

## **FOIA Activity for the Week of December 16 - 29, 2011**

### **Privacy Office**

**January 3, 2012**

### **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 December 14, 2011, the United States Citizenship and Immigration Services (USCIS) Office of Citizenship and Office of Public Engagement held a meeting to discuss citizenship education strategies for older applicants. The conversation focused on barriers older applicants commonly encounter while preparing for citizenship, including the need for appropriate educational instruction, tools, and resources to help them prepare for the entire naturalization process.
- On December 15, 2011, the United States Citizenship and Immigration Services (USCIS) posted a draft Request for Evidence template, I-129 L-1 "Intracompany Transferees: Qualifying Relationship/Ownership and Control/Doing Business," for review and comment by stakeholders. Comments are due January 17, 2012.
- On December 16, 2011, the United States Citizenship and Immigration Services (USCIS) conducted a teleconference in English and in Spanish to discuss the process of re-registration under the extension of Temporary Protected Status (TPS) for nationals of Honduras and Nicaragua. Honduran and Nicaraguan nationals must re-register for an extension of TPS by January 3, 2012. In view of the fast approaching the deadline, USCIS responded to stakeholder concerns regarding the re-registration process and to remind stakeholders of the importance of filing for TPS in a timely manner.
- On December 20, 2011, U.S. Immigration and Customs Enforcement (ICE) created a new section in their online FOIA Library entitled "Office of Detention Oversight Detention Facility Compliance Inspections."
- On December 20, 2011, U.S. Immigration and Customs Enforcement (ICE) posted the following documents to their online FOIA Library: 1) the 2011 Santa Ana Jail Compliance Inspection report; 2) the Secure Communities Fiscal Year 2011 3rd Quarter Congressional report; and 3) Fiscal Year 2011 year-to-date Secure Communities Nationwide Interoperability Statistics.
- On December 23, 2011, U.S. Immigration and Customs Enforcement (ICE) posted the following documents to their online FOIA Library: 1) the 2011 Glades County Detention Center Compliance Inspection report; 2) the 2011 Morgan County Adult Detention Center Compliance Inspection report; and 3) the Henderson Detention Center Compliance Inspection report.
- On December 23, 2011, the United States Citizenship and Immigration Services (USCIS) announced that it would change the filing locations for Form I-130, "Petition for Alien Relative." Effective January 1, 2012, domestic petitioners must mail their stand-alone I-130 applications to either the Chicago Lockbox or the Phoenix Lockbox, depending on where they reside in the United States. The new

filing locations will be updated with the corresponding addresses on January 1 on the Form I-130 “Direct Filing Locations” page. This effort will balance workloads between the two locations and provide more efficient and effective processing of Form I-130.

- On December 27, 2011, the United States Citizenship and Immigration Services (USCIS) reminded the sheepherding industry of the upcoming expiration of the one-time accommodation giving them more time to fully transition to the three-year limitation-of-stay requirements for the H-2A nonimmigrant classification.
- On December 27, 2011, the United States Citizenship and Immigration Services (USCIS) reminded its stakeholders that the open re-registration period for Temporary Protected Status (TPS) for nationals of Honduras and Nicaragua ends on January 5, 2012.

## II. FOIA Requests

- On December 16, 2011, **Himanshu Ojha**, a data journalist with *Thomson Reuters* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) a copy of all FOIA requests submitted to USCIS from any news organization regarding the EB-5 program since January 1, 2010 to the present. (Case Number COW2011001173).
- On December 19, 2011, **Larry W. Bryant**, a journalist with *UFO Magazine* in Alexandria, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) any and all correspondence; briefing papers/charts; minutes of meetings; policy documents; staff studies; interview reports; witness statements; serious-incident reports; intelligence estimates; temporary-duty reports; and after-action reports pertaining to the confiscation of a named individual's library book and alleged DHS interaction at said individual's place of employ. (Case Number DHS/OS/PRIV 12-0142).
- On December 19, 2011, **Scott MacFarlane**, a Washington correspondent with *Cox Media Group* in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) a list of all purchases, including items purchased and costs, made via DHS purchase cards in Ohio or North Carolina, that were reviewed for DHS-OIG report #OIG-11-101, entitled *Use of DHS Purchase Cards*. (Case Number OIG FOIA #2012-032).
- On December 19, 2011, **Scott MacFarlane**, a Washington correspondent with *Cox Media Group* in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) all documents pertaining to OIG's investigation of a Transportation Security Administration (TSA) employee who pled guilty to stealing from passenger luggage at Orlando International Airport as reported on page 34 of the DHS-OIG's April-September 2011 Semi-Annual Report to Congress. (Case Number OIG FOIA #2012-033).
- On December 19, 2011, **Anjan Mukherjee**, a research associate with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) any correspondence, including electronic, to DHS from or on behalf of the office of former U.S.

