investigation of the authority by the Johnson County, Kansas, district attorney. (Case Number DHS/OS/PRIV 11-1241).

- On September 1, 2011, **Anthony Eliseuson**, an attorney with the **Heartland Alliance National Immigrant Justice Center** in Chicago, Illinois, requested from the Department of Homeland Security (DHS) 1) documents related to lists of Tier III terrorist organizations; 2) all internal reports, memoranda, studies, analyses, policy statements, policy manuals, guides, training materials, or communications, including email, that discuss a) the Tier III terrorist organization ground of inadmissibility; b) the use of the Tier III terrorist organization ground of inadmissibility; c) the interpretation or implementation of the Tier III terrorist ground of inadmissibility; d) the criteria for determining whether to classify an organization as a Tier III terrorist organization ground of inadmissibility; e) a justification or reason for applying the Tier III terrorist organization ground of inadmissibility , including but not limited to the June 1, 2007, Interoffice Memorandum sent by Joseph E. Langlois, Chief, Asylum Division, Office of Refugee, Asylum, and International Operations; 3) a copy of the general index of the records required by 5 U.S.C. § 552(a)(2)(E); 4) a copy of any index or indices of documents that contains a title, heading, category, or subcategory that includes documents relating to Tier III terrorist organizations or the Tier III terrorist organization grounds of inadmissibility; 5) documents related to the Consolidated Appropriations Act of 2008; 6) any documents demonstrating that only

employees, officers, or officials of DHS, United States Citizenship and Immigration Services (USCIS), or U.S. Immigration and Customs Enforcement (ICE) that have classified or security status have been provided with access to the list of Tier III terrorist organizations or other allegedly classified information regarding the Tier III terrorist organization grounds of inadmissibility; 7) copies of any other FOIA requests received seeking information regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE while they were so employed; 8) all statements of policy and interpretations that have been adopted by the agency and are not published in the *Federal Register* relating to Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations; 9) all administrative staff manuals and instructions to staff that affect a member of the public relating to Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations; 10) copies of any list or index describing statements of policy and interpretations that have been adopted by the Agency and are not published in the *Federal Register*, and administrative staff manuals and instructions to staff that affect a member of the public created by or in the possession of the Agency, regardless of subject matter; 11) if any documents have been distributed to any individuals or groups outside the United States government that reflect the names of any groups or organizations that have been listed as Tier III terrorist organizations, all communications with those groups or individuals with regard to those documents. (If DHS has a policy with regard to the distribution of documents related to Tier III terrorist organizations, including a policy of when to release to foreign governments, please provide a copy of that policy.); 12) documents related to the process by which Tier III terrorist organizations are defined; 13) any documents reflecting the total number of occasions when the Tier III terrorist organization grounds of inadmissibility has been raised, including any documents reflecting or relating to the number of occasions or frequency with which each service center, local office, or DHS-ICE Office of Chief Counsel has raised the Tier III terrorist organization grounds of inadmissibility; 14) all completed 212(a)(3)(B) Exemption Worksheets (as promulgated in the Interoffice Memorandum dated July 28, 2008, from Michael Aytes to Associate Directors, et. al.), as well as any documents concerning the completion and submission of these worksheets, including but not limited to, instructional materials, memoranda, lists, reports, directives, correspondence, data, statistics, or internal guidelines, whether in letter or electronic form; 15) copies of any reports, memoranda, spreadsheets, or other documents provided by the Agency to any Congressional committee, including the House and Senate Judiciary Committees, or any members or staff thereof, regarding Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations; 16) all documents, communications, and emails between DHS, USCIS, and ICE, and any member of the United States Congress, including both elected Representatives, Senators, their staff, and any committees or subcommittees specifically discussing or referencing the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations; 17) all

documents demonstrating that each and every organization or group listed, defined, labeled or described as a Tier III terrorist organization by DHS, USCIS, or ICE has in fact engaged in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv) of that Section; 18) documents related to Senate Hearing 109-918, Aiding Terrorists: An Examination of the Material Support Statute, May 5, 2004; 19) any email, report, or communication from any DHS, USCIS, ICE, Office of Inspector General (OIG) or other DHS subcomponent employee, official, or officer, related to the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE; 20) all documents associated with any investigation or inquiry deemed to be entitled to whistleblower protection or falling under the No FEAR Act, or other similar non-retaliation statute, policy or practice, regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE; 21) all documents listing employees, officers, or officials of DHS, USCIS, or ICE that have been fired, terminated, laid off, or who voluntarily left their employment, who would have had knowledge regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE while they were so employed; 22) all documents or communications between the DHS Office of Chief Counselor the ICE Office of Chief Counsel and USCIS service centers or local offices regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations; 23) any correspondence, including emails and interoffice memoranda, between DHS and any other representative of the United States Government, e.g., other federal agencies, Members of Congress, etc., and between DHS and any person or entity other than a representative of the United States Government, e.g., private citizens, private companies, foreign citizens, foreign governments) regarding the substantive criteria or procedural guidelines used to determine whether an organization constitutes a Tier III terrorist organization; and 24) any documents relating to communication with the media concerning the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations, including internal communications regarding media inquiries. (Case Number DHS/OS/PRIV 11-1242).

- On September 1, 2011, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, requested from the Department of Homeland Security (DHS) all documents pertaining to the agency's reaction to and subsequent change in policy regarding the manipulation of select U.S. border officials and/or recruits by Mexican drug traffickers, cartels and/or gangs, especially along the Southwest border from January 2004 through the present, particularly documents revealing polygraph and corruption screening of employed U.S. agent personnel; the increase in (multi) agency corruption squads positioned along the U.S. Southwest border; and records documenting the trials,

incarceration, jail time and release of corrupt U.S. Customs and Border Protection (CBP) officials and/or recruits. (Case Number DHS/OS/PRIV 11-1244).

- On September 1, 2011, **Paul Orfanedes**, a researcher with **Judicial Watch, Inc.,** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) any email or records exchanged by or between an ICE Agent of the Phoenix [Arizona] Field Office and the Phoenix Police Department concerning or relating to the Police Department's Home Invasion and Kidnapping Enforcement (HIKE) task force, or data or statistics on the number of kidnappings in the City of Phoenix, Arizona, from January through June 2009. (Case Number 2011FOIA14276).
- On September 1, 2011, **Antonio Olivo**, a reporter with the ***Chicago Tribune*** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) all records between January 1, 2007, and the present concerning detainees in ICE detention facilities who had previously secured federal withholding of removal orders that protected them from being returned to their home countries. (Case Number 2011FOIA14282).

Late Requests

- On August 22, 2011, **Ann Marie Gibbons,** Director of the Center for Religious Immigration Protection, **The Catholic Legal Immigration Network, Inc.,** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) the following: 1) any and all documentation showing the number of site visits to organizations in connection with non-immigrant R-1 (I-129) petitions; 2) any and all documentation showing the number of site visits to religious organizations in connection with special immigrant religious worker (I-360) petitions; 3) for both I-129 petitions and I-360 petitions: a) any and all documentation showing how many of the site visits resulted in "verified" or "confirmed" status for the organization and how many resulted in "not verified" or "not confirmed" status; b) any and all documentation showing the number/percentage of the not verified/confirmed cases that were followed up by the Center Fraud Detection Office (CFDO) or other USCIS entity, and the resulting outcomes of the follow-up inquiries, i.e., the number or percentage verified/confirmed after follow-up; c) any and all documentation concerning the number of site visit cases that were initially not verified which were (1) referred to the Office Fraud Detection and National Security (FDNS); (2) reviewed by CFDO; or (3) referred to adjudications; d) any and all documentation concerning the not verified cases that were issued a Notice of Intent to Deny (NOID); e) any and all documentation concerning the not verified cases that were denied after issuance of a NOID; f) any and all documentation concerning the not verified cases that were granted after issuance of a NOID; 4) any and all documentation describing the operation of the Administrative Site Visit and Verification Program (ASVVP) related to religious institutions whether seeking immigrant or non-immigrate visas, including but not limited to worksheets, questionnaires, checklists, instructions, training manuals, memoranda, standard operating procedures, and templates; and 5) for I-129 petitions and I-360 petitions, for FY 2009, 2010 and 2011 to date, any and all documentation showing the average, normal, or median amount of time required to

complete a pre-adjudication site visit form the filing date of the application. (Case Number COW2011000736).

- On August 24, 2011, **Wendy Victoria**, an assignment editor with the ***Northwest Florida Daily News***, in Fort Walton Beach, Florida, requested from the United States Coast Guard (USCG) information about the yacht the *Fuelish Pleasure*, which was boarded by USCG officials during a large fireworks celebration for the annual Billy Bowlegs Festival in Fort Walton Beach, Florida. (Case Number 2011FOIA3603).
- On August 26, 2011, **Jake Pearson,** an assistant producer with ***NBC News***, requested from the Department of Homeland Security (DHS) records revealing the website links, including link names and addresses, listed in the favorites/bookmarks tab in the Internet browser for each government-issued computer(s) of the Secretary of Homeland Security. (Case Number DHS/OS/PRIV 11-1223).
- On August 26, 2011, **Jason Smathers**, a blogger with ***Muckrock*** in Somerville, Massachusetts, requested from U.S. Customs and Border Protection (CBP) a list of cases for which FOIA exemption (b)(2) was invoked from January 20, 2009, through April 1, 2011, along with the subject of those cases or, alternatively, a copy of each response letter in which exemption (b)(2) was invoked between January 20, 2009, and April 1, 2011. (Case Number 2011F16560).
- On August 26, 2011, **Richard Rashke**, an author in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS), copies of three lists supplied by Immigration and Naturalization Services (INS) to the Nazi War Criminal Unit of the Israeli Police Department in 1975 which purportedly contained the names of alleged Ukrainian Nazi collaborators. (Case Number COW2011000716).
- On August 26, 2011, **Mark Lyon** an individual in New York, New York, requested from the Transportation Security Administration (TSA) a copy of all records regarding his alleged assault by TSA officers at John F. Kennedy International Airport on August 6, 2011, as well as copies of any TSA Standard Operating Procedures (SOPs) or regulations prohibiting photography at checkpoints. (Case Number TSA11-0833).
- On August 26, 2011, **Jill Laster**, a staff writer with the ***Navy Times*** in Springfield, Virginia, requested from the Office of Inspector General (OIG) a list of all audits and investigations pertaining to the United States Coast Guard (USCG), completed in Fiscal Year 2011, including a short description of the case, whether the allegation was substantiated, the date closed, and case number (Case Number OIG FOIA 2011-165).

III. FOIA Releases

- On August 30, 2011, the Federal Law Enforcement Training Center (FLETC) issued a no records response to **Erik Houser** with the **Democratic Senatorial Campaign Committee** in Washington, DC, with regard to his request for all direct correspondence requested by or provided to Scott Stanzel, former Deputy Assistant and Deputy Press Secretary to President George W. Bush and the FLETC, including letters, reports, requests, and other relevant material such as phone logs, emails, notations of conversations, etc. (Case Number FOIA 11-119).
- On August 30, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with **Witness Unto Me** in Topock, Arizona,

five pages of records responsive to his request for copies of all logs or databases kept of all immigrant (SD) and non-immigrant (R-1) religious worker visa applications submitted between the time of processing his request and two years prior to the processing of his request. The records were released in full. (Case Number COW2010000295).

- On August 30, 2011, United States Citizenship and Immigration Services (USCIS) released to **Peter Kuitenbrouwer**, a reporter with ***The National Post*** in Toronto, Ontario, Canada, 275 pages of material in response to his request for all records, prepared, received, transmitted, collected and maintained by USCIS relating to a named individual. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number NRC2011010113).
- On August 30, 2011, the United States Coast Guard (USCG) released to **Cassidy Freeman**, a video-journalist with **Stories Matter Media** in San Francisco, California, 18 pages of records responsive to her request for the incident management report, search and rescue report, incident report, audio files, and any attachments/evidence files relating to an emergency rescue attempt of a drowning man on May 30, 2011, near the shore of Crown Beach in Alameda, California. The records were released in full. (Case Number USCG2011-3429).
- On August 31, 2011, the Department of Homeland Security (DHS) released to **Jordy Yager**, a reporter with ***The Hill*** in Washington, DC, 22 pages of expense logs for DHS Secretary Janet Napolitano and DHS Deputy Secretary Jane Holl Lute from January 21, 2009, through March 23, 2011, in response to his request for complete logs of all travel undertaken by the Secretary and the Deputy Secretary during that time period. The records were released in full. (Case Number DHS/OS/PRIV 11-0659).
- On August 31, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Teresa Nelson**, an attorney with the **American Civil Liberties Union of Minnesota** in St. Paul, Minnesota, 120 pages of documents and three spreadsheets in response to her request for copies of records concerning 287(g) agreements with the Minnesota Department of Public Safety. Portions of the release were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA5918).
- On September 1, 2011, the Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with ***The Associated Press*** in Washington, DC, 261 pages of records responsive to her request for copies of all email dated December 25, 2009, and December 26, 2009, to and from seven named DHS officials. Portions of the response were withheld pursuant to FOIA exemptions (b)(3), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(E). (Case Number DHS/OS/PRIV 10-0529).
- On September 1, 2011, U.S. Customs and Border Protection (CBP) issued a no records response to **Jennifer Lynch** with the **Electronic Frontier Foundation (EFF)** with regard to her request for records concerning CBP's plans to collect, sample, analyze and store DNA. (Case Number 2011F16658).
- On September 2, 2011, United States Citizenship and Immigration Services (USCIS) released to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, 755 pages of material responsive to her request for any documents, records, e-mails, correspondence, and reports regarding fraud or waste in the EB-5 visa program

FY2003 to present. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number COW2011000111).

- On September 2, 2011, United States Citizenship and Immigration Services (USCIS) released to **Virginia Benzan**, a staff attorney with the **Massachusetts Law Reform Institute** in Boston, Massachusetts, 690 pages of records responsive to her request for all decisions of the Northeast Region Director from January 8, 2008, through January 7, 2011, granting or denying deferred action status. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(E). (Case Number COW2011000071).

IV. FOIA Appeals

- NSTR

V. FOIA Appeals Releases

- On August 29, 2011, U.S. Customs and Border Protection (CBP) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 97 pages of records in response to his appeal of CBP's no records response to his original request for information about an alleged seizure of passports that resulted in travel delays for 17 "Mecca-bound Northern Virginian Muslims." Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C), and (b)(7)(E).

VI. Lawsuits

- In the matter of *National Day Laborer Organizing Network (NDLON), et al. v. U.S. Immigration and Customs Enforcement*, (1:10-cv-03488-SAS), in which Plaintiffs claimed constructive denial and the improper denial of requests for a fee waiver and expedited processing regarding a FOIA request filed February 19, 2010, for records relating to the Secure Communities Program, ICE released to Plaintiffs 19,476 pages of responsive records. These records, which are from the ICE Office of Congressional Relations and the Office of Enforcement and Removal Operations, were released on August 30, 2011, in response to Plantiff's final production list.In the matter of *WeCount! Inc. v. U.S. Department of Homeland Security* (D.D.C. 11-00143), in which Plaintiffs claimed improper exemptions were applied to records responsive to a November 27, 2009, FOIA request for records relating to criminal and/or civil enforcement actions against sex-trafficking conducted by U.S. Immigration and Customs Enforcement (ICE) on or between November 18, 2008, through November 19, 2008, in Miami Dade, Broward, and Palm Beach Counties, Florida, ICE released an additional 91 pages of responsive records from the Office. The records were released on August 30, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of September 4 – September 10, 2011
Privacy Office
September 12, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On September 6, 2011, United States Citizenship and Immigration Services (USCIS) published a notice on its website seeking public comment on a proposed rule governing the Special Immigrant Juvenile classification. Public comments on the rule will be accepted until November 7, 2011, once the proposed rule appears in the *Federal Register*. USCIS particularly welcomes comments from individuals and agencies with direct experience handling special immigrant juvenile cases.
- On September 7, 2011, United States Citizenship and Immigration Services (USCIS) published a final rule establishing a Transitional Worker Nonimmigrant Visa Classification (CW) for foreign workers in the Commonwealth of the Northern Mariana Islands (CNMI). The CW visa classification is in effect while the current CNMI foreign workers permit system transitions to United States immigration law. During this transition period, employers of nonimmigrant workers who are ineligible for other employment-based nonimmigrant visa classifications can apply for temporary permission to employ workers in the CNMI under the CW classification. The transition period began on November 28, 2009, and will end on December 31, 2014.

II. **FOIA Requests**

- On September 6, 2011, the Federal Bureau Investigation (FBI) referred to the United States Coast Guard (USCG) documents responsive to a request from **Randy R. Herschaft,** a reporter with ***The Associated Press*** in New York, New York, seeking a copy of all remaining sections/volumes of an FBI file containing information related to the increase of United States security pertaining to potential terrorist activities. (Case Number USCG2011FOIA3737).
- On September 6, 2011, **Paul T. Muniz**, an attorney with **Burns & Levinson, LLP,** in Boston, Massachusetts requested from the United States Coast Guard (USCG) the following records: 1) all emails, including attachments, between and/or amongst Coast Guard Administrative Law Judge (ALJ) Walter Brudzinski (or his staff) and any of the following: Coast Guard Chief Administrative Law Judge Ignolia, Coast Guard Administrative Law Judge Michael Devine, Coast Guard Administrative Law Judge Parlen McKenna and/or Coast Guard Administrative Law Judge Smith, dated after June 15, 2011, concerning, referring and/or related to the Equal Access to Justice Act; 2) all emails, including attachments, between and/or amongst ALJ Brudzinski (or his staff) and any of the following: CALJ Ignolia, ALJ Devine and/or ALJ Smith, dated after June 15, 2011, concerning, referring and/or related to the Gloucester Fish Exchange, Inc; 3) any and all phone records that evidence the

existence of any telephone conversations between ALJ Brudzinski and ALJ Devine, between June 15, 2011, and the date of this request; (4 Any and all phone records that evidence the existence of any telephone conversations between ALJ Brudzinski and ALJ McKenna, between June 15, 2011, and the date of this request; and 5) any and all phone records that evidence the existence of any telephone conversations between ALJ Brudzinski and ALJ Smith, between June 15, 2011, and September 6, 2011. (Case Number 2011-3742).

- On September 6, 2011, **Sean Reilly,** a senior staff writer with ***The Federal Times*** in Springfield, Virginia, requested from the Federal Law Enforcement Training Center (FLETC) all monthly reports and/or statistical compilations showing the number of personnel enrolled in FLETC training programs from October 2004 to September 6, 2011, with a breakdown of number between FLETC's Glynco and Artesia, Georgia, Charleston, South Carolina, and Cheltenham, Maryland sites. (Case Number FLETC FOIA 11-127).

<u>Late Requests</u>

- On August 24, 2011, **Jennifer Lynch,** staff attorney with the **Electronic Frontier Foundation**, in San Francisco, California, requested from United States Citizenship and Immigration Services (USCIS) all agency records from 2008 to August 24, 2011, discussing, concerning, or reflecting United States Citizenship and Immigration Services (USCIS) plans to collect, sample, analyze and store DNA, including: 1) records documenting uses, capabilities, performance and limitations of the DNA analyzer or "rapid DNA screener" discussed in the nextgov.com article, or other DNA collection tools, including information on any contexts in which they have been or may be used; 2) DHS and/or USCIS contracts, bid, requests for proposal, or other similar documents related to development and/or purchase of DNA analyzers or "rapid DNA screener;" 3) any and all communications with other agencies including but not limited to FBI and Department of Justice, regarding DNA collection, storage, and/or sharing; 4) any and all communications with Congress concerning USCIS's current or planned DNA collection, storage and sharing; 5) all Privacy Impact Assessments and/or Privacy Threshold Analyses related to USCIS's DNA collection, storage and sharing; and 6) all Systems of Records Notices (SORN) related to USCIS DNA collection, storage and sharing. (COW2011000740)
- ***On*** August 30, 2011, **Antonio Olivo**, a reporter with the ***Chicago Tribune*** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) the following: 1) all records between January 1, 2007, through August 30, 2011, concerning detainees within ICE detention facilities who had previously secured federal withholding of removal orders that protected them from being returned to their home countries; and 2) all records between January 1, 2007 and the present concerning the aforementioned detainees who were sent to countries other than the home country cited in their withholding of removal orders, including narrative details, such as the detainee's home country and the country to which the affected detainee was ultimately sent. (Case Number ICE 2011FOIA14371).
- On September 1, 2011, **Sean Dunagan**, a researcher with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE)

records regarding the arrest of a named individual in Brenham, Texas on July 30, 2011, August 24, 2011, and any other citation or arrest in addition to records of any and all communications among ICE and the Brenham, Texas, Police Department and/or the Washington County, Texas, District Attorney's Office regarding the named individual from January 1, 2010, through September 1, 2011. (Case Number ICE 2011FOIA14341).

- On September 2, 2011, **John Althen**, Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) all communications, contacts, and correspondence between ICE and the Framingham, Massachusetts, Police Department, the White House, the Executive Office of the President, and the Department of Justice, concerning or relating to a named individual, who was arrested in Framingham, Massachusetts, on August 25, 2011; and 2) all records of communications between any officials, officers, or employees of ICE concerning or relating to that individual. (Case Number ICE 2011FOIA14940).
- On September 2, 2011, **Hal Bernton**, a reporter with the ***Seattle Times*** in Portland, Oregon, requested from the United States Coast Guard (USCG) the inspection reports on the *Alaska Warrior*, a Seattle-based catcher-processor that trawls in the Bering Sea and is owned by Fishing Company of Alaska. (Case Number USCG2011FOIA3728).
- On September 2, 2011, **Timm Collins**, a reporter with ***Statesman Journal Media*** in Salem, Oregon, requested from the United States Coast Guard (USCG) copies of all records indicating that the sternwheeler the *Willamette Queen*, based on the Willamette River in Salem, Oregon, was stuck due to low water and how many of those instances required a third party to get free, either by towing the boat or by removing passengers. (Case Number USCG 2011FOIA3727).
- On September 1, 2011, **Scott MacFarlane**, a reporter with ***Cox Media*** in Washington, DC, requested from the Transportation Security Administration (TSA) a copy of all electronic mail between TSA staffers and staffers in the office of Representative John Mica (R-FL) from the month of August, 2011. (Case Number TSA11-0851).
- On September 2, 2011, **Meghan Phoad**, researcher withWomen's Rights Division at **Human Rights Watch** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) and the Office of Inspector General (OIG) the following records from January 1, 2006, through September 2, 2011: 1) data relating to the incidence of and response to sexual abuse and harassment of migrants in U.S. Customs and Border Protection (CBP) custody; 2) reports of sexual abuse and harassment of migrants in CBP custody; 3) complaints received from female migrants apprehended by CBP; and 4) information related to U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HIS). (Case Number 2011FOIA14381 and OIG 2011-170).
- On September 2, 2011, **Dan Stein**, President of the **Federation for American Immigration Reform (FAIR)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of information concerning the recent administrative decision to review immigration cases on an individual basis and dismiss those cases that do not reveal a criminal conviction pursuant to the Secretary

of the Department of Homeland Security's August 18, 2011, letter to Senator Harry Reid (D-NV), et. al, and the U.S. Immigration and Customs Enforcement (ICE) Director's June 17, 2011, memorandum to which it refers. FAIR seeks specifically: 1) calculations, studies or other documents which document a shortage of resources for completing the removal proceedings for aliens currently involved in the process of removal and/or documents used to derive the amount of resources lacking and relied upon in creating this new policy; 2) any document in which the Department of Homeland Security (DHS) sought supplemental funding from Congress to address the lack of resources which led to the adoption of this new policy; 3) documents demonstrating the specific costs of the labor hours employees will expend to conduct this case-by-case review, as well as the specific costs of any need for additional employees and labor hours; 4) any statutes or regulations relied upon by DHS that authorizes it to grant work authorization to individuals whose cases would be dismissed or delayed under this new policy; 5) studies documenting the projected fiscal impact of granting work authorization to illegal aliens, in particular documents that relate to the nation's current elevated unemployment rate; and 6) the guidelines and limitations DHS has implemented to guide prosecutorial discretion. (Case Number ICE 2011FOIA14406).

III. FOIA Releases

- On September 2, 2011, United States Citizenship and Immigration Services (USCIS) released to **Virginia Benzan**, a staff attorney with ***Massachusetts Law Reform Institute*** in Boston, Massachusetts, 690 pages of records responsive to her request seeking any and all decisions of the Northeast Region Director from January 8, 2008 until January 7, 2011 granting or denying deferred action status to include all forms and any other documents designating or recommending the approval or disapproval of deferred action. Portions of this release were withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(E). (Case Number COW2011000071).
- On September 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 276 pages of records responsive to his request seeking the 2010 ICE review of the All in Detention Report and/or written reports generated pertaining to the review of those in custody for more than one year, produced by the Office of the Principal Legal Advisor and the Office of Enforcement and Removal Operations. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number 2011FOIA7791).
- On September 9, 2011, the United States Coast Guard (USCG) released to **Christopher C. Brown**, an investigator with **Phelps Dunbar, LLP**, in New Orleans, Louisiana, 1,457 pages of records in response to his request seeking audio recordings, email, and communication logs for the USCG District 8 Command Center from 2130 hours on April 20, 2010, through 1500 hours on April 22, 2010, bridge-to-bridge communications recorded aboard the *Zephyr* and the *Pompano*, and situation reports and MISLE documentation from the same time period. Portions of this response, were withheld pursuant to FOIA exemptions (b)(4), (b)(5), (b)(6), and (b)(7)(A). (Case Number USCG2010FOIA3421).

- On September 9, 2011, the Department of Homeland Security (DHS) released to **Peter Wallsten**, a reporter with the ***Wall Street Journal*** in Washington, DC, 180 pages of records responsive to his request seeking copies of the weekly reports submitted by Secretary Napolitano to former White House Chief of Staff Rahm Emanuel over the period January 20, 2009 through December 2009. Portions of this response were withheld pursuant to FOIA exemptions (b)(3), (b)(5),. (b)(6),. (b)(7)(C), and (b)(7)(E). (Case Number DHS/OS/PRIV 10-0192).
- On September 9, 2011, the Department of Homeland Security (DHS) released to **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, 255 pages of records responsive to his request for copies of all DHS weekly cabinet reports created between July 7, 2009, through November 4, 2010. Portions of this response were withheld pursuant to FOIA exemptions (b)(3), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number DHS/OS/PRIV 11-0138).
- On September 9, 2011, the Department of Homeland Security (DHS) released to **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, 75 pages of records responsive to his request for copies of all DHS weekly cabinet reports from January 27, 2011, through April 7, 2011. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number DHS/OS/PRIV 11-0688).
- On September 9, 2011, the Department of Homeland Security (DHS) released to **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, 23 pages consisting of DHS weekly cabinet reports from April 12, 2011, through May 1, 2011. These records were released in full. (Case Number DHS/OS/PRIV 11-0764).
- On September 9, 2011, the Department of Homeland Security (DHS) released to **Adam Rawnsley**, an individual in Arlington, Virginia, eight pages responsive to his request seeking records that referenced or mentioned quantum computing or quantum cryptography dated between May 11, 1976, and May 17, 2011. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-1170).
- On September 9, 2011, United States Citizenship and Immigration Services (USCIS) released to **Steven Emerson**, President of **SAE Productions**, **Inc**., in Washington, DC, 44 pages of records responsive to his request seeking information about the Islamic Center of San Diego, California. Portions of this response are withheld pursuant to FOIA exemptions (b)(3) and (b)(6). (Case Number COW2010000279).

IV. FOIA Appeals

- NSTR

V. FOIA Appeals Releases

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VI. Lawsuits

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FOIA Activity for the Week of September 11 – 17, 2011
Privacy Office
September 19, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- NSTR

II. **FOIA Requests**
- On September 12, 2011, **Michael Virtanen**, a reporter with the ***The Associated Press*** in Albany, New York, requested from the Transportation Security Administration (TSA) records pertaining to TSA operations at the Albany International Airport in Albany, New York, for the 2009 and 2010 fiscal years, including total staffing, personnel and other operational and capital expenses, confiscated items, passenger throughput, the number of passengers "detained" and the number of detentions leading to arrest. (Case Number TSA11-0873).
- On September 13, 2011, **Elise Sweeney Anthony**, an associate with **K&L Gates, LLP** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all records in any format generated on or after January 1, 2011, through September 13, 2011, relating to the transportation by vessel of oil from the Strategic Petroleum Reserve (SPR) as part of the most recent drawdown, including, but not limited to any and all records: 1) related to transportation requirements established or agreed to by the federal government for purchasers of the SPR oil; 2) related to specific requests for waivers of the coastwise laws related in any way to the drawdown, including applications for such waivers; 3) related to the specific vessels that transported the oil and all relevant information related to those movements, including the lot sizes of each individual movement; 4) related to communications between the federal government and purchasers of oil regarding transportation of the oil by vessel; 5) of communications between the federal government and owners of vessels for which waivers were approved, or for which waivers were requested but denied; and 6) pertaining to the determination that U.S. flag vessels were unavailable to move the SPR oil. (Case Number DHS/OS/PRIV 11-1278).
- On September 13, 2011, **Julia Harumli Mass**, an attorney with the **American Civil Liberties Union (ACLU) of California** in San Francisco, California, requested from the Department of Homeland Security (DHS), Office of the Inspector General (OIG), and U.S. Immigrations and Customs Enforcement (ICE) records pertaining to workplace immigration enforcement operations, including workplace audits of employer 1-9 records and employment practices conducted by the Department of Homeland Security. (Case Numbers DHS/OS/PRIV 11-1283 and ICE 2011FOIA15234).
- On September 13, 2011, **Bob Cusack**, managing editor with ***The Hill*** in Washington, DC, requested from the Department of Homeland Security, Federal Law Enforcement

Training Center (FLETC), and the United States Coast Guard (USCG) copy of FOIA logs, including the requesters' name and affiliations, from June 1, 2011 to the cut-off date of this request. (Case Number **DHS/OS/PRIV 11-1286,** FOIA 11-129, and USCG2011FOIA3847).

- On September 13, 2011, **Rob Koebel**, an investigative reporter with ***WTMJ-TV/DT*** in Milwaukee, Wisconsin, requested from the Transportation Security Administration (TSA) records showing the number of TSA employee badges from Wisconsin reported lost, stolen, or missing over the last three years, as well as a list of names and dates of birth for each case. (Case Number TSA11-0878).
- On September 13, 2011, **Rob Koebel**, an investigative reporter with ***WTMJ-TV/DT*** in Milwaukee, Wisconsin, requested from the Transportation Security Administration (TSA) records of all Milwaukee, Wisconsin, TSA employee reprimands, suspensions, and firings in the past two years and the reasons behind them. (Case Number TSA11-0879).
- On September 14, 2011, **Shawn Hils**, a research associate with the **Democratic Senatorial Campaign Committee** in Washington, DC, requested from the Department of Homeland Security (DHS) access to correspondence from or on behalf of Josh Mandel as Ohio State University Undergraduate Student Government President (1998-2000), Lyndhurst City, Ohio Councilman (2003-2006), Ohio State Representative Josh Mandel (2006-2010), and Ohio State Treasurer (2011 to September 14, 2011). (Case Number DHS/OS/PRIV 11-1287).
- On September 14, 2011, **Juan de Leon**, owner of **Juan de León Research,** a political research and communication consultant company in Sacramento, California, requested from the Department of Homeland Security (DHS) a list, index, or log of correspondence between the Department of Homeland Security, including all component and/or predecessor agencies, and Representative Howard L. Berman (D-CA) or his office, from January 1, 1983, to September 13, 2011. (Case Number DHS/OS/PRIV 11-1289).
- On September 14, 2011, **Juan de Leon**, owner of **Juan de León Research,** a political research and communication consultant company in Sacramento, California, requested from the Department of Homeland Security (DHS) a list, index, or log of correspondence between the Department of Homeland Security, including all component agencies and predecessor agencies, and Representative Bradley J. Sherman (D-CA) or his office, from January 1, 1997 to September 13, 2011. (Case Number DHS/OS/PRIV 11-1290).
- On September 15, 2011, **Chris McDaniel**, a reporter with ***KBIA News*** in Columbia, Missouri, requested from the Department of Homeland Security (DHS) all records relating to grants pertaining to funds, equipment, or training, for the Columbia, Missouri, Police Department in Columbia, Missouri. (Case Number DHS/OS/PRIV 11-1292).
- On September 15, 2011, **Wilnelia Thompson**, a researcher for ***Univision Network*** in Miami, Florida, requested from the Department of Homeland Security Office of Inspector General (OIG) any public documents and/or investigative records concerning several named deceased individuals. (OIG FOIA 2011-177).

Late Requests

- On July 29, 2011, **Erick Houser,** a researcher with the **Democratic Senatorial Campaign Committee**, in Washington, DC, requested from U.S. Customs and Border Protection (CBP)information requested by or provided to Scott Stanzel, former Deputy Assistant and Deputy Press Secretary to President George W. Bush over the period January 2001 through January 2009, including letters, reports, requests, and other relevant material, such as phone logs, email, and notations of conversations. (Case Number CBP 2011F16968).
- On August 1, 2011, **Emily Willard**, a researcher with **The National Security Archive** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) all documents outlining the policy of the use of force by Border Patrol agents and security personnel on illegal immigrants, specifically those who cross the US-Mexico border, including documents or protocols of when to use force and how to handle situations where illegal immigrants resist detainment, including but not limited to cables, talking points, memos, training manuals, and internal reports. (Case Number CBP 2011F16965).
- On September 7, 2011, **David Schneider** with ***CBS News*** in Pengrove, California, requested from U.S. Immigration and Customs Enforcement (ICE) all video recordings, audio recordings, photographs and transcripts of interviews and conversations and email related to ICE investigations and subsequent prosecutions concerning the theft, transport, receipt and sale of fuel condensate originating in Mexico, including but not limited to investigations of Continental Fuels, Petro Salum, Y Oil and Gas, Valley Fuels Ltd., Murphy Energy, BASF, Trammo Petroleum, and their employees, in addition to copies of the 400 hours of conversations recorded through the cooperation of a source. (Case Number 2011FOIA14954).
- On September 8, 2011, **Matthew Kownacki**, a reporter for **Judicial Watch, Inc.,** in Washington, DC, requested from U.S. Customs and Border Protection (CBP): 1) all records concerning, regarding, or related to the August 24, 2011, raids on Gibson Guitar Corporation facilities in Memphis and Nashville, Tennessee; 2) all records of comments between CBP and six specified entities concerning or relating to the aforementioned raids; and 3) all records concerning, regarding, or relating to the Lacey Act and guitar manufacturing practices from January 1, 2011, through September 8, 2011. (Case Number CBP 2011F16966).
- On September 8, 2011, **Khurrum Wahid**, an attorney with the **WVM Law Firm** in Pompano Beach, Florida, requested from the Transportation Security Administration (TSA) a copy of all records regarding him. (Case Number TSA11-0862).
- On September 9, 2011, **Judy L. McGowan**, an attorney with **The Curry Law Group**, in Brandon, Florida, requested from the United States Coast Guard (USCG)the following records: 1) all communications from a named individual to the USCG via a named USCG Lieutenant Commander including but not limited to drawings, letters, plans, specifications, and operating procedures also known as "process description" submitted to stop the Deepwater Horizon oil spill; 2) all communications from the previously named individual regarding the oil spill; and; 3) all writings as defined by Federal Rule of Evidence Code Section 100[1] between USCG officers and officials and BP regarding the "capping stack" that originated or

was transmitted during the period of June and July 2010. (Case Number USCG 2011FOIA3819).

- On September 9, 2011, (b) (6), an individual in Miami Beach, Florida, requested from the Transportation Security Administration (TSA) a copy of all video footage for the security screening area for Jet Blue Airways at Fort Lauderdale International Airport on Saturday, February 19, 2011, between 5:30 AM and 7:30 AM. (b) (6) has gained notoriety for going through TSA screening in a bikini, which is the subject of the requested footage. (Case Number TSA11-0864).

III. FOIA Releases

- On September 9, 2011, United States Citizenship and Immigration Services (USCIS), released to **Steven Emerson**, President, **SAE Productions**, in Washington, D.C., 44 pages of material consisting of the I-129 and supporting documents relating to Islamic Center of San Diego, California responsive to his request seeking all records pertaining to 39 identified individuals and/or Islamic Centers. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3) and (b)(6). (Case Number COW2010000279).
- On September 9, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Mike Sherry**, a reporter with the ***Midwest Center for Investigative Journalism*** in Prairie Village, Kansas, 589 pages of material consisting of work papers from OIG's audit report entitled, *The State of Missouri's Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Years 2005 Through 2007* (OIG-10-33). Portions of this response were withheld pursuant to FOIA Exemptions (b)(4), (b)(5), (b)(6), and (b)(7)(E). (Case Number OIG FOIA #2011-072).
- On September 13, 2011, United States Citizenship and Immigration Services (USCIS) released to **Shawn Hils,** a research associate with the **Democratic Senatorial Campaign Committee** in Washington, DC, 68 pages of material responsive to his request seeking correspondence and other information requested by or provided to Representative Dean Heller (R-NV) from January 1, 2006, through September 13, 2011. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2011000336).
- On September 13, 2011, United States Citizenship and Immigration Services (USCIS) released to **Steven Emerson,** President, **SAE Productions** in Washington, DC, 56 pages of material responsive to his request seeking all records related to a named individual while that individual was in non-immigrant status. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number COW2010000044).
- On September 14, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jennifer Kay**, a reporter with ***The Associated Press*** in Miami, Florida, 122 pages of records responsive to her request seeking records concerning a detainee hunger strike at the South Louisiana Correctional Center in Basile, Louisiana in January 2011. Portions of this response were withheld pursuant to FOIA Exemption (b)(6) and (b)(7)(C). (Case Number 2011FOIA5914).

- On September 14, 2011, the Department of Homeland Security (DHS) released to **Ginger McCall**, Open Government Counsel, and **Alex Stout**, a law clerk, with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, six pages of records responsive to their request seeking the Privacy Threshold Analysis for the Future Attribute Screening Technology (FAST) Project and the record of review and approval of the Privacy Threshold Analysis by the DHS Chief Privacy Officer. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(E). (Case Number DHS/OS/PRIV 11-1166).
- On September 14, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with ***Witness Unto Me*** in Topock, Arizona, 110 pages of records responsive to his request seeking all records pertaining to a named individual. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(5), and (b)(6). (Case Number COW2010000383).
- On September 14, 2011, the Federal Law Enforcement Training Center (FLETC) released to **Sean Reilly**, Senior Staff Writer with ***The Federal Times***, in Springfield, Virginia, 91 pages of statistics seeking FLETC enrollment since October 2004 to the present at Glynco, Artesia, Charleston and Cheltenham sites compiled from the Student Information System (SIS) database. These records were released in full. (Case Number FOIA 11-127).
- On September 15, 2011, United States Citizenship and Immigration Services (USCIS) released to **Lisette Garcia**, a researcher with ***Judicial Watch, Inc.,*** in Washington, DC, 25 pages of records responsive to her request seeking the following records: 1) all USCIS correspondence, including communications with Congress, concerning, regarding, or related to the February 4, 2011, FOIA request from Judicial Watch. Inc.; and 2) all records of USCIS communications, contacts, or correspondence, including communications with Congress, concerning, regarding, or related to that same request. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number COW2011000244).
- On September 15, 2011, United States Citizenship and Immigration Services (USCIS) released to **Susan Long,** Co-Director, **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 1681 pages of material responsive to her request for records concerning the FOIA database and tracking systems used by USCIS in handling FOIA requests and remands: table schema, textual documents, scope of coverage, changes in database and tracking systems, current data input and users' manuals, descriptions of regularly prepared reports, and records describing any validation, error checking, or other procedures currently used to ensure data quality. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2010000022).
- On September 15, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 148 pages of emails concerning the inclusion of Israel in the original version of OIG Audit Report #OIG-11-81, entitled *Supervision of Aliens Commensurate with Risk*, the recognition of that error, and the swapping out of the file posted on the DHS OIG webpage with the new file. Portions of this response

were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number OIG FOIA #2011-144).

- On September 15, 2011, U.S. Immigration and Customs Enforcement (ICE) release to **Lisette Garcia**, an attorney with **Judicial Watch, Inc.,** in Washington, DC, 80 pages of records responsive to her request for records concerning the ICE Victim Assistance Program (VAP). Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2011FOIA8290).
- On September 16, 2011, United States Citizenship and Immigration Services (USCIS) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, three pages of records responsive to his request for records pertaining to USCIS Form I-862 Notice to Appear charging documents. These records were released in full. (Case Number COW20110000395).

IV. FOIA Appeals

- NSTR

V. FOIA Appeals Releases

- NSTR

VI. Lawsuits

- In the matter of *National Day Laborer Organizing Network (NDLON), et al. v. U.S. Immigration and Customs Enforcement* (S.D.N.Y. 10-3488), (Secure Communities Case), in which Plaintiffs claimed constructive denial and that ICE improperly denied their requests for a fee waiver and for expedited processing with regard to a FOIA request filed February 19, 2010, seeking records relating to the Secure Communities program. ICE released 3,926 pages of responsive records from the ICE Office of Enforcement and Removal Operations to Plaintiffs in response to the Final Production List on September 13, 2011.
- In the matter of· *WeCount! Inc. v. U.S. Department of Homeland Security,* (Case 1:11-cv-00143-RMC), in which Plaintiffs claimed improper exemptions applied to the responsive records with regard to a FOIA request filed November 27, 2009, seeking records relating to criminal and/or civil enforcement actions against sex-trafficking conducted by U.S. Immigration and Customs Enforcement (ICE) on or between November 18 through November 19, 2008, in Miami Dade, Broward, and Palm Beach Counties, Florida. ICE released 647 pages of responsive records from the ICE Office of Public Affairs and the ICE Office of Professional Responsibility to Plaintiffs on September 13, 2011.
- In the matter of *National Immigration Project of the National Lawyers Guild v. U.S. Department of Homeland Security* (Case 1:11-cv-03235 UA), in which Plaintiffs contested the denial of their fee waiver request and claimed constructive denial with regard to a December 17, 2009, FOIA request seeking documents relating to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings. On September 12, 2011, ICE released 382 pages of responsive records from the ICE Office of the Principal Legal Advisor.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of September 24 – 30, 2011
Privacy Office
October 3, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items: .

- On September 27, 2011, United States Citizenship and Immigration Services (USCIS) (USCIS) announced that it seeks public comments on a proposed rule published in the *Federal Register* that would enable USCIS to process certain applications approved between 1995 and 1998 by immigrant investors under the fifth preference employment-based immigrant visa classification, also known as EB-5. The public has 60 days—from September 28 to November 28, 2011—to submit comments on this proposal, which is available for review at www.regulations.gov.
- On September 29, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Library the Secure Communities Nationwide Interoperability Statistics for Fiscal Year 2011.
- On September 30, 2011, the Department of Homeland Security (DHS) posted to its FOIA library 591 pages consisting of the Chief FOIA Officer Weekly Reports for January 2009 thru May 2011.