Representative Christopher Shays (R-CT) between September 1, 1987 and January 3, 2009. (Case Number DHS/OS/PRIV 12-0149).

- On December 20, 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) all grievances filed by detainees at Steward Detention Center in Lumpkin, Georgia; and 2) any reports, documents, emails, letters, memoranda, or other documents regarding any grievances filed by detainees since the facility opened in October 2006. (Case Number 2012FOIA03635).
- On December 20, 2011, **Christopher Cook**, an individual, requested from the Department of Homeland Security (DHS) records concerning Occupy Wall Street to include correspondence of any kind relating to Occupy Wall Street-related protests with the White House, the U.S. Conference of Mayors, and the Mayor's Offices of the following cities: San Francisco and Oakland (CA), Denver (CO), Philadelphia (PA), Chicago (IL), and New York City (NY). (Case Number DHS/OS/PRIV 12-0147).
- On December 20, 2011, **Shawn Hils**, a research associate at the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) any correspondence, including electronic, to the department from or on behalf of Janesville, Wisconsin resident Mark Neumann, House candidate Mark Neumann (R-WI) (1992-1995), Congressman Mark Neumann (R-WI) (1995-1999), Senate candidate Mark Neumann (1999) or gubernatorial candidate Mark Neumann (2010); 2) any correspondence, including electronic, to the Department from or on behalf of Matt Neumann or Matthew K. Neumann or Sue Neumann or Susan Neumann; 3) any records related to, or correspondence, including electronic, to the Department from or on behalf of: Neumann Enterprises, Inc., from 1999-2008; Neumann Developments, Inc., from 1992-2000; 2005-2009; Neumann Solar Leasing, LLC, from 2/2011-present; Neumann Dodge County, LLC from 2004-2008; Neumann & Son, LLC, from 2004-2005; Neumann Construction, Inc., from 1989-present; Neumann Realty from 1994-present; Neumann Homes of Illinois from 1994-present; Neumann Corp from 1981-present; Gar Mar, Inc. from 1994-present; Gustaveson Homes, Inc., from 1994-2008; Gustaveson Quality Homes Inc., from 2008-present; Gustaveson Neumann LLP from 2003-present; Sunvest Solar, Inc. from 2011-present; Renewable Energy Solutions from 2010-present; Solar Innovations, Inc., from 2009-present; Strawberry Glen Homeowners Association, Inc., from 2007-present; Black Walnut Estates Homeowners Association from 2009-present; Autumn Ridge Subdivision Homeowners Association, LLC, in 2006; Chicory Creek Homeowners Association, LLC, in 2006; Milwaukee River Ridge, LLC from 2007-2008; Home Sale Services, LLC, from 2009-present; Lake Drive Water Utility, LLC, from 2004-present; Neumann Companies, Inc., from 2009-present; MN Solar Leasing, LLC; from 2/2011-present; Mason Creek Homeowners Association, Inc., from 2005-present; SG Developments of Jackson, LLC, from 2010-present; Sherman Parc Homeowners Association, Inc., from 2009-present; Venture Marketing or Venture Consulting & Marketing, Inc., from 1993-2008; Brookstone Homes, Inc., from 1992-present; KPM, Inc.; Webco Homes; 4) records of any regulatory rulings or enforcement actions