II. **FOIA Requests**

- On September 26, 2011, the **General Accountability Office (GAO)** notified the **Department of Homeland Security** (DHS) of the initiation of a new engagement dealing with FOIA. Undertaken in response to a request made by the House Committee on Oversight and Government Reform, GAO's work will focus on 1) what agencies have done to assess and improve their FOIA programs; and 2) how agencies are complying with the requirement to make frequently requested records available to the public electronically. This multi-agency engagement has an estimated start date of October 1, 2011. The Privacy Office has the lead for DHS.
- On September 28, 2011, **Joseph Gamm,** a reporter with the ***Amarillo Globe News*** in Amarillo, Texas, requested from the Transportation Security Administration (TSA) information regarding security violations nationwide committed by Continental, American, and Southwest Airlines over the time period 2007-2009, as well in addition to a list of prohibited items found at the Amarillo and Lubbock airports in 2010 and 2011. (Case Number TSA11-0913).
- On September 28, 2011, the United States Department of Justice, National Drug Intelligence Center in Washington, DC, referred to the Department of Homeland Security (DHS) documents responsive to a request from **Michael Evans**, a project director with **The National Security Archive** in Washington, DC, seeking records pertaining to the illegal activities, extradition, prosecution, and voluntary depositions of a top leader of a former Colombian paramilitary and drug trafficking group

designated by the United States Department of State as a foreign terrorist organization. (Case Number DHS/OS/PRIV 11-1334).

- On September 28, 2011, **Scott MacFarlane**, a reporter with ***COX TV*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all contracts between DHS and any municipalities or businesses in Dekalb, Fulton, Cobb, or Gwinett Counties, Georgia, or the City of Atlanta in 2009, 2010 or 2011. (Case Number DHS/OS/PRIV 11-1337).
- On September 28, 2011, **Scott MacFarlane**, a reporter with ***COX TV*** in Washington, DC, requested from the Department of Homeland Security (DHS) all documentation, reports, and results from all site visits made by DHS staff and/or management to local first responders and local jurisdictions in Ohio, Pennsylvania, and North Carolina in 2010. (Case Number DHS/OS/PRIV 11-1338).

Late requests

- On September 21, 2011, **Michael George**, a reporter with ***ABC Action News*** in Tampa, Florida, requested from United States Citizenship and Immigration Services (USCIS) copies of 2009, 2010, and 2011 I-129 applications for H-2B visas for US Lawns, Inc., including both approved and declined applications submitted by US Lawns. (Case Number USCIS COW2011000801).
- On September 23, 2011, **Danny Barrett, Jr.,** a journalist with ***Vicksburgpost.com*** in Vicksburg, Mississippi, requested from the United States Coast Guard (USCG) a copy of all records pertaining to investigations of barges that struck support piers of the old U.S. 80 bridge and the Interstate 20 bridge across the Mississippi River in Vicksburg, Mississippi in March, May, and July of 2011. (Case Number USCG2011FOIA3953).
- On September 23, 2011, **Steven Aftergood**, project director with the **Federation of American Scientists** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of records that document the implementation of the Fundamental Classification Guidance Review of its national security classification policies by DHS since his previous request a year ago (DHS/MGMT 11-29). (Case Number DHS/OS/PRIV 11-1321).

III. FOIA Releases

- On September 23, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Bob Cusack**, managing editor of ***The Hill*** in Washington, DC, four pages of FOIA logs from June 2011 through August 2011, responsive to his request for copies of OIG FOIA logs including requesters' names and affiliations. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number 2011-185).
- On September 23, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, an attorney with the **American Civil Liberties Union** in Washington, DC, 2,111 pages of records responsive to his request for records related to the deaths of three named individuals. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4881).

- On September 23, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Sean Riordan**, an attorney with the **American Civil Liberties Union of San Diego & Imperial Counties** in San Diego, California, records responsive to his request concerning the parole of arriving aliens who have established a credible fear of persecution or torture. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and 7(E). (Case Number 2011FOIA10086).
- On Sept**ember 26, 2011, th**e U.S. Coast Guard **(USCG) released to J. Gordon Arbuckle**, an attorney with **Patton Boggs L.L.P.** in Washington, DC, 4512 pages of claim summaries and letters related to the DEEPWATER HORIZON incident. Portions of this response were withheld pursuant to FOIA exemptions (b)(4) and (b)(6). (Case Number FOIA 11-3380).
- On September 26, 2011, the U.S. Coast Guard (USCG) released to **LaNia Coleman**, a journalist for ***The Bay City Times*** in Bay City, Michigan, nine pages consisting of a SAR report related to the search and rescue mission. This record were released in full. (Case Number FOIA 11-3326).
- On September 26, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jennifer Kay**, a reporter with ***The Associated Press*** in Miami, Florida, 198 pages of email and database records concerning the investigation of a named individual, their detention, and removal to Haiti. Portions of this response were withheld pursuant to Privacy Act exemptions (j)(2) and (k)(2) and FOIA exemptions 6, (7)(C) and (7)(E). (Case Number 2011FOIA5967).
- On September 26, 2011, the U.S. Coast Guard (USCG) released to **Anita Lee**, a journalist with ***Sun Herald*** in Biloxi, Mississippi, with the Activity number to the incident requested as well as access to the CGMIX database. These records were released in full. (Case Number FOIA 2011-2542).
- On September 26, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Janine Hoft**, an attorney with the **People's Law Office** in Chicago, Illinois, 422 pages of e-mails, medical records, investigative reports, and other documents pertaining to the death of Antonio Gomez and the resulting investigation. Portions of this response were withheld pursuant to FOIA exemptions 6, (7)(C) and (7)(E). (Case Numbers 2011FOIA9360, 2011FOIA7939, 2011FOIA7107 and 2011FOIA6896).
- On September 26, 2011, United States Citizenship and Immigration Services (USCIS) released to **Anjan Mukherjee**, a representative with the **Democratic Senatorial Campaign Committee** in Washington, DC, 86 pages of letters and e-mails between United States Senator Scott Brown (R-MA) and United States Citizenship and Immigration Services (USCIS). Portions of this response were withheld pursuant to FOIA exemption (b)(6). Case Number COW2011000248).
- On September 27, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with **Center for Investigative Reporting** in Berkeley, California, 2466 pages of facility inspections and investigations. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case number 2011FOIA3336).
- On September 28, 2011, United States Citizenship and Immigration Services (USCIS)**,** released to **Judy Rakowsky,** a reporter with the ***Boston Globe*** in Belmont,

Massachusetts, 30 pages of material from the Alien file of a named individual in response to her request for all records on that named individual. Portions of the records were withheld pursuant to FOIA Exemption (b)(6). (Case Number HQS2011000021).

- On September 28, 2011, the Department of Homeland Security (DHS) released to **Jennifer Kucinich**, a journalist with ***USA Today*** in Washington, DC, 33 pages of correspondence logs between Rick Perry and the Department of Homeland Security (DHS) from the Enterprise Correspondence Tracking System (ECT). Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 11-1246).
- On September 28, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Bede Sheppard**, a Senior Researcher with **Human Rights Watch** in New York, New York, 159 pages of statistics, policies and procedures. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2011FOIA8886).
- On September 28, 2011, the Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with ***The Associated Press*** in Washington, D.C., 391 pages of emails from Department of Homeland Security (DHS) officials dated between December 25, 2009 and December 26, 2009. Portions of this final response were withheld pursuant to FOIA exemptions (b)(3), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C) and (b)(7)(E). (Case Number DHS/OS/PRIV 10-0529).
- On September 28, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **James Fanelli**, a reporter with ***The New York Daily News*** in New York, New York, a 51-page report entitled, "The State of New York's Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008," in response to his request for copies of all OIG reports involving the New York City Police Department produced over the last four years. These records were released in full. (OIG Case Number 2011-187).
- On September 28, 2011, the Department of Homeland Security (DHS) released to **Michael Grabell**, a staff writer with ***ProPublica*** in New York, New York, 12 Excel files responsive to his request for all Congressional correspondence in logs in Excel format from January 1, 2008, through the cut-off date of the request, provided the records contained various search terms including "Rapiscan." Portions of this release were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 11-1015).
- On September 28, 2011, the Department of Homeland Security (DHS) released to **Josh Margolin**, a reporter with the ***New York Post*** in New York, New York, 46 pages of including a United States Citizenship and Immigration Services (USCIS) memo with attachments. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6) and (b)(7)(E). (Case Number DHS/OS/PRIV 11-0474).
- On September 29, 2011, United States Citizenship and Immigration Services (USCIS) released to **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928**, in Lincoln, Nebraska, 693 pages consisting of the certificate of eligible, application materials and resumes. Portions of this response

were withheld pursuant to FOIA exemptions (b)(2), (b)(5) and (b)(6). (Case Number HQS2011000068).

- On September 30, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Meghan Rhoad**, a researcher with **Human Rights Watch** in New York, New York, one spreadsheet containing Office of Professional Responsibility (OPR) case investigation data obtained from the Joint Integrity Case Management System (JICMS) and 17 pages consisting of apprehension statistics and a Victim Assistance Program Directive. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(A), (b)(7)(C) and (b)(7)(E). . (Case Number 2011FOIA14381).
- On September 28, 2011, United States Citizenship and Immigration Services (USCIS) released to **Danny Ramos**, Executive Assistant to the CEO of **Allied Artists International, Inc.** in Hacienda Heights, California, 85 pages from the alien file of Andrew Roy Gibb (Andy Gibb). Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number HQS2011000067).
- On September 29, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Wilnelia Thompson**, a researcher for the **Univision Network** in Miami, Florida, 25 pages consisting of a report of investigation responsive to this request. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(A), and (b)(7)(C). (OIG Case Number 2011-177).
- On September 29, 2011, the Department of Homeland Security (DHS) Office of Inspector General OIG released to **Azadeh Shahshahani**, National Security/Immigrants' Rights Project Director for the **American Civil Liberties Union (ACLU) of Georgia** in Atlanta, Georgia, 324 pages of investigative records pertaining to complaints regarding four detention facilities in Georgia. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (OIG Case Number 2011-157).
- On September 29, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter from the ***Houston Chronicle*** in Houston, Texas, 62 pages of correspondence associated with the Corrections Corporation of America. Portions of this response were withheld pursuant to (b)(5), (b)(6) and (b)(7)(C). (Case Number 2010FOIA5222).
- On September 29, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with ***The Atlanta Journal-Constitution*** in Woodstock, Georgia, pages of records responsive to his request for records relating to the deaths of three ICE detainees: Robert Martinez Medina, Pedro Gumayagay, and Nhung Vargas. Portions of this records were withheld pursuant to Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4046On September 29, 2011, the Department of Homeland Security (DHS) released to **John Althen, the F**OIA Program Manage***r with Judicial Watch, Inc., in*** Washington, DC, two pages from Secretary Napolitano's calendar responsive to the request. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0735).

- On September 29, 2011, the Department of Homeland Security (DHS) released to **Jennifer Kay**, a reporter with ***The Associated Press*** in Miami, Florida, 14 pages of emails and correspondenc**e regarding** the resumption of deportations **to Haiti. Portions** of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6).. (Case Number DHS/OS/PRIV 11-0453).
- On September 29, 2011, the Department of Homeland Security (DHS) released to **Christopher Farrell**, Director of Investigations with **Judicial Watch** in Washington, D.C., eight pages of records including emails and a written statement responsive to his request seeking information about the acquisition of the Peninsular and Oriental Steam Navigation Company by Dubai Ports World (DPW) and DPW's management of seaport or terminal facilities in the United States. Portions of this response were withheld pursuant to FOIA exemptions (b)(3) and (b)(6). (Case Number DHS/OS/PRIV 11-506).
- On September 30, 2011, the Department of Homeland Security (DHS) released to **John Althen**, the FOIA Program Manager with **Judicial Watch, Inc.**, in Washington, DC, 93 pages of records responsive to his request for all records of Secretary Napolitano and her counselor and claims oversight coordinator pertaining to the June 16, 2010, White House meeting between President Obama and BP Officials. Portions of the response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 10-0835).
- On September 30, 2011, the Transportation Security Administration (TSA) will release to **Todd Spangler**, a correspondent with ***Detroit Free Press*** in Washington, D.C., five pages from the Enterprise Correspondence Tracking System (ECT) workflow number 837271 including correspondence between Department of Homeland Security (DHS), Senator Carl Levin (D-MI) and Transportation Security Administration (TSA). Portions of this release are withheld pursuant to FOIA exemptions (b)(2) and (b)(6). (Case Number TSA11-0024).
- On September 30, 2011, the Department of Homeland Security (DHS) released to **Angela Hertslet**, a paralegal with **Weitz & Luxenberg, PC**, in New York, New York, 104 pages of senior leadership briefings responsive to her request for information about the use of aerial dispersants during the response to the Deepwater Horizon oil spill. Portions of the response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 10-1082).

IV. FOIA Appeals

- On August 26, 2011 (received by CBP Appeals on September 23, 2011), **Sean Riordan**, Staff Attorney with the **American Civil Liberties Union San Diego & Imperial Counties (ACLU-SDIC)** in San Diego, California, appealed the denial of his request for fee waiver in connection with his request to U.S. Customs and Border Protection (CBP) for several categories of information primarily pertaining to San Diego and Imperial Counties. On September 26, 2011, **Matthew J. Piers**, an attorney with the **American Immigration Council (AIC)** in Chicago**, Illinois, appealed the response by U.S. Customs and Border Protection (**CBP) to his request for fourteen categories of records related to CBP's enforcement operations and activities within 100 miles of the U.S.-Mexico border aimed at and/or resulting in voluntary returns of

individuals to their countries of origin from January 2009 to pres**ent. In response** to the initial request**, CBP released four pages of inform**ation.

V. FOIA Appeals Releases

NSTR

VI. Lawsuits

In the matter of *National Immigration Project of the National Lawyers Guild v. U.S. Department of Homeland Security* (Case 1:11-cv-03235-UA), in which Plaintiffs contested the denial of their fee waiver request and claimed constructive denial with regard to a FOIA request filed on December 17, 2009, seeking documents relating to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings, on September 26, 2011, U.S. Customs and Immigration Enforcement (ICE) released 413 pages of responsive records from the ICE Office of the Principal Legal Advisor.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of October 3 – 7, 2011
Privacy Office
October 11, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On September 27, 2011, United States Citizenship and Immigration Services (USCIS) announced that it is seeking public comments on a proposed rule published in the Federal Register that affects certain pending Immigrant Investor (EB-5) applications. The processes outlined in the proposed rule would provide an additional two-year period for some immigrant investors to meet the EB-5 investment and job-creation requirements. The public has 60 days—from September 28 to November 28, 2011—to submit comments on this proposal, which is available for review at www.regulations.gov.
- On September 30, 2011, United States Citizenship and Immigration Services (USCIS) informed stakeholders that, effective September 12, 2011, USCIS began mailing the original I-797 receipt and approval notices directly to applicants and petitioners. Previously, the notice had been sent to the attorney or accredited representatives. The change was implemented to ensure that documents are mailed directly to the address specified by the applicant or petitioner.
- On October 4, 2011, U.S. Immigration and Customs Enforcement (ICE) posted the list of detainee deaths from October 2003 to October 3, 2011 to the ICE FOIA Library.
- On October 6, 2011, U.S. Immigration and Customs Enforcement (ICE) posted Arriving Alien Credible Fear Parole Determination statistics to the ICE FOIA Library.

II. **FOIA Requests**

- On October 3, 2011, the United States Marine Corps referred to the United States Coast Guard (USCG) a request from **Carroll Cox** of ***The Carroll Cox Show*** in Mililani, Hawaii, seeking information regarding the presence of Scrontium-90 contained in the rotors on the downed CH-53 D Stallion helicopter in Kanoehe Bay. (Case Number FOIA 2012-0003).
- On October 3, 2011, **Jason Cherkis**, a reporter with the ***Huffington Post*** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) information relating to the number of people currently being detained by ICE as well as the crime committed and what level ICE assigned to the crime. (Case Number 2012FOIA00004).
- On October 3, 2011, **Sam Dolnick**, a reporter with the ***New York Times*** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) all correspondence between members of New Jersey Governor Chris Christie's administration and ICE's Office of Congressional Relations, New Jersey Field Office,

Enforcement and Removal Operations, and the Office of Detention and Policy Planning. (Case Number 2012FOIA00003).

- On October 3, 2011, **Brad Heath**¸ a reporter with ***USA Today*** in McLean, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) an electronic copy of the General Counsel Electronic Management System (GEMS) used by the ICE Office of the Principal Legal Advisor. (Case Number 2012FOIA00002).
- On October 3, 2011, **Scott Noll**, a reporter with ***News Channel 2 Memphis*** in Memphis, Tennessee, requested from the U.S. Customs and Border Protection (CBP) a listing of the contraband items seized by CBP Officers at Memphis International Airport between January 1, 2003 and October 1, 2011. (Case Number 2012F00119).
- In October 3, 2011, **Ronald Schechter**, an attorney with **Arnold & Porter LLP** in Washington, DC, requested from the Department of Homeland Security the following documents: 1) any documents created on or after May 8, 2009 relating to or reflecting the terms of any program or requirement imposed by or negotiated between the United States Government ("USG") and the governments of other nations relating to the rehabilitation of prisoners transferred to such other nations from the military prison at Guantanamo Bay, Cuba. This request includes, but is not limited to: (a) any document relating to negotiations by the USG with the governments of the State of Kuwait, the Kingdom of Saudi Arabia, and other and all other nations; and (b) any document relating to reviews or audits conducted by the USG assessing compliance by the governments of the State of Kuwait, the Kingdom of Saudi Arabia, and other and all other nations with the terms of such programs or the requirements imposed; 2) Any documents created on or after May 8, 2009, relating to or reflecting the terms of bilateral security agreements entered into by USG and foreign countries relating to the transfer of prisoners from Guantanamo Bay. This request includes, but is not limited to: (a) any document relating to USG monitoring of foreign government compliance with such agreements; (b) any document establishing procedures for such USG monitoring; and (c) any documents relating to or reflecting communications with foreign government regarding compliance with such agreements; and 3) any document created on or after May 8, 2009, that reflects the terms and conditions on which persons detained at Guantanamo Bay Naval Base have been released or transferred to any country outside the United States, including but not limited to the following countries: The United Kingdom, Libya, Tunisia, Bahrain, Yemen, Mauritania, Saudi Arabia, Jordan, and Kuwait. (Case Number DHS/OS/PRIV 12-0005).
- On October 3, 2011, **Robin Stein**, a journalist with ***Dan Rather Reports*** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a list of Sevis Employers from FY2005-current and data on F, M, and J Visa holders. (Case Number 2012FOIA00001).
- On October 4, 2011, **Bonnie Stewart**, a journalist with ***Oregon Public Broadcasting*** in Portland, Oregon, requested from the United States Coast Guard (USCG) copies of the April 2009 Captain of the Port Order issued to the DAVEY CROCKETT which was located on the Columbia River on Washington State's waterway. (Case Number 2012FOIA0047).

- On October 4, 2011, **Scott MacFarlane**, a reporter with ***New Media Cox TV*** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all electronic mail sent between DHS staffers and the office of U.S. Representative Silvestre Reyes (D-TX), U.S. Representative Steve Pearce (R-NM), and U.S. Representative Sue Myrick (R-NC) in July 2011. (Case Number 2012FOIA00055).
- On October 4, 2011, **Sean Dunagan**, an investigative journalist with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) any and all records regarding, concerning, or relating to the Bi-National Assessment of Weapons Trafficking into Mexico from the United States, which Booz Allen Hamilton, Inc. was awarded a contract to conduct on September 21, 2010 (ref. contract number HSHQDCI0FOOI88), including all interim, draft and final reports and all records of communication related to the assessment. (Case Number DHS/OS/PRIV 12-0007).
- On October 5, 2011, **Michael Grabell,** a staff writer with ***ProPublica*** in New York, New York, requested from the Department of Homeland Security (DHS) the following correspondence workflows from ECT: 1) 898466; 2) 897613; 3) 913882; 4) 813574; 5) 863067; 6) 897619; and 7) 898978. (Case Number DHS/OS/PRIV 12-0009).
- On October 5, 2011, **David Schneider**, a news editor with ***CBS News*** in Penngrove, California, requested from U.S. Immigration and Customs Enforcement (ICE) any and all documents, which would include video recordings, audio recordings, photographs, transcripts of interviews and conversations, e-mails and any other documentation related to U.S. Immigration and Customs Enforcement investigations and subsequent prosecutions concerning the theft, transport, receipt and sale of fuel condensate originating in Mexico; including but not limited to investigation of Continental fuels, Petro Salum, Y Oil and Gas, Valley Fuels Ltd., Murphy Energy, BASF, Trammo Petroleum and their employees. Also, copies of the 400 hours of conversations recorded through the cooperation of Josh Crescenzi. (Case Number 2012FOIA00078).
- On October 6, 2011, **Maria Sacchetti** with the ***Boston Globe*** in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the case file for Omar Okech Obama, a/k/a O. Onyango Obama. (Case Number 2012FOIA00105).
- On October 5, 2011, **Adam Stephan**, a reported with ***WABC-TV*** in New York, New York, requested from the United States Coast Guard (USCG) video of the helicopter crash in the East River on October 4, 2011. (Case Number 2012FOIA0056).

<u>Late requests</u>

- On September 30, 2011, **Keli Raben**, a reporter with ***KVUE Austin***, an Austin News Station, requested from the U.S. Customs and Border Protection (CBP) access to and copies of an electronic spreadsheet listing the contraband items seized at Austin Bergstrom International Airport from January 1, 2003 to present. (Case Number 2012F00118).

III. FOIA Releases

- On October 6, 2011, the U.S. Coast Guard (USCG) issued to **Judy L. McGowan**, an attorney with ***The Curry Law Group*** in Brandon, Florida, a no records response pertaining to her request seeking the following records: 1) all communications from a named individual to the United States Coast Guard, via a named LCDR including but not limited to drawings, letters, plans, specifications, and operating procedures a.k.a. process description submitted to stop the DEEPWATER HORIZON oil spill; 2) all communications from a named individual regarding the DEEPWATER HORIZON oil spill and; 3) all writings as defined by Federal Rule of Evidence Code Section 100[1] between U.S. Coast Guard officers and officials and BP regarding the "Capping Stack" that originated or was transmitted during the period of June and July 2010. (Case Number 2011FOIA3819).
- On October 6, 2011, the United States Coast Guard (USCG) released to **Christine Ng,** a representative with **Environ Corporation** in Arlington, Virginia, a set of photographs (60.7MB) related to the Deep Water Horizon rig fire. These records were released in full. (Case Number 11-1110).
- On October 6, 2011, the U.S. Immigration and Customs Enforcement (ICE) released to **Julia Harumi Mass**, an attorney with the ***American Civil Liberties Union of California*** in Los Angeles, California, a list of closed I-9 audits/investigations. Portions of this response were withheld pursuant to Exemption 7(E). (Case number 2011FOIA15234).
- On October 6, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jefferson Morley**, an author in Washington, D. C., two pages consisting of the C File of [redacted]. These records were released in full. (Case Number COW2011000335).
- On October 7, 2011, the Department of Homeland Security (DHS) released to **Bob Cusack**, managing editor with ***The Hill*** in Washington, DC, 14 pages of the Privacy Office FOIA logs covering the period for September 1, 2011 through September 19, 2011. Portions of this response are withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-1286).

IV. FOIA Appeals

NSTR

V. FOIA Appeals Releases

NSTR

VI. Lawsuits

NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

faceFOIA Activity for the Week of October 10, 2011 – October 14, 2011
Privacy Office
October 17, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On October 11, 2011, United States Citizenship and Immigration Services (USCIS) posted on its public website that USCIS Director Alejandro Mayorkas joined the President's Council on Jobs and Competitiveness in Pittsburgh to announce "Entrepreneurs in Residence." This new innovative initiative will utilize industry expertise to strengthen USCIS policies and practices surrounding immigrant investors, entrepreneurs, and workers with specialized skills, knowledge, or abilities. Director Mayorkas announced the initiative at the Jobs Council's High Growth Entrepreneurship Listening and Action Session at AlphaLab in Pittsburgh before the Council's quarterly meeting with President Obama. USCIS will launch the "Entrepreneurs in Residence" initiative with a series of informational summits with industry leaders to gather high-level strategic input. Informed by the summits, the agency will stand up a tactical team comprised of entrepreneurs and experts, working with USCIS personnel, to design and implement effective solutions. This initiative will strengthen USCIS's collaboration with industries, at the policy, training, and officer level, while complying with all current Federal statutes and regulations. The initiative builds upon USCIS's August announcement of efforts to promote startup enterprises and spur job creation, including enhancements to the EB-5 immigrant investor visa program.
- On October 12, 2011, the Department of Homeland Security (DHS) proactively posted to its FOIA Library 104 pages of correspondence logs from the following politicians: 1) Rep. Michael Turner (R-OH) for May 2009 to April 2011; 2) Rep. Peter King (R-NY) for January 2008 – November 2010; and 3) Gov. Rick Perry (R-TX) for July to August 2011.

II. **FOIA Requests**

- On October 11, 2011, **Mary Cox**, a representative of the **Democratic Senatorial Campaign Committee** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) any correspondence, including electronic, from or on behalf of Congressman Pete Hoekstra (R-MI) (January 1993 - January 2011); 2) any correspondence, including electronic, from or on behalf of Pete Hoekstra as a private citizen (January 2011 - present). (Case Number DHS/OS/PRIV 12-0014).
- On October 11, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC) of Syracuse University** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the augmented FOIA logs on

interim/final responses issued from the ICE FOIA office from September 1, 2011 through September 30, 2011. (Case Number 2012FOIA00397).

- On October 11, 2011, **Andy Medici**, a reporter with the ***Federal Times*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of the total number of trips, destinations and annual spending on travel by the office of the Secretary for FY 2007 - 2011. (Case Number DHS/OS/PRIV 12-0016).
- On October 11, 2011, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of the 58-page directory of DHS public affairs staff. (Case Number DHS/OS/PRIV 12-0017).
- On October 12, 2011, **Robert O 'Harrow**, a staff writer with the ***Washington Post*** in Washington, DC, requested from the Department of Homeland Security (DHS) records relating to communication or contact between Harold F. Babb, a contractor, and DHS Officials, including contracting personnel, First Source managers and Kevin Boshears. (Case Number DHS/OS/PRIV 12-0015).
- On October 12, 2011, **Diane Kuzma**, a legal assistance with **Jackson Lewis, LLP** in Southfield, Michigan, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of all allegations of violations and/or investigations of violations related to the SEVIS program at the Michigan State College of Law. (Case Number 2012FOIA00611).
- On October 12, 2011, **Erik Houser**, a representative with the **Democratic Senatorial Campaign** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) information relating to Lt. Governor John Sanchez (R-NM), (b) (6), and Right-Way-Roofing from 1980 to the present. (Case Number 2012FOIA00645).
- On October 12, 2011, **Kari Ann Fonte**, an attorney with **American Immigration Lawyers Association (AILA)** South Florida Chapter in Miami, Florida, requested from U.S. Customs and Border Protection (CBP) copies of the I-213 forms of all persons who, within the last 6 months have been picked up in the State of Florida at or on: Greyhound buses and/or stations, Amtrak trains and/or stations, Tri-rail trains and/or stations, public buses and/or stations,I-95 and I-75 Interstate highways, and the Florida Keys. (Case Number 2012F01090).
- On October 11, 2011, **Ronald A. Schechter**, an attorney with **Arnold & Porter LLP**, in Washington, DC, requested all records relating to or reflecting the U.S. Government's decisions or actions regarding the transfer, release, repatriation, or prosecution (by either military commission or in the United States District Court) of (b) (6). (Case Number DHS/OS/PRIV 12-0010).
- On October 11, 2011, **Ronald A. Schechter**, an attorney with **Arnold & Porter LLP**, in Washington, DC, requested all records relating to or reflecting the U.S. Government's communications relating to, decisions regarding, and responses to the letters of Dr. Mohammad Sabah Al Salem Al Sabah, Deputy Prime Minister and Mister of Foreign Affairs, State of Kuwait to Hillary Clinton, Secretary of State, dated February 3, 2011 and June 14, 2011, to include, but not limited to: any disciplinary, intelligence, or other records related to (b) (6) that the U.S. Government reviewed, considered, or relied upon in responding to the letters of Dr. Mohammed Sabah Al Salem Al Sabah Deputy Prime Minister and

Mister of Foreign Affairs, State of Kuwait to Hillary Clinton, Secretary of State, dated February 3, 2011 and June 14, 2011. (Case Number DHS/OS/PRIV 12-0011).

- On October 11, 2011, **Ronald A. Schechter**, an attorney with Arnold & Porter LLP, in Washington, DC, requested the following: 1) any documents created on or after May 4, 2009, related to or reflecting the terms of any program or requirement imposed by or negotiated between the United States Government (USG) and the governments of other nations relating to the rehabilitation of prisoners transferred to such other nations from the military prison at Guantanamo Bay, Cuba; 2) any documents created on or after May 8, 2009 relating to or reflecting the terms of bilateral security agreements entered into by USG and foreign countries relating to the transfer of prisoners from Guantanamo Bay; and 3) any document created on or after May 8, 2009 that reflects the terms and conditions on which persons detained at Guantanamo Bay Naval Base have been released or transferred to any country outside the United States, including but not limited to the following countries: The United Kingdom, Libya, Tunisia, Bahrain, Yemen, Mauritania, Saudi Arabia, Jordan, and Kuwait. (Case Number 12-0012).
- On October 13, 2011, **Emily Willard**, with **George Washington University, National Records Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents pertaining to the agency's existing and subsequent change in policy regarding the manipulation of select U.S. Border officials and/or recruits by Mexican drug traffickers, cartels, and/or gangs, especially along the Southwest border from January 2004 until the present. (Case Number 2012FOIA00690).

<u>Late requests</u>

- On September 27, 2011, **Michael George**, a reporter with ***ABC Action News*** in Tampa, Florida, requested from U.S. Citizenship and Immigration Services (USCIS) copies of all H2B Visa applications filed by U.S. Lawns of Tampa, North Tampa (Clearwater) and St. Petersburg and any related documents or correspondence. (Case Number NRC2011093580).
- On October 4, 2011, the Department of State referred to the Department of Homeland Security (DHS) a request from **Alex Galovich,** an individual in Washington, DC, seeking records sent to and from the U.S. Embassy in Guatemala and the Department of State, from January 1, 1980 until the present, related to corruption and fraud in the international adoptions processes of American citizens adopting Guatemalan children. (Case Number 2012FOIA00155).
- On October 6, 2011, **Rudi Keller**, a reporter with ***The Columbia Daily Tribune*** in Columbia, Missouri, requested from U.S. Citizenship and Immigration Services (USCIS) copies of all documents, applications and correspondence filed by or relating to Mamtek Regional Center LLC in Moberly, Missouri including any applications for visas as a result of investment in Mamtek. (Case Number COW2011000867).

III. FOIA Releases

- On October 7, 2011, the United States Coast Guard (USCG) released to **Jim Morris**, a project manager with **The Center for Public Integrity** in Washington, DC, 29

pages consisting of correspondence between USCG and Transocean and between USCG and Minerals Management Service (MMS) regarding safety inspections of DEEPWATER HORIZON from January 1, 2001 to present day. These records were released in full. (Case Number 2010FOIA2238).

- On October 7, 2011, the United States Coast Guard (USCG) released to **Margaret McAvoy Riess**, a paralegal with **Fowler, Rodriguez, Valdes-Fauli** in New Orleans, Louisiana, the report of investigation, witness statements, and Form 2692s associated with the April 20, 2010 DEEPWATER HORIZON incident. These records were released in full. (Case Number 2011FOIA3622).
- On October 11, 2011, the Department of Homeland Security Office of Inspector General (OIG) released to **Julia Harumi Mass, et. al.**, of the **American Civil Liberties Union of Northern California** in San Francisco, California, 6 pages of investigative records pertaining to workplace immigration enforcement operations, including workplace audits of employer I-9 records and employment practices conducted by the Department of Homeland Security. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number OIG FOIA 2011-183).
- On October 11, 2011, the United States Coast Guard (USCG) issued a no records response to **Gervasio Morales Ródriguez**, director of ***Claridad*** in San Juan, Puerto Rico, who requested records concerning [redacted] (Case Number 2011FOIA2285).
- On October 12, 2011, the United States Coast Guard (USCG) released to **Bonnie Stewart**, a journalist with ***Oregon Public Broadcasting*** in Portland, Oregon, two pages consisting of the Captain of the Port Order issued to the DAVEY CROCKETT, which was located on the Columbia River on Washington State's waterway. These records were released in full. (Case Number 2012FOIA0047).
- On October 13, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 22 pages of material consisting of documents related to the processing of a previous FOIA release regarding the weekly FOIA report to DHS. Portions of this response are withheld pursuant to FOIA exemption (b)(6). (Case Number COW2011000228)
- On October 13, 2011, United States Citizenship and Immigration Services (USCIS) released to **Carlos Subero Ruiz**, a journalist with ***The International Consortium of Investigative Journalist***, in Washington, DC, one page of material consisting of statistical data on the amount of Venezuelan citizens who applied for legal residency and Diversity Programs from 2000 through 2010. These records were released in full. (Case Number COW2011000258).
- On October 14, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Lisette Garcia** of ***Judicial Watch*** in Washington DC, four pages of material consisting of Performance Analysis System (PAS) data. These records were released in full. (Case Number COW2011000245).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *National Immigration Project of the National Lawyers Guild v. U.S. Department of Homeland Security*, (11-cv-3235), in which plaintiffs contested the denial of their fee waiver request and claimed constructive denial with regard to a FOIA request filed on December 17, 2009 seeking documents relating to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings. On October 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released 389 pages of responsive records from the ICE Office of the Principal Legal Advisor.
- In the matter of *American Civil Liberties Union v. U.S. Department of Homeland Security*, (2:11-cv-12997-SFC-MAR), in which plaintiffs contested the constructive denial of their claim with regard to a FOIA request filed on May 25, 2011 seeking documents relating to enforcement actions involving the Valdez family in Michigan, and U.S. Immigration and Customs Enforcement (ICE) practices, personnel, agent supervision, and training in Michigan. On October 7, 2011, ICE released 238 pages of responsive records from the ICE Office of Enforcement and Removal Operations, Office of Human Capital, and Office of Policy. Additionally, all records from the ICE Office of Professional Responsibility were withheld in full pursuant to FOIA Exemption 7(A) as they were the subject matter of an ongoing investigation. This release was provided directly from Defense counsel to the Plaintiffs, without cover from the ICE FOIA office.
- In the matter of *National Day Laborer Organizing Network (NDLON), et al. v. U.S. Immigration and Customs Enforcement*, (10-cv-3488), in which the plaintiffs claimed constructive denial and that ICE improperly denied their requests for a fee waiver and for expedited processing with regard to a FOIA request filed February 19, 2010 seeking records relating to the Secure Communities program. ICE released 6,949 pages of responsive records from the ICE Office of Enforcement and Removal Operations to the plaintiffs in response to their Final Production List on October 7, 2011. This release was provided directly from Defense counsel to the Plaintiffs, without cover from the ICE FOIA office.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of October 15 – 21, 2011
Privacy Office
October 24, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items: .

- NSTR

II. **FOIA Requests**

- On October 17, 2011, **Jon Clements**, a crime correspondent with ***ITV News*** in London, England, requested from the Transportation Security Administration (TSA) all correspondence since January 2008 between TSA officials and law enforcement agencies in the United Kingdom regarding the smuggling or illegal exportation of firearms into the United Kingdom through Raleigh-Durham International Airport. (Case Number TSA12-0036).
- On October 17, 2011, **Jon Clements**, a crime correspondent with ***ITV News*** in London, England, requested from the Transportation Security Administration (TSA) all correspondence between TSA officials and law enforcement agencies in the United Kingdom (UK) regarding the investigation into a named individual, who pled guilty in federal court in March 2011 to charges of smuggling firearms into the UK through Raleigh-Durham International Airport in North Carolina. (Case Number TSA12-0037).
- On October 17, 2011, **Jon Clements**, a crime correspondent with ***ITV News*** in London, England, requested from the Transportation Security Administration (TSA) all correspondence, memos, and meeting minutes between TSA officials and law enforcement agencies in the United Kingdom regarding security procedures and standards for screening, checked baggage, hand baggage, and passengers at US airports. (Case Number TSA12-0042).
- On October 17, 2011, **Jon Clements**, a crime correspondent with ***ITV News*** in London, England, requested from the Transportation Security Administration (TSA) all records relating to the discovery and recovery of firearms and explosives on passengers on flights from the United States to the United Kingdom (UK) since January 2010, as well as all records relating to the quality of problems with the screening of checked baggage, hand baggage, and passengers on flights from the US to the UK since January 2010. (Case Number TSA12-0043).
- On October 18, 2011, **Donald Bartnik**, an individual in Virginia Beach, Virginia, requested from the Transportation Security Administration (TSA) copies of all records from July 1, 2010 through September 1, 2010 concerning any meeting and electronic correspondence among three staff members of TSA's Office of Chief Counsel pertaining to the requester's EEO complaint. (Case Number TSA12-0030).
- On October 19, 2011, **Jason Smathers,** an individual in Topock, Arizona, requested from the Department of Homeland Security (DHS), the United States Coast Guard

(USCG), Transportation Security Administration (TSA), Federal Law Enforcement Training Center (FLETC), Department of Homeland Security (DHS) Science and Technology Directorate, and Office of Inspector General (OIG) all records that contain the standard language or template paragraphs used for responses to FOIA Requests and FOIA Appeals. (Case Numbers TSA12-0046, FLETC FOIA 12-008).

- On September 26, 2011, **Joseph Gamm,** a reporter with the ***Amarillo Globe News*** in Amarillo, Texas, requested from the Transportation Security Administration (TSA) information regarding security violations nationwide committed by Continental, American, and Southwest Airlines over the time period 2007-2009, as well in addition to a list of prohibited items found at the Amarillo and Lubbock airports in 2010 and 2011. (Case Number TSA11-0913).

<u>Late requests</u>

- On October 10, 2011, **Bruce S. Alpert**, a reporter with the ***Times-Picayune*** in Bethesda, Maryland, requested from the United States Coast Guard (USCG) all letters and email from Senators David Vitter (R-LA) and Mary Landrieu (D-LA) regarding shipbuilding and renovation contracts for Bollinger Shipyards from the period of September 1, 2006 through December 31, 2010, as well as copies of any correspondence detailing existing contracts between USCG and Bollinger advocating for either continuance of those contracts or appropriate remedies for allegations that Bollinger failed to deliver on promises made in those contracts. (Case Number USCG 2012FOIA0194).
- On October 13, 2011, **Deborah Sherman**, an investigative reporter with ***9NEWS, KUSA TV*** in Denver, Colorado, requested from the U.S. Customs and Border Protection (CBP) an electronic spreadsheet of all contraband items seized from 2003 to October 3, 2011, at the following two Colorado airports: 1) Denver International Airport, in Denver; and 2) Colorado Springs International Airport in Colorado Springs. (Case Number CBP FOIA 2012F01688).
- On October 13, 2011, **Bonnie Stewart,** a reporter with ***Oregon Public Broadcasting*** in Portland, Oregon, requested from the United States Coast Guard (USCG) documents referenced in the April 3, 2009 Captain of the Port Order 09-031 (16700/241773) to Barge Master of the *Davy Crockett*. (Case Number USCG 2012FOIA0123).
- On October 13, 2011, **Ronald Campbell**, a reporter with ***The Orange County Register*** in Santa Ana, California, requested from the United States Coast Guard (USCG) the report on MISLE Activity #2874818, a fatal accident that occurred on board the tugboat *Emma Foss* on or about February 20, 2007, off the coast of Long Beach, California. (Case Number USCG 2012FOIA0124)
- On October 14, 2011, **Thomas Luft,** managing editor with ***WFXT-TV*** in Dedham, Massachusetts, requested from the United States Coast Guard (USCG) the following records: 1) email sent to USCG personnel working at the Atlantic Avenue First District Office responding to complaints that Occupy Boston protesters were harassing uniformed staff; 2) email and memos pertaining to uniformed police; and 3) any paperwork, complaints, email, etc., related to an incident involving a female

USCG member who was harassed and allegedly spat upon and had an object thrown at her on her way to or from work. (Case Number USCG 2012FOIA0130).

III. FOIA Releases

- On October 17, 2011, U.S. Customs and Border Protection released to **Stephen Davis**, a reporter with ***WITI-TV FOX 6*** in Milwaukee, Wisconsin, a spreadsheet containing contraband items seized at the Milwaukee International Airport since 2003. This record will be released in full. (Case Number 2012F01391).
- On October 18, 2011, the Department of Homeland Security released to **Mary Cox,** a representative with the **Democratic Senatorial Campaign Committee** in Washington, DC, 15 pages of Congressional correspondence responsive to her request for any correspondence to DHS from U.S. Representative Pete Hoekstra (R-MI). Portions of the response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 12-0014).
- On October 18, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Jim Consoli**, a staff writer with ***The Record*** in Bergen County, New Jersey, 22 pages of material responsive to his request for all available files on 21 named individuals, now deceased, and/or their families. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7). (Case Number USCIS COW2011000856).
- On October 19, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Gbermende Johnson,** a graduate student with **Vanderbilt University** in Nashville, Tennessee, 43 pages of resumes and charts responsive to his request for the following records from the time period August 15, 2009, through May 15, 20011: 1) copies of resumes (or materials otherwise justifying appropriate pay levels for Schedule C appointees) of all persons appointed to a Schedule C position; 2) copies of resumes (or materials otherwise justifying appropriate pay levels for non-career Senior Executive Service employees) of all persons employed by the agency as non-career members of the Senior Executive Service; and 3) copies of resumes of all persons employed as Senate-confirmed presidential appointments. Portions of the response were withheld pursuant to FOIA exemption (b)(6). (Case Number USCIS COW2011000459).
- On October 19, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Allison Fairbrother**, Director of ***The Public Trust Project*** in Washington, DC, 370 pages of Central Index System Consolidated Operational Repository data and Omega Protein, Inc., I-129 applications responsive to her request for all H2B visa applications from Omega Protein, Inc., between 1998 and 2010, including records indicating how many visas the corporation applied for and how many it received during that time period. Portions of the response were withheld pursuant to FOIA exemption (b)(6). (Case Number USCIS COW2011000362).
- On October 19, 2011, the United States Citizenship and Immigration Services (USCIS), issued a no records response to **Robert Deasy**, Director, Liaison and Information with the **American Immigration Lawyers Association (AILA) National Office** in Washington, DC, in response to his request seeking all records

prepared, received, transmitted, collected and maintained by USCIS relating to USCIS training materials provided to or used while instructing employees of U. S. Customs and Border Protection (CBP). (Case Number USCIS COW2010000626) .

- On October 19, 2011, the United States Citizenship and Immigration Services (USCIS) issued a no records determination to **Robert Deasy**, Director, Liaison and Information, with the **American Immigration Lawyers Association (AILA) National Office** in Washington, DC, in response to his request seeking all guidance issued by USCIS including but not limited to instructions, training materials, memoranda and standard operating procedures explaining when USCIS will deny H-1B petitions forwarded to USCIS by CBP without a Request for Evidence or Notice of Intent to Deny. (Case Number USCIS COW2010000629).
- On October 19, 2011, the United States Coast Guard (USCG) released to **Hal Bernton,** a reporter with ***The Seattle Times*** in Portland, Oregon, 86 pages of inspection reports, charts, and photographs responsive to his request for the inspection reports for the *Alaska Warrior*, a Seattle-based catcher-processor that trawls in the Bering Sea and is owned by Fishing Company. These records were released in full. (Case Number USCG 2011FOIA3728).
- On October 19, 2011, the United States Coast Guard (USCG) released to **Christina Vecchioni**, a reporter with ***WWTV/WWUP*** in Petoskey, Michigan, the MISLE Activity number associated with an incident involving the diving vessel Molly and a link to the CGMIX database, which provides information regarding maritime incidents investigated by USCG. The record was released in full. (Case Number USCG 2011FOIA3596).
- On October 20, 2011, the United States Citizenship and Immigration Services (USCIS) issued to **Michael Ravnitsky,** an individual in Silver Spring, Maryland, a no records determination response to his request for information about the immigration status of a named individual, including visa and passport applications. This request was denied pursuant to FOIA exemption (b)(7)(A). (Case Number USCIS COW2011000435).
- On October 21, 2011, U.S. Customs and Border Protection (CBP) released to **Luke Rosiak**, a reporter with ***The Washington Times*** in Washington, DC, 175 pages of records responsive to his request for an electronic spreadsheet listing seized contraband items at Dulles International Airport and Baltimore-Washington International Airport from 2003 to the present. These records were released in full. (Case Number CBP 2012F00962).