- naming the above companies; and 5) records of any tax credits or grants issued by the Department or its agencies naming the above companies or individuals. (Case Number DHS/OS/PRIV PRIV 12-0150).
- On December 20, 2011, **Daniel Newman**, executive director of **MapLight** in Berkeley, California, requested from the Department of Homeland Security (DHS) records between any U.S. House Representative or U.S. Senator or any member of their staff and any employee of the DHS from January 1, 2011 through March 31, 2011. (Case Number DHS/OS/PRIV PRIV 12-0151).
  - On December 21, 2011, **Emily Willard**, a research associate at the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records regarding the United States Department of Defense (DoD) and DHS announcements on December 20, 2011, that DoD and National Guard support to southwest U.S. border security would be reduced to 300 personnel, concentrating on air support. (Case Number DHS/OS/PRIV PRIV 12-0153).
  - On December 22, 2011, **Alina Das**, an attorney with **Washington Square Legal Services** in New York, New York, requested from U.S. Immigrations and Customs Enforcement (ICE) documents relating how the prosecutorial discretion instructions to ICE field offices in a series of documents issued by Director Morton in 2011 have been implemented in the Newark Field Office, seeking any and all materials used by the Newark Field Office in training ICE officers or attorneys with the Newark Office of Chief Counsel on the exercise of prosecutorial discretion. (Case Number 2012FOIA03695).
  - On December 22, 2011, **Nicholas Datlowe**, an associate in **Morrison & Foerster's Litigation Group** in Washington, DC, requested on behalf of their clients **WeCount!, Inc.** and the **Florida Immigrant Coalition, Inc.**, from the Department of Homeland Security (DHS) all documents in the possession of the Office of Inspector General (OIG) and any and all other DHS components pertaining or relating to the following: 1) criminal and/or civil investigations, raids and/or enforcement actions, including those directed against sex trafficking, conducted by U.S. Immigration and Customs Enforcement (ICE) on or between November 18 through 20, 2008 in Miami-Dade County, Broward County, and Palm Beach County, Florida; 2) any internal DHS review, investigation or inquiry (or a review, investigation or inquiry by any DHS entity or organization) into the conduct of the actions referenced in Item #1 above, including any internal or external correspondence relating thereto; and 3) any examination by DHS OIG of the conduct of the actions identified in Item #1 above, including any internal or external reports of that examination, drafts of any such reports, supporting documents, witness statements, interview transcripts, internal or external correspondence relating to the examination, and notes and working papers. (Case Number DHS/OS/PRIV PRIV 12-0157 and OIG FOIA #2012-036).
  - On December 22, 2011, **Jacob Kushner**, an investigative reporter with the **Investigative Fund** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records that show the current or recent disposition or status of specific individuals, including whether each was repatriated to Haiti,

released under ICE supervision, or remained detained under ICE custody. (Case Number 2012FOIA03696).

- On December 22, 2011, **Michael Worsham**, an individual in Forest Hill, Maryland, requested from the Transportation Security Administration (TSA) the following: 1) records related to a review of the advanced imaging technology system's technical and operational requirements; and 2) records related to the subsequent DHS Categorical Exclusion and the preparation of the required Records of Environmental Consideration (REC). (Case Number 12-0172).
- On December 27, 2011, **Nicole K. Flores**, an individual in Kaneohe, Hawaii, requested from the Transportation Security Administration (TSA) a copy of a letter allegedly sent to TSA by Keoki Kerr, a reporter with **ABC News KITV-4** regarding TSA's alleged racial profiling of Mexican nationals. (Case Number 12-0175).
- On December 28, 2011, **Sewell Chan**, a Deputy Op-Ed Editor with **The New York Times** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) the Alien Files of two named individuals. (Case Numbers COW2011001225 and COW2011001226).
- On December 29, 2011, **John Althen**, the FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) all records of visitor logs and/or other records concerning the visit of an Iraqi government delegation to the White House on December 12, 2011, including records maintained in the Access Control Records System (ACR) and/or Workers and Visitors Entry System (WAVES). (Case Number USSS 12-29-11).

#### Late requests

- NSTR

### III. FOIA Releases

- On December 19, 2011, the Transportation Security Administration (TSA) issued a full denial to **Kasey Dunton**, a legal associate with the **Government Accountability Project** in Washington, DC, in response to his request seeking records from the Merit Systems Protection Board (MSPB) pertaining to several MSPB cases. These pages were withheld in full pursuant to FOIA Exemption (b)(6). (Case Number TSA12-0078).
- On December 19, 2011, the Transportation Security Administration (TSA) issued a full denial to **Paras Shah**, Assistant Counsel at the **National Treasury Employees Union (NTEU)** in Washington, DC, in response to his request seeking records from the Merit Systems Protection Board (MSPB) pertaining to several MSPB cases. The records were withheld in full pursuant to FOIA Exemption (b)(6). (Case Number TSA12-0082).
- On December 19, 2011, the Transportation Security Administration (TSA) issued a full denial to **Christopher Swanton**, a Ph.D. Candidate in Supply Chain and Operations at the University of Minnesota in Minneapolis, Minnesota, pertaining to his request for a copy of a "recent TSA report describing the nature of 25,000 security breaches" at US airports in the past decade. (Case Number TSA12-0125).

- On December 20, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Alison Gendar**, a staff writer with the *New York Daily News*, in Washington, DC, 12 pages of audit work papers consisting of expense data and quarterly reports of