IV. FOIA Appeals

- On October 4, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, appealed the response by U.S. Customs and Border Protection (CBP) to his request for records created from January 1, 2008 to the present discussing, concerning, or reflecting CBP's use of Cellebrite or any similar data extraction tools. In response to the initial request, CBP withheld 95 pages in full pursuant to FOIA exemption (b)(7)(E). (Case Number CBP H189357)

V. FOIA Appeals Releases

- NSTR

VI. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of October 22 – 28, 2011
Privacy Office
October 31, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items: .

- On October 24, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Library a copy of the Secure Communities Nationwide Interoperability Statistics for Fiscal Year 2011 and the Secure Communities Congressional Status Report for the second quarter of Fiscal Year 2011.
- On October 25, 2011, the United States Citizenship and Immigration Services (USCIS) announced the launch of an enhanced Employment Authorization Document (EAD) and a redesigned Certificate of Citizenship (Form N-560), both with new features to strengthen security and deter fraud. As part of USCIS's ongoing efforts to enhance the integrity of the immigration system, the state-of-the-art technology incorporated into the new documents will deter counterfeiting, obstruct tampering, and facilitate quick and accurate authentication. USCIS began issuing the new EADs on October 25, 2011, and will begin using the redesigned certificates on October 30, 2011.

II. **FOIA Requests**

- On October 24, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Valerie Brender**, a board member of the **Iraqi Refugee Assistance Project-New York University School of Law,** New York, New York, seeking agency records related to the employment of Third Country Nationals, which constitute all contractors, subcontractors and employees who are not American, Iraqi, or Afghan from January 2006 to the present. (Case Number DHS/OS/PRIV 12-0036).
- On October 20, 2011, **Rudi Keller,** a reporter with the ***Columbia Daily Tribune*** in Columbia, Missouri, requested from the United States Citizenship and Immigration Services (USCIS) records of any written or oral communication received from the offices of United States Representatives or Senators from the State of Missouri, along with USCIS responses, regarding the Mamtek EB-5 Regional Center application. (Case Number USCIS COW2011000928).
- On October 24, 2011, **Alex E. Leary,** a journalist with ***The St. Petersburg Times***, in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) all Alien file material relating to Senator Marco Rubio (R-FL). (Case Number USCIS COW2011000958).
- On October 24, 2011, **Gilbert Zermeno,** a journalist with ***KPHO-TV*** in Phoenix, Arizona, requested from the Transportation Security Administration (TSA) the following records: 1) the DR number and report for a September 2, 2011, training exercise at Terminal 4 Sky Harbor in Phoenix, Arizona, where two explosive tubes

were stolen; 2) video or still images from Phoenix Sky Harbor Terminal 4 area(s) where the Phoenix Police Department was conducting a routine training exercise with canines at approximately 2:30 PM; 3) any images of the training exercise; and 4) confirmation that the exercise was conducted away from the public area. (Case Number TSA12-0058).

- On October 24, 2011, **Leslie McCardel**, assignments manager with ***WFAA-TV,*** in Dallas, Texas, requested from the Transportation Security Administration (TSA) a copy of the surveillance video from an October 20, 2011, incident at Dallas-Fort Worth International Airport in Texas, in which TSA employees detected suspicious material in a passenger's carry-on bags. (Case Number TSA12-0060).
- On October 25, 2011, **Alison Gendar**, a staff writer with the ***New York Daily News***, ***Washington Bureau*** in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) copies of the supporting financial documents used in the OIG report #08-21 entitled *A Review of the World Trade Center Captive Insurance Company*. (Case Number OIG 2012-015).
- On October 25, 2011, **Amy Gooden**, a representative of the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) correspondence from the office of Senator Kirsten Gillibrand (NY-D) from January 2010 through October 25, 2011. (Case Number DHS/OS/PRIV 12-0032).
- On October 17, 2011, **Jonathan Clements,** a crime correspondent with **Independent Television News** in London, England, requested from U.S. Immigration and Customs Enforcement (ICE) all records of correspondence since January 2008 between ICE officials and law enforcement agencies in the United Kingdom regarding the smuggling and/or illegal exportation of firearms from the United States into the United Kingdom through Raleigh-Durham International Airport, in North Carolina (Case Number ICE 2012FOIA00898).
- On October 17, 2011, **Jonathan Clements,** a crime correspondent with **Independent Television News** in London, England, requested from U.S. Immigration and Customs Enforcement (ICE) all records of correspondence between ICE officials and law enforcement agencies in the United Kingdom regarding the investigation into a named individual, who pleaded guilty in Federal Court in March 2011 to charges of smuggling firearms from Raleigh, North Carolina, into the United Kingdom. (Case Number ICE 2012FOIA00900).
- On October 17, 2011, **Jonathan Clements,** a crime correspondent with ***Independent Television News*** in London, England, requested from U.S. Immigration and Customs Enforcement (ICE) all records relating to the discovery and/or recovery of firearms and/or explosives in baggage, luggage, or on the persons of passengers on flights from the United States into the United Kingdom since January 2010. (Case Number ICE 2012FOIA00901).
- On October 26, 2011, **Christopher Chestnut**, an attorney with **The Chestnut Firm** in Gainesville, Florida, requested from the Transportation Security Administration (TSA) all reports regarding a named individual and copies of all reports regarding security breaches, incident reports, transportation intelligence assessments, notes, and

gazettes for the past five years at Charlotte/Douglas International Airport in North Carolina. (Case Number TSA12-0063).

- On October 27, 2011, **Cyndee Hebert**, a producer with ***13 Investigates/Special Projects, WTHR-TV-Indianapolis*** in Indianapolis, Indiana, requested from U.S. Customs and Border Protection (CBP) an electronic spreadsheet of items seized by customs at the Indianapolis International Airport and the FEDEX facility, both in Indianapolis, Indiana. (Case Number FOIA 2012F02413).

Late requests

- On September 2, 2011, **Anthony T. Eliseuson**, an attorney, with the ***Heartland Alliance National Immigrant Justice Center (NIJC)*** located in Chicago, Illinois, requested from United States Citizenship and Immigration Services (USCIS) documents related to lists of Tier III terrorist organizations including: 1) a copy of the list of Tier III terrorist organizations kept by USCIS as referred to in *Ahmed y. Scharfen***,** No. 08-1680 (N.D. Cal.); 2) a copy of each subsequent list of Tier III terrorist organizations kept by USCIS after the list referenced in that lawsuit; 3) all documents produced by the USCIS, DHS, or any other subcomponent of DHS in the referenced lawsuit; 4) any documents listing or describing organizations which have been designated Tier III terrorist organizations but which have yet to be used as a basis of inadmissibility against an applicant; 5) all internal reports, memoranda, studies, analyses, policy statements, policy manuals, guides, training materials, or communications, including email, that discuss the Tier III terrorist organization ground of inadmissibility; the use, interpretation or implementation, and criteria, justification, or reason for determining whether to classify an organization as a Tier III terrorist organization ground of inadmissibility, including but not limited to the June 1, 2007 the interoffice memorandum sent by Joseph E. Langlois Chief, Asylum Division, Office of Refugee, Asylum, and International Operations; 6) a copy of the "general index of the records" required by 5 U.S.C. §552(a)(2)(E); 7) a copy of any index or indices of documents containing a title, heading, category, or subcategory that includes documents relating to Tier III terrorist organizations or the Tier III terrorist organization grounds of inadmissibility; 7) documents related to the Consolidated Appropriations Act of 2008, 8) any documents demonstrating that only employees, officers, or officials of DHS, USCIS, or U.S. Immigration and Customs Enforcement (ICE) with classified or security status have been provided with access to the list of Tier III terrorist organizations or other allegedly classified information regarding the Tier III terrorist organization grounds of inadmissibility; 9) copies of any other FOIA requests received seeking information regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE while they were so employed; 10) all statements of policy and interpretations that have been adopted by the agency and are not published in the *Federal Register* relating to Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations; 13) administrative staff manuals and instructions to staff that affect a member of the public relating to Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations; 14) copies of any list or index describing statements of policy

and interpretations that have been adopted by the Agency and are not published in the *Federal Register*, and administrative staff manuals and instructions to staff that affect a member of the public created by or in the possession of the agency; 12) documents related to the process by which Tier III terrorist organizations are defined; 13) any documents reflecting the total number of occasions when the Tier III terrorist organization grounds of inadmissibility has been raised, including any documents reflecting or relating to the number of occasions or frequency with which each service center, local office, or DHS-ICE Office of Chief Counsel has raised the Tier III terrorist organization grounds of inadmissibility; 14) all completed 212(a)(3)(B) Exemption Worksheets, as well as any documents concerning the completion and submission of these worksheets, including but not limited to, instructional materials, memoranda, lists, reports, directives, correspondence, data, statistics, or internal guidelines, whether in letter or electronic form; 15) copies of any reports, memoranda, spreadsheets, or other documents provided by the agency to any Congressional committee, including the House and Senate Judiciary Committees, or any members or staff regarding Tier III terrorist organization grounds of inadmissibility or Tier HI terrorist organizations; 16) all documents, communications, and emails between DHS, USCIS, and ICE, and any member of the United States Congress, including both elected Representatives, Senators, their staff, and any committees or subcommittees specifically discussing or referencing the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations; 17) all documents demonstrating that each and every organization or group listed, defined, labeled or described as Tier III terrorist organization by DHS, USCIS, or ICE has in fact engaged in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv) of that section; 18) documents related to Senate Hearing 109-918, Aiding Terrorists: An Examination of the Material Support Statute, May 5, 2004; 19) any email, report, or communication from any DHS, USCIS, ICE, the DHS Office of Inspector General (OIG) or other DHS subcomponent employee, official, or officer, related to the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE; 20) all documents associated with any investigation or inquiry deemed to be entitled to whistleblower protection or falling under the No FEAR Act, or other similar non-retaliation statute, policy or practice, regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE; 21) all documents listing employees, officers, or officials of DHS, USCIS, or ICE that have been fired, terminated, laid off, or who voluntarily left their employment, who would have had knowledge regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE while they were so employed; 22) all documents or communications between the DHS Office of Chief Counsel or the ICE Office of Chief Counsel and USCIS service centers or local offices regarding the Tier HI terrorist organization grounds of inadmissibility or Tier III terrorist organizations; 23) any correspondence, including emails and interoffice memoranda, between DHS and

any other representative of the United States Government and between DHS and any person or entity other than a representative of the United States Government regarding the substantive criteria or procedural guidelines used to determine whether an organization constitutes a Tier III terrorist organization; and 24) any documents relating to communication with the media concerning the Tier HI terrorist organization grounds of inadmissibility or Tier III terrorist organizations, including internal communications regarding media inquiries. (Case Number USCIS COW2011000776).

- On October 10, 2011, **Jennifer Kay**, a reporter with ***The Associated Press*** in Miami, Florida, requested from the United States Coast Guard (USCG) copies of audio and video files recorded by the USCG during the rescue of seven boaters whose vessel capsized off the Florida Keys on October 8, 2011. (Case Number USCG 2012FOIA0264).
- On October 12, 2011, **Jason Smathers**, a blogger with ***MuckRock.com*** in Somerville, Massachusetts, requested from the United States Citizenship and Immigration Services (USCIS) all records on, about, mentioning or concerning the FOIA request NRC2009051346. (Case Number USCIS COW2011000925).
- On October 17, 2011, **R. Terry Butler**, a lawyer with the **Florida Department of Financial Services** in Tallahassee, Florida, requested from the United States Coast Guard (USCG) copies of all Claim Summaries and Determination Forms issued by the National Pollution Funds Center (NPFC) for Oil Spill Liability Trust Fund claims for loss of profits or impairment of earning capacity due to the Deepwater Horizon oil spill that were filed by individuals or businesses located in Florida. (Case Number USCG 2012FOIA0280).
- On October 19, 2011, **David Hovar**, an individual in Chicago, Illinois, requested from the Department of Homeland Security (DHS) copies of data on deportation of illegal immigrants since 1990. (Case Number DHS/OS/PRIV 12-0030).
- On October 19, 2011, **Christopher L. Markham**, an attorney with **The Law Office of Christopher L. Markham** in Rockville, Maryland, requested from the Department of Homeland Security (DHS) any documents dating from January 1, 2011, through August 24, 2011, containing administrative directives, memoranda, policy statements, white papers, executive summaries, and interoffice communications between the Department of Justice (DOJ) and DHS or any of its components, pertaining to the Prosecutorial Discretion Policy through which DOJ and DHS will create a joint commission to review 300,000 existing deportation cases to identify immigrants that are not high priority cases for removal. (Case Number DHS/OS/PRIV 12-0033).
- On October 21, 2011, **Manuel Roig-Franzia**, a journalist with ***The Washington Post*** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) all Alien File material relating to a named individual. (Case Number COW2011000959).
- On October 21, 2011, **Manuel Roig-Franzia**, a journalist with ***The Washington Post*** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS), Alien File material relating to a named individual. (COW2011000960).

- On October 26, 2011, **Jeff Hampton**, a reporter with ***The Virginian-Pilot*** in Newport News, Virginia, requested from the United States Coast Guard (USCG) a copy of the investigation that determined the cause of an HH 60 Jayhawk helicopter crash in Utah on March 2, 2010. (Case Number USCG 2012FOIA0289).

III. FOIA Releases

- On October 21, 2011, the United States Citizenship and Immigration Services (USCIS) issued to **Robert Deasy**, Director, Liaison and Information, with the **American Immigration Lawyers Association National Office (AILA),** in Washington, DC, a no records determination in response to his request seeking all guidance issued by USCIS including but not limited to instructions, training materials, memoranda and standard operating procedures that explain when USCIS will adopt U.S. Customs and Border Protection's (CBP) interpretation of facts and laws and deny L-1 petitions forwarded to USCIS by CBP without a Request for Evidence or Notice of Intent to Deny. (Case Number USCIS COW2010000630).
- On October 25, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, 43 pages of material responsive to his request seeking the following records: a) information the appointment of individuals to schedule C positions at USCIS; and b) USCIS' response to FOIA request COW2011000459, seeking copies of resumes of all persons employed as Senate-confirmed presidential appointments by the agency from August 15, 2009, to May 15, 2011. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6). (Case Number USCIS COW2011000907).
- On October 25, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928**, in Lincoln, Nebraska, 767 pages of resumes and application materials of hired applicants responsive to his request for copies of eligible applicants resumes, rankings/scores, ranking and scores related to interviews, ranking and scores related to personal references and all correspondence relating to vacancy CIS-422877-NSC. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2) and (b)(6). (Case Number USCIS HQS2011000074).
- On October 25, 2011, the Department of Homeland Security (DHS) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 58 pages consisting of a DHS Office of Public Affairs staff directory responsive to his request for the same. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 12-0017).
- On October 26, 2011, U.S. Customs and Border Protection (CBP) released to **Deborah Sherman,** a reporter with ***9NEWS, KUSA-TV*** in Denver Colorado, a spreadsheet responsive to her request for contraband data from seized at Denver International Airport in Denver, Colorado, and Colorado Springs International Airport in Colorado Springs, Colorado, from 2003 through October 3, 2011. These records were released in full. (Case Number CBP 2012F01688).
- On October 26, 2011, Department of Homeland Security (DHS) released to **Steven Emerson**, President of **SAE Productions** in Washington DC, 45 pages of email and

memos responsive to his request for documents related to a meeting held in September 2011 between the Tampa Chapter of the Council on American Islamic Relations (CAIR) and DHS to discuss civil rights concerns of the Florida Muslim Community, specifically: 1) copies of any reports, memos, emails or other internal DHS documents related to the meeting; 2) any documents identifying participants of the meeting and their organizational affiliation and any evaluation forms/reports executed by program participants in agency possession; 3) copies of any attendee evaluation forms/documents that may have been prepared resulting from this session (minus attendee identity information, if deemed necessary); and 4) copies of any audio and/or video presentations/recordings used during the meeting. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 11-1324).

- On October 27, 2011, The Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a staff writer with the ***Center for Investigative Reporting*** in Berkeley, California, a one page interim response pursuant to his request seeking photographs of specifically named U.S. Customs and Border Protection (CBP) employees who were arrested, charged, convicted and/or sentenced on corruption-related charges in addition to an Excel spreadsheet including the names and additional information about all CBP employees arrested, charged, convicted and/or sentenced on corruption-related charges from March 1, 2003, to the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C). (OIG Case Number 2012-002).
- On October 28, 2011, the United States Citizenship and Immigration Services (USCIS) issued to **Rolo Duartes**, a reporter with ***Univision*** in Washington, DC, a full denial of 239 pages of material consisting of a named individual's Alien File. These pages were withheld in full pursuant to FOIA Exemption (b)(6). (Case Number NRC2011052201).
- On October 28, 2011, the Department of Homeland Security (DHS) released to **Jason Smathers**, a blogger with **Witnesses Unto Me** in Topock, Arizona, 118 pages of template letters and language paragraphs responsive to his request for records that contain the standard language or template paragraphs used by DHS for responses to FOIA requests and FOIA appeals. These records were released in full. (Case Number DHS/OS/PRIV 12-0025).

IV. FOIA Appeals

- On October 7, 2011, **Emily Willard**, a researcher with the **National Security Archive** in Washington, DC, appealed the response by U.S. Customs and Border Protection (CBP) to her request for records related to "Operation Streamline," including but not limited to policy protocol guidelines, criminal proceedings, and criteria for discretionary "lateral repatriation." In response to the initial request, CBP released five (5) pages in full and four (4) pages with redactions pursuant to Exemptions (b)(6), (b)(7)(C) and (b)(7)(E), and withheld two (2) pages in full pursuant to Exemption (b)(5). (Case Number CBP H189715).

- On October 16, 2011, **Jason Smathers**, a blogger with **Muckrock.com**, in Somerville, Massachusetts, appealed the response by U.S. Customs and Border Protection (CBP) to his request for the contents of the "My Documents" folder on the CBP FOIA Division Director's workstation and laptop computers. In response to the initial request, CBP responded that no responsive records were located. (Case Number CBP 190596).
- On October 23, 2011, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, appealed the assessment of fees by U.S. Customs and Border Protection (CBP) related to his request for all "talking points" on the computer of the CBP Office of Trade Relations Senior Advisor for Trade or any person directly or indirectly working for her. The requester alleges that CBP is not allowed to charge fees for search time because CBP failed to respond within the statutory time limit. (Case Number CBP 190575).

V. FOIA Appeals Releases

- NSTR

VI. Lawsuits

- In the matter of *National Immigration Project of the National Lawyers Guild v. U.S. Department of Homeland Security*, (1:11-cv-03235-UA), in which plaintiffs contested the denial of their fee waiver request and claimed constructive denial with regard to a FOIA request filed on December 17, 2009, seeking documents relating to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings, on October 24, 2011, U.S. Immigration and Customs Enforcement (ICE) released 111 pages of responsive records from the Office of the Principal Legal Advisor.
- In the matter of *National Day Laborer Organizing Network (NDLON), et al. v. U.S. Immigration and Customs Enforcement (ICE)*, (S.D.N.Y. 10-3488), in which Plaintiffs claimed constructive denial and that ICE improperly denied their requests for a fee waiver and for expedited processing with regard to a FOIA request filed February 19, 2010, seeking records relating to the Secure Communities program, on October 24, 2011, ICE released to Plaintiffs 801 pages of responsive records from the Office of Enforcement and Removal Operations pursuant to their Final Production List(This release was provided directly from Defense counsel to the Plaintiffs, without cover from the ICE FOIA office.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of October 29 – November 4, 2011
Privacy Office
November 7, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On November 1, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Library a document titled Detainee Deaths – October 2003 through October 31, 2011.

II. **FOIA Requests**

- On October 31, 2011, **Jason Leopold**, Deputy Managing Editor with ***Investigative Reporter Truthout.org*** in Beverly Hills, California, requested from the Department of Homeland Security (DHS) all emails, memoranda, letters, audio/video recordings, transcripts, and reports, including Threat Assessments, related to the protest movement known as "Occupy Wall Street," from August 1, 2011, through October 31, 2011. (Case Number DHS/OS/PRIV 12-0048).
- On October 31, 2011, **Randy Herschaft**, a reporter with ***The Associated Press*** in Washington, DC, requested from the Department of Homeland Security (DHS) all correspondence to and from Texas Governor Rick Perry (R) or the Office of Texas Governor Rick Perry from December 21, 2000, through the present. (Case Number DHS/OS/PRIV 12-0049).
- On November 1, 2011, **Senator Robert Menendez** (D-NJ) in Newark, New Jersey, requested from the Department of Homeland Security (DHS) copies of any and all documents DHS has in its files containing, referring to, or relating to his Senate office, including copies of all correspondence, including all letters, records, documents and electronic records from January 1, 2007, through the present. (Case Number DHS/OS/PRIV 12-0052).
- On November 1, 2011, **Simon Sandoval-Moshenberg,** a staff attorney with the **Legal Aid Justice Center** in Falls Church, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) all records that were prepared, received, transmitted, collected and/or maintained by ICE relating to the detention and death of Anibal Ramirez-Ramirez. (Case Number 2012FOIA01084)
- On November 1, 2011, **Patricia Randle,** Supervisory Attorney, Women's and Fair Practices Departments, with **The American Federation of Government Employees (AFGE), AFL-CIO** in Washington, DC, requested from the Transportation Security Administration (TSA) a variety of information regarding TSA's performance review system, known as the Performance Accountability and Standards System (PASS), including: 1) all information containing the Transportation Security Administration's (TSA) salary rates by airport locations for Transportation Security Officers (TSOs), Lead Transportation Security Officers (LTSOs), Master TSO Behavior Detection Officers (BDOs), Expert TSOs -BDOs, Master TSOs -Security Training Instructors

(STIs), Expert TSOs -STIs, Supervisory Transportation Security Officers (STSOs), and Transportation Security Managers (TSMs), employed during the period of 2011; 2) TSA's operating procedures regarding promotions, pay determinations, and assignment of duties for all employees evaluated under the Performance Accountability & Standards System (PASS) during the period of20 11; 3) criteria used to determine promotions during the period of 20 11; 4) criteria used to determine awards during the period of 2011; 5) criteria used to determine assignment of collateral duties during the period of 2011; 6) the means and methods used to determine a score under PASS during the period of 2011; 7) instructions, written guidance, and standards provided to persons responsible for administering PASS; 8) the aggregate and segregable pass/fail rate data by salary rate, airport location, and job position for all employees evaluated under PASS in 2011; 9) disclose the aggregate and segregable pass/fail rate data for all employees evaluated under PASS in 2011 by race, color, and national origin; 10) the aggregate and segregable pass/fail rate data for any written test administered under PASS for all employees evaluated under PASS in 2011 by race, color, and national origin; 11) the aggregate and segregable pass/fail rate data for any written evaluation administered under PASS for all employees evaluated under PASS in 2011 by race, color, and national origin; 12) all measures used to eliminate bias in the administration of PASS for 2011; and 13) all measures used to eliminate any disparate impact based on by race, color, and national origin in the administration of PASS. (Case Number TSA12-0073).

- On November 2, 2011, **Scott MacFarlane**, a reporter with ***COX TV*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all grant requests received by DHS and any of its sub-agencies in 2011 from representatives or on behalf of the following cities: 1) Charlotte, North Carolina; 2) Atlanta and Marietta, Georgia; 3) Dayton and Steubenville, Ohio; 4) Johnstown, Pittsburgh, and Altoona, Pennsylvania; 5) Wheeling, West Virginia; 6) El Paso, Texas; 7) San Francisco and Oakland, California; 8) Seattle, Washington; and 9) Las Cruces, New Mexico. (Case Number DHS/OS/PRIV 12-0055).
- On November 2, 2011, **Carly Zakin**, a producer with ***NBC*** in New York, New York, requested from the United States Coast Guard (USCG) a copy of the MISLE Case Number 572026, which was opened on October 7, 2011. (Case Number USCG 2012FOIA0357).
- On November 2, 2011, the United States Department of Commerce referred to the United States Coast Guard (USCG) records responsive to a FOIA request submitted by **John A. Farrell**, a senior reporter with **The Center for Public Integrity** in Washington, DC, for records concerning LightSquared (a/k/a Motient, SkyTerra, Mobile Satellite Ventures, etc.) and its plans for a hybrid satellite-tower wireless network from January 1, 200, through June 8, 2011. Documents referencing LightSqared as well as the following companies: Motient Corporation, SkyTerra, Mobile Satellite Ventures, Rare Medium Group, TerraStar, and Harbinger were also requested. (Case Number USCG 2012FOIA0340).

<u>Late requests</u>

- On October 26, 2011, **Rebecca Habegger**, a bureau reporter with ***KWWL TV*** in Dubuque, Iowa, requested from U.S. Immigration and Customs Enforcement (ICE) in relation to the AgriProcessors worksite enforcement operation that took place in Postville, Iowa, on May 12, 2008, the name of every person seized; their age; how long and where they were detained; their country of origin; and whether they were deported or allowed to remain in the United States. (Case Number ICE 2012FOIA01298).
- On October 27, 2011, **Emily Willard**, a researcher with **The National Security Archive** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) all documents, including memos, talking points, briefings, training manuals, internal reports, and cables concerning "Operation Knock Down," conducted on Thursday, March 18, 2010, and involving the round-up and questioning of more than 100 Azteca gang members in El Paso, Texas. (Case Number CBP FOIA 2012F02584).
- On October 27, 2011, **Laura Rotolo**, a staff attorney with the **American Civil Liberties Union (ACLU) of Massachusetts** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) records relating to an August 14, 2001, incident at Logan International Air Port in Boston, in which a named individual, a passenger on a flight from Boston to Washington, DC, was escorted off the plane by Massachusetts State Police officers and TSA agents. (Case Number TSA12-0069).
- On October 28, 2011, **Sam Fellman**, a reporter with ***The Navy Times*** in Springfield, Virginia, requested from the United States Coast Guard (USCG) a copy of records concerning an October 12, 2011, navigation incident that was reported to the USCG Sector Puget Sound Vessel Traffic Service at (VTS) 0850 that day, when the *Midnight Sun* contacted the VTS to report they were entering the vessel separation zone to avoid a Navy vessel. (Case Number USCG 2012FOIA0313).

III. FOIA Releases

- On October 19, 2011, the United States Coast Guard (USCG) released to **Randy R. Herschaft**, a reporter with **The Associated Press** in New York, New York, nine pages consisting of letters and communications that were referred by the Federal Bureau Investigation (FBI). Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C) applied by the Federal Bureau Investigation (FBI). The United States Coast Guard (USCG) did not have any additional withholdings. (Case Number USCG FOIA 2011-3737).
- On October 19, 2011, the United States Coast Guard (USCG) released to **Paul T. Muniz**, an attorney with **Burns & Levinson, LLP** in Boston, Massachusetts, 350 pages of memos and expense reports responsive to his request for copies of all invoices and supporting documentation submitted by the USCG Office of Administrative Law Judge, pursuant to the Memoranda of Agreement and any amendments, modifications or extensions. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCG FOIA 2011-3869).

- On October 28, 2011, the United States Citizenship and Immigration Services (USCIS) issued to **Rolo Duartes**, a reporter with ***Univision*** in Washington, DC, a full denial to 239 pages of records consisting of a named individual's Alien File. The records were withheld in full pursuant to FOIA Exemption (b)(6). (Case Number USCIS NRC2011052201).
- On November 1, 2011, the United States Coast Guard (USCG) released to **Ronald Campbell**, a reporter with ***The Orange County Register*** in Santa Ana, California, 480 pages consisting of an incident report, letters, medical charts, logs, and certificates responsive to his request for documents related to a fatal incident that occurred onboard the *Emma Foss o*n or about February 20, 2007, off the coast of Long Beach, California. These records were released in full. (Case Number USCG FOIA 2012-0124).
- On November 1, 2011, the United States Coast Guard (USCG) released to **Bonnie Stewart**, a reporter with ***Oregon Public Broadcasting*** in Portland, Oregon, 35 pages consisting of the incident report, case report, letters, photographs, and inspections responsive to her request for documents referred to in the April 3, 2009 Captain of the Port Order 09-031 (16700/241773) to the *Davy Crockett* Barge Master. These records were released in full. (Case Number USCG FOIA 2012-0123).
- On November 1, 2011, the U.S. Coast Guard (USCG) released to **Adam Stephan**, a reporter with ***WABC-TV*** in New York, New York, one CD ROM responsive to his request for a video of a helicopter crash in the East River on October 4, 2011. These records were released in full. (Case Number USCG [what?]).
- On November 1, 2011, the Department of Homeland Security (DHS) released to **Dave Perera**, a journalist with ***FierceHomelandSecurity*** in Washington, DC, 98 pages of DHS Chief Procurement Officer Reports on major acquisitions that have been sent to Congress as outlined in Senate Report 111-31. These records were released in full. (Case Number MGMT 12-01).
- On November 1, 2011, the Office of Inspector General (OIG) released to **Meghan Rhoad**, a researcher with Women's Rights Division for **Human Rights Watch**, in Washington, DC, 29 pages consisting of reports of investigation responsive to this request. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(C). (OIG Case Number 2011-170).
- On November 2, 2011, U.S. Immigration and Customs Enforcement (ICE) issued a full denial of records to **Jonathan Clements,** a crime reporter with ***Independent Television News*** in London, England, seeking copies of correspondence since January 2008 between ICE officials and law enforcement agencies in the United Kingdom (UK) regarding the smuggling and/or illegal exportation of firearms from the US to the UK through Raleigh-Durham International Airport in North Carolina. (Case Number ICE 2012FOIA00898).
- On November 3, 2011, 2011, the Office of Inspector General (OIG) released to **Russell Carollo**, a journalist in Pueblo, Colorado, an excel spreadsheet with travel reimbursement records for 2009 through 2011. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number OIG 2012-008).

- On November 3, 2011, the United States Citizenship and Immigration Services (USCIS), issued a no records response to **Mike Wereschuagin**, a reporter with ***The Pittsburgh Tribune-Review*** in Pittsburgh, Pennsylvania, pertaining to his request for an accounting of legal expenses charged to the agency for services involving Congressional testimony, hearings, investigations, and inquiries from 2000 through the request's cut-off date. (Case Number USCIS COW2011000222).
- On November 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Robin Stein,** a producer with ***Dan Rather Reports***, in New York, New York, a list of all SEVIS employees from Fiscal Year 2005 to the present and data on visa holders. These records were released in full. (Case Number ICE 2012FOIA00001). NB: This case did not go through 1-day notification process

IV. FOIA Appeals

- NSTR

V. FOIA Appeals Releases

- NSTR

VI. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of November 5– 11, 2011
Privacy Office
November 14, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items: .

- On November 4, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website Department of Homeland Security (DHS) Secretary Napolitano's extension of Temporary Protected Status (TPS) for eligible nationals of Nicaragua for an additional 18 months, running from January 6, 2012 through July 5, 2013. Nicaraguan beneficiaries seeking to extend their TPS status must re-register during a 60-day period that runs from November 4, 2011 through January 5, 2012. Additional information on TPS for Nicaragua, including guidance on the application process and eligibility, is available at http://www.uscis.gov/tps.
- On November 4, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website Department of Homeland Security (DHS) Secretary Napolitano's extension of Temporary Protected Status (TPS) for eligible nationals of Honduras for an additional 18 months, running from January 6, 2012, through July 5, 2013. Honduran beneficiaries seeking to extend their TPS status must re-register during a 60-day period that runs from November 4, 2011, through January 5, 2012. Additional information on TPS for Honduras, including guidance on the application process and eligibility, is available at http://www.uscis.gov/tps.
- On November 9, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft policy memorandum "EB-5 Adjudications Policy" on its public website for stakeholder review and comment. The review period closes on November 25, 2011.

II. **FOIA Requests**

- On November 8, 2011, **Jason Sillman,** a reporter with **Fox News** in Phoenix, Arizona requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the department report and related material pertaining to the investigation and subsequent arrest of an ICE deportation officer in Pinal County, Arizona, on October 18, 2011. (Case Number 2012FOIA01384).
- On October 20, 2011, **Mony Ruiz-Velasco**, Director of Legal Services with the **National Immigrant Justice Center** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) electronic records from DHS's databases for all cases where prosecutorial discretion has been considered, exercised, and/or requested, from January 1, 2010, including a) the immigration court which handled the case; b) the immigration judge(s) assigned to the case; c) the time period the case was assigned to each individual court listed; d) the time period the case was assigned to individual judge listed; e) the date the case was transferred to the non-detained docket; t) the custody history for each individual, including date detained and date released; g) an electronic record of whether

any EOIR-28 forms were filed in the case; h) the date of the filing of E-28(s) by attorney(s) or representative(s), if any; i) an electronic record of whether any G-28 forms were filed in the case; j) the date of the filing of G28(s) by attorney(s) or representative(s), if any; k) the end date of representation for each attorney; I) the ate of initiation of removal proceedings; m) the date of the first master calendar hearing, if any; n) the date of the conclusion of removal proceedings; o) forms of relief (if any) which were sought in the case; p) whether those relief applications were granted or denied; q) the date prosecutorial discretion was requested for each case; r) a record indicating which party made the request for prosecutorial discretion; s) the date of the decision regarding request for prosecutorial discretion; t) as to each case, the final outcome in removal case; u) the date of final outcome in removal case; v) a number for each individual respondent; w) the nationality of each individual/ respondent; x) the month and year of birth of each individual/ respondent; y) the gender of each individual/ respondent; z) for each individual case, please indicate whether any of the following factors were taken into consideration in the exercise of prosecutorial discretion:

i) whether the person has an outstanding deportation or removal order;
ii) whether the person has a record of illegal re-entry into the U.S.;
iii) whether the person graduated from a U.S. high school or has successfully pursued or is pursuing a college degree at a legitimate institution of higher education in the U.S.;
iv) whether the person has a U.S. citizen or permanent resident spouse, child, or parent;
v) whether the person has a U.S. citizen same-sex partner or spouse;
vi) whether the person is likely to be granted temporary or permanent status or other relief from removal, including as an asylum seeker, a victim or domestic violence, human trafficking or other crime; and
vii) whether the person has immediate relatives who are veterans or members of the U.S. armed forces. (Case Number ICE 2012FOIA01406).

- On November 8, 2011, **Penny Star**, a reporter with ***CNS News***¸ in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) information about Other than Mexicans (OTMs) from 14 countries—Cuba, Sudan, Syria, Iran, Afghanistan, Algeria, Iraq, Lebanon, Libya, Nigeria, Pakistan, Saudi Arabia, Somalia, and Yemen—that have been in ICE custody, including the number of OTM cases handled by ICE for 2010 and 2011 and the status of those cases. (Case Number 2012FOIA01408).
- On November 10, 2011, **Audra Parker**, President and CEO with **Save Our Sound** in Hyannis, Massachusetts, requested from the United Stated Secret Service (USSS) visitor logs for the White House from January 21, 2009 through the cut-off date of the request, specifically Workers and Visitors Entry System and Access Control Records System (WAVES) records of any person, official, or agent who visited on the behalf of the proposed offshore wind farm, Cape Wind, including Energy Management Inc., Ess Group, Inc., DLA Piper, and Cape Wind Associates, LLC. (Case Number USSS 11-10-11).

<u>Late requests</u>

- On October 27, 2011, **Lisette Garcia**, Senior Investigator, with **Judicial Watch,** in Washington, DC, requested from the Transportation Security Administration (TSA) a copy of its FOIA logs from January 20, 2009 through the present. (Case Number TSA12-0081).
- On October 28, 2011, **Ryan Jham** with the **Democratic Congressional Campaign Committee**, in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS), any records concerning an E-Verify Memorandum of Understanding (MOU) involving either the following company or address located at St Giuseppe's, Inc., at 2525 53rd Street, Moline, Illinois 61265. (Case Number COW2011001003).
- On November 1, 2011, **Yang Want**, a reporter with the ***Houston Chronicle***, in Houston, Texas, requested from the United States Citizenship and Immigration Services (USCIS), an electronic listing of Immigrant Investment Program (EB-5) forms I-526, I-485, DS-230 and I-829 petitioners' information and projects invested since the inception of the program. (COW2011000986).

III. FOIA Releases

- On September 30, 2011, the Transportation Security Administration (TSA) released to **David Beard** of Washington, DC, 183 pages responsive to his request for correspondence between TSA and **Representative Pat Tiberi** (R-OH) or his staff. Portions of this response were withheld pursuant to FOIA exemptions (b)(2) and (b)(6). (Case Number TSA10-0439).
- On November 4, 2011, the U.S. Coast Guard (USCG) released to **Randy R. Herschaft**, a reporter with ***The Associated Press*** in New York, New York, nine pages of material consisting of letters and communications responsive to his request seeking copies of all remaining sections/volumes for information on the increase of U.S. security pertaining to potential Arab terrorist activities. No exemptions were applied. (Case Number 2011FOIA3737).
- On November 4, 2011, the U.S. Coast Guard (USCG) released to **Paul T. Muniz,** an attorney with **Burns & Levinson, LLP**, in Boston, Massachusetts, 350 pages of materials consisting of memos and expense reports responsive to his request for copies of all invoices and supporting documentation submitted by the USCG Office of Administrative Law Judge, pursuant to the Memoranda of Agreement and /of any amendment, modification or extensions. Certain information was withheld pursuant to FOIA exemption (b)(6). (Case Number 2011FOIA3869)
- On November 8, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Russell Carollo**, an individual from Pueblo, Colorado, an Excel spreadsheet containing DHS OIG employee travel data responsive to his request for copies of all databases containing information related in any way to travel by DHS employees and/or financed by DHS. Redactions were made pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number OIG 2012-008).
- On November 9, 2011, the Department of Homeland Security (DHS) released to **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, New York, 38 pages of correspondence logs from the Enterprise Correspondence Tracking System (ECT) responsive to his request for copies of correspondence between DHS and

Texas Governor Rick Perry since December 21, 2000. Portions of the response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 12-0049).

- On November 11, 2011, the United States Coast Guard (USCG) released to **Terry Butler**, an attorney with the **Florida Department of Financial Services** in Tallahassee, Florida, 1475 pages of records responsive to his request seeking copies of all claim summaries and determination forms issued by the National Pollution Funds Center (NPFC) for Oil Spill Liability Trust Fund claims for loss of profits or impairment of earning capacity that were filed by individuals or businesses located in Florida due to the Deepwater Horizon oil spill. The records were released in full. (Case Number FOIA 2012-0280).
- On November 11, 2011, the United States Coast Guard (USCG) released to **Sam Fellman**, a reporter with the ***Navy Times*** in Springfield, Virginia, two pages consisting of a case report responsive to his request seeking records concerning or relating to an October 12, 2011, navigation incident that was reported to the USCG Sector Puget Sound Vessel Traffic Service (VTS) at 0850 that day when the *Midnight Sun* contacted VTS to report it was entering the vessel separation zone to avoid a Navy vessel. The records were released in full. (Case Number FOIA 2012-0313).
- On November 14, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jason Cherkis**, a reporter with ***The Huffington Post*** in Washington, DC, four pages of records responsive to his request seeking information relating to the number of people currently being detained by ICE, as well as the crime committed and what threat level ICE assigned to the crime. The release includes a memo related to civil immigration enforcement and a spreadsheet containing detainee data for the current detained population by ICE threat level, portions of which were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number 2012FOIA0004).

IV. FOIA Appeals

- NSTR

V. FOIA Appeals Releases

- NSTR

VI. Lawsuits

- In the matter of *National Day Laborer Organizing Network (NDLON), et al., v. U.S. Immigration and Customs Enforcement (ICE)* (S.D.N.Y. 10-3488) in which Plaintiffs claimed constructive denial and that ICE improperly denied their requests for a fee waiver and expedited processing with regard to a FOIA request filed February 19, 2010, seeking records relating to the Secure Communities program, ICE released to Plaintiffs 801 pages of responsive records from the Office of Enforcement and Removal Operations on October 24, 2011. This release, prepared pursuant to the Final Production List, was provided directly from Defense Counsel without cover from the ICE FOIA office.
- In the matter of *National Immigration Project of the National Lawyers Guild v. U.S. Department of Homeland Security*, in which Plaintiffs contested the denial of their fee waiver request and claimed constructive denial with regard to a FOIA request filed on

December 17, 2009, seeking documents relating to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings, ICE released 314 pages of responsive records from the ICE Office of the Principal Legal Advisor on November 7, 2011.

- In the matter of *WeCount! Inc. v. U.S. Department of Homeland Security*, (1: 11-cv-00143-RMC) in which Plaintiff claimed improper exemptions applied to the responsive records regarding a FOIA request filed November 27, 2009, seeking records relating to criminal and/or civil enforcement actions against sex-trafficking conducted by U.S. Immigration and Customs Enforcement (ICE) on or between November 18 through November 19, 2008, in Miami Dade, Broward, and Palm Beach Counties, Florida, ICE released to Plaintiffs 308 pages of responsive records from the Office of Homeland Security Investigations on November 8, 2011.
- In the matter of *American Immigration Council v. DHS and United States Citizenship and Immigration Services (USCIS),* (1:11-cv-01971), the Legal Action Center American Immigration Council in Washington, DC, filed a lawsuit to compel the release of records relating to noncitizen's access to counsel before USCIS (D.D.C. filed Nov. 8, 2011).
- In the matter of *Perez-Rodriguez v. DOJ, et al.,* in which Plaintiff claimed constructive denial with regard to a FOIA request filed on December 14, 2010, seeking records relating to himself, U.S. Immigration and Customs Enforcement (ICE) released 3,363 pages of responsive records on November 9, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of November 12 – 18, 2011
Privacy Office
November 21, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On November 15, 2011, the United States Citizenship and Immigration Services (USCIS), Service Center Operations Directorate invited interested parties to participate in a national teleconference. The topic for the engagement was Form I-765, Application for Employment Authorization, and Form I-131, Application for Travel Document. This engagement was hosted by the Texas Service Center and the Nebraska Service Center. The call focused primarily on the combination advance parole employment authorization card (commonly known as the "combo card"), Optional Practical Training (OPT) for academic students, and other updates.

II. **FOIA Requests**

- On November 14, 2011, **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, New York, requested from the Department of Homeland Security (DHS) all correspondence to and from Governor Rick Perry (R-TX) or the Office of Texas Governor Rick Perry as identified in the Rick Perry correspondence log released in response to DHS/OS/PRIV 12-0049 from December 21, 2000, to the cut-off date of this request. (Case Number DHS/OS/PRIV 12-0082).
- On November 15, 2011, **John Cook**, investigative editor with ***Gawker Media*** in Brooklyn, New York, requested from the Department of Homeland Security (DHS) all records concerning DHS assistance to local and state law enforcement concerning the "Occupy" movement, including the following: 1) DHS intelligence assessments regarding the movement(s); 2) email, memoranda, notes, minutes of meetings, or any other written records concerning DHS advice or assistance to local or state law enforcement on how to handle the movement; 3) records concerning detailing of DHS personnel or equipment to cities or jurisdictions dealing with the movement; and 4) records of conference calls or email conversations organized or joined by DHS or DHS personnel to coordinate local law enforcement actions concerning the movement. (Case Number DHS/OS/PRIV 12-0084).
- On November 15, 2011, **Jason Leopold**, deputy managing editor and investigative reporter with ***Truthout.org*** in Beverly Hills, California, requested from the Department of Homeland Security (DHS) the following records: 1) all email, memoranda, letter, audio/video, transcript, reports, including threat assessments, related to a movement entitled "U.S. Day of Rage"; 2) any correspondence, including email, memoranda, transcripts, reports, and threat assessments, among DHS personnel, branch divisions in other states, and law enforcement agencies, including the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), and local police personnel related to the protest movement and/or organization/group

known as "U.S. Day of Rage"; and 3) any reports, including threat assessments, prepared by DHS on the protest movement known as "U.S. Day of Rage." (Case Number DHS/OS/PRIV 12-0079).

- On November 15, 2011, **Kriss Perras Running Waters**, publisher and editor of ***Malibu Arts Journal Magazine*** in Malibu, California, requested from the Department of Homeland Security (DHS) access to electronic, recorded, and written records from DHS and its representatives to individual governors and mayors nationwide regarding decamping any site known generally as an "Occupy Wall Street" site, or an "Occupy" site, in each of the individual cities where this alleged communication took place, e.g., communications with the Governor of New York, the mayors of New York City, New York, and Oakland, California; communications with the White House and White House staff regarding the decampment of any Occupy site nationwide; and communications with the Federal Bureau of Investigation (FBI) regarding the decampment of any Occupy site nationwide. (Case Number DHS/OS/PRIV 12-0080).
- On November 16, 2011, **Grace Wyler**, a reporter with ***Business Insider*** in New York, New York, requested from the Department of Homeland Security (DHS) any email communication, call transcripts, meeting schedules, or memos, including 1) all records of communication, consultation, or coordination with local law enforcement and elected officials regarding the Occupy Wall Street movement and protests; 2) any internal communication related to the movement and protests; and 3) any records related to breaking up or controlling the protests from September 15, 2011 through November 16, 2011, in New York City and Buffalo, New York; Oakland, Los Angeles, Sacramento, San Diego, San Francisco, and San Jose, California; Boston, Massachusetts; Denver, Colorado, Washington, DC; Atlanta, Georgia; Chicago, Illinois; Indianapolis, Indiana; Baltimore, Maryland; St. Louis, Missouri; Las Vegas, Nevada; Charlotte, North Carolina, Portland and Eugene, Oregon; Cincinnati, Ohio; Philadelphia and Pittsburgh, Pennsylvania; Providence, Rhode Island; Austin, Dallas, and Houston, Texas; Seattle, Washington; and Salt Lake City, Utah. (Case Number DHS/OS/PRIV 12-0080).

<u>Late requests</u>

- On November 3, 2011, **Betsy M. Isenberg**, Deputy Attorney General with **the State of Indiana** in Indianapolis, Indiana, requested from United States Citizenship and Immigration Services (USCIS) the following public final policies, handbooks, directives, and other records from 2008 through 2011 pertaining to: 1) the amount and allocation of funds utilized for the enforcement of immigration laws by USCIS in the State of Indiana; 2) the number of personnel utilized by USCIS exclusively for the enforcement of immigration laws in Indiana; 3) the number of authorized immigrant population currently in Indiana; 4) the number of U.S. Immigration and Customs Enforcement (ICE) detainers or apprehensions that took place in Indiana; 5) proceedings brought against aliens apprehended or domiciled in Indiana; 6) the budget for the ICE 287(g) program from 2008 through 2011; 7) the amount of money spent by USCIS on training local and state officers participating in the 287(g) program; 8) the number of application for the 287(g) program received by USCIS

from state and local governments agencies in Indiana; and 9) to illegal activities or crimes committed by members of the unauthorized population in Indiana. (Case Numbers COW2011001020 and DHS/OS/PRIV 12-0064).

- On November 10, 2011, **Betsy M. Isenberg,** Deputy Attorney General with **the State of Indiana**, requested from U.S. Customs and Border Protection (CBP) the following public final policies, handbooks, directives, and other records from 2008 through 2011 pertaining to: 1) public, final policies, handbooks, directives, and other records pertaining to the amount and allocation of funds utilized for the enforcement of immigration laws by CBP in the State of Indiana; 2) the number of personnel utilized by CBP exclusively for the enforcement of immigration laws in the State of Indiana; 3) public, final records pertaining to the number of unauthorized immigrant population currently in Indiana; 4) the number of ICE detainers or apprehensions that took place in Indiana; 5) public, final records pertaining to the number of removal proceedings brought against aliens apprehended or domiciled in Indiana; 6) public, final policies, handbooks, directives, and other records pertaining to the budget for the ICE 287(g) program; 7) the amount of money spent by CBP on training local and state officers participating in the 287(g) program; 8) the number of applications for the 287(g) program received by CBP from state and local government agencies in Indiana; and 9) illegal activities or crimes committed by members of the unauthorized immigrant population in Indiana. (Case Number CBP 2012F03652).

III. FOIA Releases

- On November 17, 2011, the U.S. Coast Guard (USCG) issued a no records determination to **Larry W. Bryant**, a columnist for ***UFO Magazine*** in Alexandria, Virginia, in response to his request seeking a copy of the entire contents of the USCG case file created to process the requestor's March 17, 2011 FOIA request. (Case Number 2011FOIA3100).
- On November 17, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Kate Fisher**, an attorney with the **American Civil Liberties Union** in Louisville, Kentucky, three spreadsheets and a two-page document with ICE detainer and deportation statistics for the state of Kentucky. These records were released in full. (Case Number 2011FOIA14618).
- On November 18, 2011, Immigration and Customs Enforcement (ICE) released to **Azadeh Shahshahani**, an attorney with the **American Civil Liberties Union of Georgia** in Atlanta, Georgia, 40 pages of reviews and investigations that occurred at detention facilities in Georgia. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number 2012FOIA00050).
- On November 18, 2011, the United States Coast Guard (USCG) released to **Carly Zakin**, a producer with **Peacock Productions** in New York, New York, 31 pages of records including a case report, emails, flight tracks and weather reports. These records were released in full. (Case Number FOIA 2012-0357).

IV. FOIA Appeals

- On November 7, 2011, **Emily Willard**, a researcher with the **National Security Archive** in Washington, DC, appealed the response by U.S. Customs and Border

Protection (CBP) to her request seeking records concerning the training of personnel in Mexico for enhanced border protection through the Merida Initiative. CBP released two pages with redactions pursuant to Exemptions (b)(6), (b)(7)(C) and (b)(7)(E) in response to the initial request. The requester is contesting the redactions, as well as the adequacy of the search.

V. FOIA Appeals Releases

- NSTR

VI. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of November 19 – 25, 2011
Privacy Office
November 28, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On November 22, 2011, U.S. Immigration and Customs Enforcement (ICE) posted two documents to its online FOIA Library on November 22, 2011: a Case-by-Case Review of Incoming and Certain Pending Cases Memorandum and Guidance to ICE Attorneys Reviewing U.S. Customs and Border Protection (CBP), USCIS, and ICE Cases before EOIR.

II. **FOIA Requests**

- On November 18, 2011, **Brock Vergakis**, a reporter with ***The Associated Press*** in Norfolk, Virginia, requested from the United States Coast Guard (USCG) documents related to the investigation of the *Frank Drew*, which resulted in the commanding officer being permanently relieved from command in November 2011. (Case Number USCG 2012FOIA0516).
- On November 23, 2011, **Sean Dunagan**, senior investigator with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records related to the six-week pilot program in Baltimore and Denver that is scheduled to begin on December 4, 2011, and under which the immigration-related charges against certain undocumented residents may be subject to dismissal. (Case Number 2012FOIA02389).
- On November 24, 2011, **Sean Patrick O'Brien**, an attorney with the ***Illinois Criminal Justice Information Authority*** in Chicago, Illinois, requested the number of U-Visas issued for victims in the state of Illinois for either calendar or fiscal years 2010 and 2011. (Case Number USCIS COW2011001034).

<u>Late requests</u>

- On September 28, 2011, **Maria Sacchetti,** a reporter with ***The Boston Globe*** in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) the names, states of residence, and criminal status, if applicable, of all fugitive aliens with outstanding warrants for arrest by ICE. (Case Number ICE 2012FOIA02309).
- On September 28, 2011,**Maria Sacchetti**, a reporter with ***The Boston Globe*** in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) the names and last-known states of residence of convicted criminals who have been released in the United States after serving their sentences because ICE did not deport them, and the reasons why they were not deported. (Case Number ICE 2012FOIA01383).

- On September 28, 2011, **Maria Sacchetti**, a reporter with ***The Boston Globe*** in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) the names, crimes, and last known state of residence of the 2,901 convicted criminals, including 111 in New England, arrested as part of a national "Cross Check," which was announced on September 28, 2011. (Case Number ICE 2012FOIA02325).
- On November 8, 2011, **Garret Graves**, Chair of the **Coastal Protection and Restoration Authority of Louisiana** in Baton Rouge, Louisiana, requested from the United States Coast Guard (USCG) documents concerning the number of anchors purchased, the number of anchors recovered, and the post-recovery inventory of the Orphan Anchor Phase II Program. (Case Number USCG 2012FOIA0575).
- On November 10, 2011, **Jerome Corsi**, a senior staff writer with ***World Net Daily*** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS), all records on a named individual. (Case Number USCIS COW2011001072).

III. FOIA Releases

- On November 14, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jason Cherkis**, a reporter with ***The Huffington Post*** in Washington, DC, a spreadsheet and a copy of the June 30, 2011 Civil Immigration Enforcement Priority memo responsive to his request for information concerning the number of people currently being detained by ICE, those individuals' crimes, and the ICE threat level. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2012FOIA00004).
- On November 22, 2011, United States Citizenship and Immigration Services (USCIS) released to **Robert Deasy**, Director of Liaison and Information with the **American Immigration Lawyers Association** (**AILA)** in Washington, DC, six pages of data from the Central Index System Consolidated Operational Repository (CISCOR) related to the Extraordinary Ability Immigrant Program responsive to his request for information about that program. These records were released in full. (Case Number COW2010000356).
- On November 22, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jennifer Selin**, a graduate fellow with **Vanderbilt University** in Nashville, Tennessee, 296 pages of communications, including email, responsive to her request for all written communication from USCIS to the Speaker of the House, John Boehner (R-OH), or the Chair of the House Committee on Oversight and Government Reform, Darrell Issa (R-CA), between January 3, 2011 and May 15, 2011. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number NRC2011062482).

IV. FOIA Appeals

On November 10, 2011, **Lynn Oberlander**, General Counsel with ***The New Yorker*** in New York, New York, appealed the response by U.S. Customs and Border Protection (CBP) to her request for video recordings and flight records related to a raid on Tivoli Gardens in Kingston, Jamaica, that took place on May 24, 2010. In response to the initial request, CBP released three (3) pages with redactions pursuant to Exemptions (b)(6), (b)(7)(C) and (b)(7)(E), and withheld the video in its entirety pursuant to Exemptions (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E), and (b)(7)(F). (Case Number H194477).

V. FOIA Appeals Releases

- NSTR

VI. Lawsuits

- In the matter of *National Immigration Project of the National Lawyers Guild v. U.S. Department of Homeland Security* (Case 1:11-cv-03235-UA), in which Plaintiffs contested the denial of their fee waiver request and claimed constructive denial with regard to a FOIA request filed on December 17, 2009, seeking documents relating to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings, on November 14, 2011, ICE released 220 pages of responsive records from the Office of the Principal Legal Advisor.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or

prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of November 26 – December 2, 2011
Privacy Office
December 5, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- NSTR

II. **FOIA Requests**

- On November 26, 2011, **Sherry L. Moran**, an individual, requested from the Transportation Security Administration (TSA) any and all documents regarding the documentary "Please Remove Your Shoes." (Case Number TSA12-0096).
- On November 28, 2011, **Minhajul Haque**, an individual in Queens, New York, requested from the Transportation Security Administration (TSA) records pertaining to a recent case in which a passenger had her bag searched by a TSA agent, specifically the circumstances under which TSA agents are able to search bags, how it is determined whose bag is searched, and how it is determined whose bag is not searched. (Case Number TSA12-0101).
- On November 29, 2011,**Jon Campbell**, a freelance journalist in San Diego, California, requested from the Department of Homeland Security, Office of Inspector General (OIG) records relating to OIG report entitled *The State of California's Management of Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008* (OIG-11-46). (Case Number OIG 2012-023).
- On November 29, 2011, **Emily Altmann**, a researcher with **m2 Pictures** in Hampton, Virginia, requested from the United States Coast Guard (USCG) documents concerning the circumstances of the death of an individual who was pushed overboard the *Star Dancer* on or about February 14, 1988. (Case Number USCG 2012FOIA0609).
- On November 29, 2011, **Michael Wishnie**, an attorney with the **Yale School of Law's Jerome N. Frank Legal Services Organization** in New Haven, Connecticut, requested from U.S. Immigration and Customs Enforcement (ICE) all records related to the Criminal Alien Program (CAP), as well as to the series of Immigration and Naturalization Service (INS) and ICE programs out of which CAP developed, including the INS Alien Criminal Apprehension Program, INS Institutional Hearing Program, INS/ICE Institutional Removal Program, and ICE National Criminal Alien Removal Plan. (Case Number ICE 2012FOIA02544).
- On November 29, 2011, **Jason Smathers**, a blogger with **MuckRock**, in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all records on, about, mentioning, or concerning the April 2011 request for the Alien File of Barack Obama Senior to be provided to the DHS Deputy Chief FOIA Officer in an unredacted format after responsive records were released in response to a FOIA request. (Case Number DHS/OS/PRIV 12-0105).

- On November 30, 2011, **Robert Deasy**, Director, Liaison & Information, with the **American Immigration Lawyers Association (AILA)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) any memorandum of agreement for training or other guidance, policy memoranda, correspondence, instructions, training materials, Standard Operating Procedures (SOPs), or PCA (pre-clearance agreements) provided to any employees of the Transportation Security Administration (TSA) from any other office, agency bureau or subdivision of any kind of the Department of Homeland Security (DHS) related to immigration documentation, status and protocols or procedures for TSA to work on its own authority or in collaboration with any other DHS entity to detain or arrest any person relating to immigration documentation or status issues. (Case Number ICE 2012FOIA02509).
- On November 30, 2011, **John Althen,** FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) all records concerning the November 8, 2011incident near Escobares, Texas, in which as many as 15 gunmen crossed the Rio Grande after a shootout with the Mexican military. (Case Number CBP FOIA 2012F05783).
- On November 30, 2011, **Amanda Myers**, a reporter with ***The Associated Press*** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) all publicly releasable electronic records/fields of information pertaining to all sustained complaints, infractions, violations, disciplines, termination, and any and all investigations and/or possible subsequent criminal charges pertaining to employees, staff, and personnel, whether on a full-time or contract basis of employment, of CBP since 2007; 2) any and all annual reports from CBP's Internal Affairs Division since 2006, including any internal summary reports produced from the last five years pertaining to discipline/complaints against CBP employees or officers; and 3) if not contained in the above, statistics over the last five years that reveal how many overall complaints, infractions or violations were alleged compared to how many were actually sustained. (Case Number CBP FOIA 2012F05744).
- On December 1, 2011, **Steven Emerson**, President of **SAE Productions**, in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all records released to the Council on Islamic Relations (CAIR) in response to their FOIA request concerning funding provided to each state for counterterrorism training and records related to the training. (Case Number DHS/OS/PRIV 12-0110).
- On December 2, 2011, **Charles F. Elsesser, Jr**., an attorney with **Florida Legal Services, Inc.'s Community Justice Project** in Miami, Florida, requested from the Department of Homeland Security (DHS) the following records from January 2010 through the present: 1) all documents reflecting, memorializing or containing communications between any members or employees of the DHS or U.S. Immigration and Custom Enforcement (ICE) and the Town of Southwest Ranches, the law firm of Becker and Poliakoff, or Corrections Corporation of America (CCA), including a) the Town of Southwest Ranches and CCA's response to the ICE request for Inter-Governmental Service Agreement related to immigration detention facilities in Florida; b) the development of an immigration detention facility in the Town of Southwest Ranches; and c) the development of an immigration detention facility in

Homestead, Florida; 2) all documents reflecting, memorializing or containing communications between any members or employees of the DHS or ICE and any local, state or federal government elected officials, or their staff regarding a) the Town of Southwest Ranches and CCA response to the ICE request for an InterGovernmental Service Agreement (IGSA) related to immigration detention facilities in Florida; b) the development of an immigration detention facility in the Town of Southwest Ranches; and c) the development of an immigration detention facility in Homestead, Florida; 3) a) any agreements reached between DHS or ICE and the Town of Southwest Ranches and/or CCA related to immigration detention facilities in Florida; b) any negotiations between DHS or ICE and the Town of Southwest Ranches and/or CCA related to immigration detention facilities in Florida; and c) any consideration of DHS or ICE regarding the responses to the ICE request for an IGSA for immigration detention facilities in South Florida, specifically the response of the Town of Southwest Ranches and CCA; and 4) all documents developed or obtained memorializing or containing information related to the impacts of any development of the CCA parcel including, but not limited to a) fiscal and/or budgetary impacts on the Town of Southwest Ranches or the City of Pembroke Pines; b) water resources; c) traffic; d) property values; e) public safety; f) affordable housing; and g) police, fire and EMS services. (Case Number DHS/OS/PRIV 12-0114).

Late requests

- On September 2, 2011, the United States Department of State (DOS) referred to the United States Citizenship and Immigration Services (USCIS) documents responsive to a request made by **Pamela Browne**, Senior Executive Producer with **Fox News Network**, **LLC,** in New York, New York, seeking any and all records maintained by the Diplomatic Security Service (DSS) from the closed criminal investigative file for Anwar Nasser Aulaqi. (Case Numbers USCIS COW2011001096 and COW2011001097).
- On November 9, 2011,**Stefan Kamph,** a reporter with the ***New Times Broward-Palm Beach*** in Fort Lauderdale, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) all written communication and records of any meetings between ICE and U.S. Representative Debbie Wasserman Schultz (D-FL) since January 1, 2011; 2) all correspondence with Corrections Corporation of America (CCA) and Southwest Ranches, Florida, establishing ICE's preference of that location for a detention facility; all documents, proposals, or correspondence received from CCA regarding plans for a detention facility in the town; and 3) all written communication between ICE and representatives of the town; and records, including dates and times, locations, minutes and recordings of meetings between ICE and CCA in Washington, DC, during the months of October through November 2011. (Case Number 2012FOIA02626).
- On November 9, 2011, **Uriel Garcia**, a journalist with **Cronkite News Service** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) data on businesses that have been raided by the Department of Homeland Security (DHS) and/or ICE in Arizona, including their names, since 2003, as well as the

charges against the employers and the dollar amount of the fines as part of the charges. (Case Number ICE 2012FOIA2503).

- On November 14, 2011, **Kevin Crowe,** a reporter with **The Watchdog Institute** at San Diego State University's School of Journalism and Media Studies in San Diego, California, requested from U.S. Immigration and Customs Enforcement (ICE) electronic copies of data tables containing information about detained and deported individuals processed as part of ICE's Enforcement and Removal Operations through 23 specified field offices containing but not limited to the following information for each person: their inmate or detainee number; race; sex; country of origin; age; original arresting or detaining agency; date they were taken into custody by ICE; date they were deported; date they were released from custody; any and all data fields indicating whether they were deported or released from ICE custody in the United States or to another law enforcement agency; the reason they were detained or arrested; any and all fields indicating prior United States criminal conviction(s); and any and all fields indicating the reason they were deported or detained. (Case Number ICE 2012FOIA02495).
- On November 22, 2011, **Sam Fellman**, a reporter with the ***Navy Times*** in Springfield, Virginia, requested from the United States Coast Guard (USCG) documents related to the relief of the commanding officer of the USCG *Frank Drew*. (Case Number USCG 2012FOIA0626).
- On November 23, 2011, **Susan Cocking**, a reporter with the ***Miami Herald*** in Hollywood, Florida, requested from the United States Coast Guard (USCG) documents related to a boating accident that took place during the Super Boat International World Championship race from November 8, 2011, through November 13, 2011 in Key West, Florida. (Case Number USCG 2012FOIA0612).
- On November 25, 2011, Kate Wiltrout, a reporter with ***The Virginian-Pilot*** in Norfolk, Virginia, requested from the United States Coast Guard (USCG) documents related to the removal of a USCG officer from his position as the commander of the USCG *Frank Drew*. (Case Number USCG 2012FOIA0589).

III. FOIA Releases

- On November 30, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, 22 pages of material responsive to his request seeking all records about any complaint or investigation of (or involving) himself at USCIS. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E) .(Case number USCIS NRC2011102262).
- On November 30, 2011, the United States Citizenship and Immigration Services (USCIS) issued a no records determination to **Gregory Kauffman**, Deputy Director of Special Projects with the ***Pennsylvania Democratic Party*** in Philadelphia, Pennsylvania, in response to his request seeking correspondence and other information requested by or provided to State Senator Jacob "Jake" Corman of Pennsylvania (R-34) and/or his representatives from November 3, 1998 through May 17, 2011. (Case Number USCIS COW2011000409).

- On November 30, 2011, the Transportation Security Administration (TSA) released to **Edward Hasbrouck** of **The Identity Project** in Oakland, California, 34 pages of emails and communications in response to his request seeking any and all documents and records created by the Department of Homeland Security (DHS) or other agencies or departments in the course of processing, investigating, or acting upon his complaints of FOIA and Privacy Act violations. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), and (b)(6). (Case Number TSA10-0789).
- On November 30, 2011, the Transportation Security Administration (TSA) released to **Jeffrey Kerr,** General Counsel with **The PETA Foundation,** in Washington, DC, 112 pages of correspondence pursuant to his request seeking any and all contracts and correspondence between TSA and the Iditarod Trail Committee regarding the 2011 Iditarod Sled Dog Race. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), and (b)(6). (Case Number TSA11-0435).
- On November 30, 2011, the Department of Homeland Security (DHS) released to **Josh Margolin**, a reporter with the ***New York Post*** in New York, New York, 419 pages information about the Securing the Cities Program responsive to his request seeking program records pertaining to the New York City metropolitan area from the period January 1, 2010 through the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), (b)(6), and (b)(7)(E). (Case Number DHS/OS/PRIV 11-0822).
- On November 30, 2011 the Department of Homeland Security (DHS) released to **Elise Anthony**, an attorney with **K&L Gates, LLP.,** in Washington, DC, 169 pages of letters and email responsive to her request seeking documents related to the transportation by vessel of oil from the Strategic Petroleum Reserve (SPR) as part of the most recent drawdown. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 12-0044).
- On November 30, 2011, United States Citizenship and Immigration Services (USCIS) released to **Joan Friedland**, an attorney with the **National Immigration Law Center (NILC)** in Washington, DC, 740 pages of SAVE Program communications responsive to her request seeking: 1) any audio, video, and/or screen recordings of the webinar offered by USCIS on the SAVE Program for Georgia cities and counties; 2) any and all materials, such as exhibits or PowerPoint presentations, used during or cited during the webinar, recommended as background or follow-up reference material to the webinar, or that otherwise correspond to the webinar offered by USCIS on the SAVE Program for Georgia cities and counties, whether such materials were presented by USCIS or by other entities; 3) names and contact information of all individuals from the Georgia municipal association and the association country commissioners of Georgia joining the webinar to answer questions from webinar registrants; 4) any and all records of logged questions or chat messages by participants and answers by officials from the Georgia Municipal Association and/or the association county commissioners of Georgia or USCIS regarding the Georgia legal requirements to use SAVE; 5) any and all records regarding a streamlined registration process for the SAVE Program for Georgia localities, as referred to in the attachment; 6) any and all records indicating which entities have registered to take the

webinar; and 7) any and all records indicating which Georgia entities have applied for and/or have entered into Memoranda of Understanding (MOUs) with USCIS for use of SAVE. Portions of the response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number USCIS COW2011000326).

- On November 30, 2011, U. S. Immigration and Customs Enforcement (ICE) released to **Lee Zurik**, a reporter with ***Fox 8 News*** in New Orleans, Louisiana, a 27-page statistical report responsive to his request seeking an electronic copy of information about all people in the State of Louisiana currently released on an Order of Supervision, including, but not limited to the date of the Order of Supervision, the crime for which they were incarcerated, and the arresting agency and Parish. Portions of this response were withheld pursuant to Privacy Act exemption (k)(2) and FOIA exemptions (b)(6) and (b)(7)(C). (Case Number ICE 2012FOIA1409).
- On December 2, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Deepa Fernandes**, a reporter with ***The Nation*** in Los Altos, California, a one-page statistical report responsive to her request seeking records related to the 22 Liberian nationals deported on December 2, 2008, from La Salle detention center in Jena, Louisiana. These records were released in full. (Case Number ICE 2012FOIA881).
- On December 5, 2011, the Department of Homeland Security (DHS) released to **Randy Herschaft**, a reporter with ***The Associated Press*** in New York, New York, 601 pages of correspondence logs from the Enterprise Correspondence Tracking System (ECT) responsive to his request for copies of correspondence between DHS and President Barack Obama, Representative Michelle Bachman (R-MN), Governor John Huntsman, Jr., (R-UT) and Herman Cain since December 21, 2000. Portions of the response were withheld pursuant to FOIA exemptions (b)(4), (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 12-006).

IV. FOIA Appeals

- On November 22, 2011, **Cyndi Tuell**, an attorney with the **Center for Biological Diversity** in Tucson, Arizona, appealed the denial of a fee waiver request and categorization as a commercial use requester by U.S. Customs and Border Protection (CBP). (Case Number CBP H195336).
- On November 22, 2011, **Kate Doyle,** a researcher with **The National Security Archive** in Washington, DC, appealed the response by U.S. Customs and Border Protection (CBP) to her request for records regarding the arrest of a named individual for the murders of four individuals. In response to the initial request, CBP indicated that no search for responsive records would be conducted because the requester did not provide a Certification of Identity/Authorization for Release. (Case Number CBP H195335).
- On November 29, 2011, **Anthony T. Eliseuson**, an attorney with **SNR Denton US, LLP** in Chicago, Illinois, appealed, on behalf of **Heartland Alliance National Immigrant Justice Center,** the "no records" response issued by the Department of Homeland Security Office of Civil Rights and Civil Liberties (CRCL) to their request for information related to groups defined as terrorist organizations under INA § 212(a)(3)(B)(vi)(III), whether referred to by any other name, including, but not limited to, "Tier III terrorist groups." (Case Number A-12-0021).

- On November 29, 2011, **Anthony T. Eliseuson**, an attorney with **SNR Denton US, LLP** in Chicago, Illinois, appealed, on behalf of **Heartland Alliance National Immigrant Justice Center,** the "no records" response issued by the Department of Homeland Security Office of General Counsel (OGC) to their request for information related to groups defined as terrorist organizations under INA § 212(a)(3)(B)(vi)(III), whether referred to by any other name, including, but not limited to, "Tier III terrorist groups." (Case Number A-12-0022).

V. FOIA Appeals Releases

- On November 29, 2011, U.S. Customs and Border Protection (CBP) responded to an appeal filed by **Jason Smathers**, a blogger with **Muckrock** in Somerville, Massachusetts, of CBP's assessment of fees related to his request for all "talking points" on the computer of the CBP Senior Advisor for Trade or any person directly or indirectly working for her. The requester alleged that CBP was not allowed to charge fees for search time because it failed to respond within the statutory time limit. The requester also narrowed the scope of the request to the records located during the first two hours of the search. The appeal was denied with respect to the claim that CBP failed to respond in a timely manner. However, the appeal was remanded to process records identified during the first two search hours related to the request. (Case Number CBP H190575).

VI. Lawsuits

- In the matter of *WeCount! Inc. et al v. U.S. Department of Homeland Security* (1:11-cv-00143), Plaintiff filed a complaint January 21, 2011, claiming U.S. Immigration and Customs Enforcement (ICE) application of Exemption (b)(7)(A) was overbroad in response to their request seeking records relating to criminal and/or civil enforcement actions against sex-trafficking conducted by ICE on or between November 18 through November 19, 2008, in Miami Dade County, Broward County, and Palm Beach County, Florida. On November 30, 2011, ICE released six pages of responsive records from the Office of International Affairs to the Plaintiffs.
- In the matter of *Elliott Ozment v. U.S. Department of Homeland Security* (M.D. Tenn 3:11-cv-00429), in which Plaintiff claims constructive denial with regard to a FOIA request filed on March 17, 2011, and seeking all records relating to a joint operation between U.S. Immigration and Customs Enforcement and the Metropolitan Nashville [Tennessee] Police Department about gang presence at an apartment complex in Nashville, the Court granted ICE motion to dismiss on December 1, 2011.
- In the matter of *American Immigration Council v. DHS and U.S. Customs and Border Protection (CBP) (1:11-cv-01972),*the American Immigration Council in Washington, DC, filed a lawsuit to compel the release of records relating to an individual's access to counsel during interactions with CBP (D.D.C. filed Nov. 8, 2011).

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of December 3 – 9, 2011Privacy Office
December 12, 2011
Weekly FOIA Report

I. **Efficiency and Transparency**-Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
   - NSTR

II. **FOIA Requests**

- On December 5, 2011, **John Althen**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) records indicating the number of aliens identified under Secure Communities Program as potentially eligible for deportation, as well as records indicating the number of aliens identified as potentially eligible for deportation that have been arrested and those that have not for Fiscal Years 2009 through 2011; and 2) records of communications concerning or relating to Department of Homeland Security (DHS) processing of the August 2011 request from the U.S. House of Representatives Judiciary Committee for information concerning the Secure Communities Program with an October 31, 2011 deadline for response. (Case Number ICE 2011FOIA02797).
- On December 6, 2011, **Christopher Swanton**, a doctoral candidate with the Curtis L. Carlson School of Management, **The University of Minnesota, Minneapolis, Minnesota,** requested from the Transportation Security Administration (TSA) a copy of a recent TSA report describing the nature of 25,000 security breaches at United States airports over the past decade. (Case Number TSA12-0125).
- On December 6, 2011, **Rabya Khan**, a staff attorney with the **Council on American-Islamic Relations (CAIR) of Chicago** in Chicago, Illinois, requested from the Transportation Security Administration (TSA) information regarding the travel of a named individual. (Case Number TSA12-0126).
- On December 6, 2011, **Sarah Bamford**, a journalist with ***Channel 7 Australia*** in Australia, requested from the United States Coast Guard (USCG) documents related to an incident involving four individuals who were working on the *Trinity II* in the Gulf of Mexico during Tropical Storm Nate in September 2011. (Case Number 2012FOIA0692).
- On December 6, 2011, **Susan Long**, co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) person-by-person, anonymous data concerning all individuals on whom ICE has placed detainers on or after October 1, 2007, specifically: 1) information on the aliens on whom detainers have been placed; 2) information on the original arrest that lead to ICE placing a detainer; 3) information on the DHS program and agency associated with the original arrest; 4)

information on the detainer placed; and 5).Sequence number or other designation to identify records relating to the same alien. (Case Number ICE 2012FOIA03035).

- On December 7, 2011, **Cynthia Jaskowiak**, an individual in Barrington, Illinois, requested from the Transportation Security Administration (TSA) records that indicate the nature and settlement amounts in cases of alleged negligent or wrongful acts or omissions of TSA personnel that were settled without going to court. (Case Number TSA12-0131).
- On December 7, 2011, **Rick Heneghan**, host and producer with ***Common Sense HD*** in Burlington, Massachusetts, requested from the Transportation Security Administration (TSA) a copy of the US Air Marshals' "Use of Force Policy for Less-Lethal/Non-Lethal Weapons." (Case Number TSA12-0132).
- On December 7, 2011, **Keli Rabon**, an investigative reporter with ***KVUE-TV*** in Austin, Texas, requested from the Transportation Security Administration (TSA) a copy of its electronic claims database dating from May 2010, the date of the most recent information available on TSA's public website. (Case Number TSA12-0135).

Late requests

- On November 29, 2011, **Charles F. Elsesser, Jr**., an attorney with **Florida Legal Services, Inc.'s Community Justice Project**, in Miami, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) the following records from January 2010 through the present: 1) all documents reflecting, memorializing or containing communications between any members or employees of the Department of Homeland Security (DHS) or ICE and the Town of Southwest Ranches, the law firm of Becker and Poliakoff, or Corrections Corporation of America (CCA), including a) the Town of Southwest Ranches and CCA's response to the ICE request for Inter-Governmental Service Agreement related to immigration detention facilities in Florida; b) the development of an immigration detention facility in the Town of Southwest Ranches; and c) the development of an immigration detention facility in Homestead, Florida; 2) all documents reflecting, memorializing or containing communications between any members or employees of the DHS or ICE and any local, state or federal government elected officials, or their staff regarding a) the Town of Southwest Ranches and CCA response to the ICE request for an InterGovernmental Service Agreement (IGSA) related to immigration detention facilities in Florida; b) the development of an immigration detention facility in the Town of Southwest Ranches; and c) the development of an immigration detention facility in Homestead, Florida; 3) a) any agreements reached between DHS or ICE and the Town of Southwest Ranches and/or CCA related to immigration detention facilities in Florida; b) any negotiations between DHS or ICE and the Town of Southwest Ranches and/or CCA related to immigration detention facilities in Florida; and c) any consideration of DHS or ICE regarding the responses to the ICE request for an IGSA for immigration detention facilities in South Florida, specifically the response of the Town of Southwest Ranches and CCA; and 4) all documents developed or obtained memorializing or containing information related to the impacts of any development of the CCA parcel including, but not limited to a) fiscal and/or budgetary impacts on the Town of

Southwest Ranches or the City of Pembroke Pines; b) water resources; c) traffic; d) property values; e) public safety; f) affordable housing; and g) police, fire and EMS services. (Case Number ICE 2010FOIA03015).

- On November 30, 2011, **Anna Hartman**, a journalist with ***WMC-TV*** in Memphis, Tennessee, requested from the Transportation Security Administration (TSA) video surveillance of two incidents at the Memphis International Airport, the first, involving a passenger's missing laptop, the second, involving a TSA employee allegedly bringing a weapon to an airport terminal. (Case Number TSA12-0114).
- On December 1, 2011, **Donald Wheeler**, regional director with **Turnstone Investigative Group,** in Washington, DC, requested from the Transportation Security Administration (TSA) any documents for the time period January 1, 2004 through the present 1) reflecting a most favored nation provision in a contract to which TSA is a party; 2) any documents that concern or reflect TSA's negotiations surrounding MFN provisions, and any internal assessments concerning the reason(s) for seeking an MFN provision; 3) any contracts or agreements that include the words "most favored," "prudent buyer," or "best price;" 4) any documents, emails, letters or other correspondence regarding the use of MFN provisions; 5) any analysis that TSA has produced or received, in any form, related to the use of MFN provisions, including all email and other correspondence discussing the use of these analyses; 6) any email, letters or other correspondence of or between TSA personnel which include the words "most favored," "prudent buyer," or "best price;" 7) all documents that concern or reflect TSA's enforcement, attempted enforcement, or decisions not to enforce any MFN provision; 8) any litigation complaint documents in which TSA sued to enforce any MFN provision; 9) any requests for applications, bids, proposals, or information, or similar solicitations, issued by TSA relating to any contracts or documents produced above, and any responses and correspondence received; and 10) any other public record requests since January 1, 2004 concerning similar information to that requested above. (Case Number TSA12-0118).
- On December 2, 2011, **Maria Ines Zamudio**, a reporter with ***The Chicago Reporter*** in Chicago, Illinois, requested from United States Citizenship and Immigration Services (USCIS), access to and copies of U Visas filed in northern Illinois in the last five years. (COW2011001116).
- On December 2, 2011,**Carolyn Thompson,** a reporter with ***The Associated Press*** in Buffalo, New York, requested from U.S. Immigration and Customs Enforcement (ICE) electronic transcripts of interviews ICE agents held with an Ontario, Canada resident at the Peace Bridge Port of Entry in Buffalo on September 14, 2009, who was ultimately charged with violating Title 18, U.S.C., Section 545 – Smuggling Goods into the United States. (ICE Case Number 2012FOIA02710).
- On December 2, 2011, **Andrew Becker**, a staff reporter with **The Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records from the ICE Detention Long-term Review Project that was initiated in 2010: 1) any and/or all written reports generated pertaining to the review of those in custody for more than one year, produced by the Office of the Principal Legal Advisor and the Office of Enforcement and Removal Operations; 2) all periodic reviews of detainees held for more than one

year conducted by field offices and ICE/HQ; 3) a list of all ICE employees, contractors, and/or rehired annuitants detailed to conduct the review and prepare the report, including the offices each employee was detailed from, the total number of employees detailed, the total number of man-hours involved, and the cost to produce the report; 4) the completion date of the review; and 5) a listing of all detainees currently held for more than one year, including a breakdown by nationality, date of birth, AOR, custody site, final order (yes or no), etc., consistent with the initial response/release of documents. (Case Number ICE 2012FOIA02770).

- On December 2, 2011, **Dan Golden,** Editor at Large with ***Bloomberg News*** in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) the number of students from China with active records as enrolled students at Pope John XXIII Regional High School in Sparta, New Jersey, in Fiscal Years 2007 through the present. (Case Number ICE 2011FOIA02802).

III. FOIA Releases

- On December 2, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Nathaniel J. Oleson,** an attorney with the **United States Justice Foundation *i***n Ramona, California, 55 pages of material relating to his request for copies of all immigration documentation relating to Barack Hussein Obama, Sr., from January 1959 through December 1964. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2011001072).
- On December 5, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with ***MuckRock.com*** in Somerville, Massachusetts, 15 pages of material responsive to his request for records concerning the appeal of a named individual. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCIS COW2011000630).
- On December 5, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Andrew Becker**, a reporter with the ***Center for Investigative Reporting*** in Berkley, California, 139 pages of Notice to Appear data responsive to his request for records relating to: 1) the number of Department of Homeland Security (DHS) Form I-862 Notice to Appear charging documents filed by USCIS with the Executive Office for Immigration Review (EOIR) for each fiscal year from 2006 through the present, with a breakdown by USCIS district office, service center, and offices that have issued and/or filed such charging documents; 2) the Number of DHS Form I-862 Notice to Appear charging documents and/or cases referred by USCIS to U.S. Immigration and Customs Enforcement (ICE) for removal proceedings within the EOIR for fiscal years 2006 through the present; 3) the total number of notice to appear (DHS Form I-862) charging documents issued, filed and/or referred by USCIS to U.S. Immigration and Customs Enforcement (ICE) and/or EOIR for fiscal years 2006 through the present, where the respondent was either denied naturalization because of lack of good moral character or whose case/application was never fully adjudicated because respondent was deemed removable. These records were released in full. (Case Number USCIS COW2011000395).

- On December 6, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Maria Zamudio**, a reporter with ***The Chicago Reporter*** in Chicago, Illinois,1,188 pages responsive to her request for records pertaining to McHenry County Jail and Tri-County Jail, including copies of all vendor contracts at McHenry County Jail and Tri-County Immigration Detention Center from 2007 to September 26, 2011, copies of the detention facility inspection forms for both facilities since 2007, and copies of significant violent incident reports, including suicides for both facilities. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2012FOIA00031).
- On December 7, 2011, the Transportation Security Administration (TSA) released to **Samuel Bassett**, an attorney with **Minton, Burton, Foster and Collins** in Austin, Texas, 20 pages of incident reports and statements regarding an incident at Austin-Bergstrom International Airport on December 22, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C). (Case Number TSA11-0547).
- On December 7, 2011, United States Citizenship and Immigration Services (USCIS) released to **Pamela Browne**, a Senior Executive Producer with ***Fox News Network, LLC*** in New York, New York one page of the I-94 form and a passport from the alien file of a named individual, which had been referred by the Department of State to the Department of Homeland Security for a direct response to the requester. These records were released in full. (USCIS Case Number COW2011001097).
- On December 7, 2011, United States Citizenship and Immigration Services (USCIS) issued a no records response to **Aliya Sternstein**, a senior correspondent with ***The Government Executive*** in Washington, DC, with regard to her request for all Significant Incident Reports (SIRs) for events that took place on USCIS information technology systems from 2008 through the present. (Case Number USCIS COW2011000530).
- On December 7, 2011, United States Citizenship and Immigration Services (USCIS), released to **Jason Smathers**, a blogger with ***MuckRock.com*** in Somerville, Massachusetts, 52 pages of material responsive to his request for an exact copy of the response to FOIA request NRC2009041663. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCIS COW2011000580) .
- On December 7, 2011, the Transportation Security Administration (TSA) released to **Casey Smith** with the University of Missouri School of Journalism in Columbia, Missouri, 176 pages of claims data from TSA's Claims Management System. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number TSA11-0336).
- On December 7, 2011, the Transportation Security Administration (TSA) released to **Bob Cusack**, a journalist with ***The Hill*** in Washington, DC, 51 pages of TSA FOIA logs. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(3), and (b)(6). (Case Number TSA11-0438).
- On December 8, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Chris and Marla Laystrom,** individuals in Brownsburg, Indiana, 77 pages of material consisting of USCIS communications and records related to the adoption of (b) (6) Portions of this response were withheld

pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCIS COW2011000072).

- On December 8, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jennifer Kay**, a reporter with ***The Associated Press*** in Miami, Florida, 276 pages of material responsive to her request for a copy of the Alien File of a named individual, including all written files, photographs and audio or video material included in the file. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number USCIS COW2011000814).
- On December 9, 2011, United States Immigration and Customs Enforcement (ICE) released to **Susan Long**, co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse. New York, 16 pages of data responsive to her request for records contained in 107 named fields from the ENFORCE EID detention facilities related tables and the meanings/definitions of those fields including the requested fields and their meanings from the ENFORCE EID tables. These records were released in full. (Case Number ICE 2011FOIA20117600).

IV. FOIA Appeals

- On November 28, 2011, **Dominic Gates**, aerospace reporter with ***The Seattle Times*** in Seattle, Washington, appealed the response by U.S. Customs and Border Protection (CBP) to his request for records relating to 15 Russian engineers who were denied entry into the United States at Sea - Tac International Airport in Washington on or around October 14, 2011. In response to the initial request CBP indicated that no search for responsive records would be conducted because the requester did not provide a Certification of Identity/Authorization for Release from the individuals. (Case Number CBP H196205).
- On December 2, 2011, **Nathaniel Oleson**, an attorney with **United States Justice Foundation** in Ramona, California, appealed the no records response by the Department of Homeland Security (DHS) to his request for information related to his client, the Executive Director of the **United States Justice Foundation.** (Case Number A-12-0024).

V. FOIA Appeals Releases

- NSTR

VI. Lawsuits

- In the matter of *National Immigration Project of the National Lawyers Guild v. U.S. Department of Homeland Security* (S.D.N.Y. 10-3488), in which Plaintiffs contested the denial of their fee waiver request and claimed constructive denial with regard to a FOIA request filed on December 17, 2009, seeking documents pertaining to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings, on December 5, 2011, ICE released 88 pages of responsive records from the Office of the Principal Legal Advisor.

- In the matter of *National Day Laborer Organizing Network (NDLON), et al. v. U.S. Immigration and Customs Enforcement* (Case 1:11-cv-03235-UA), in which the plaintiffs claimed constructive denial and that ICE improperly denied their requests for a fee waiver and for expedited processing with regard to a FOIA request filed February 19, 2010 seeking records relating to the Secure Communities program. ICE released 16,683 pages of responsive records to Plaintiffs in response to their Final Production List on December 6, 2011. This release was provided directly from Defense counsel to the Plaintiffs, without cover from the ICE FOIA office.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells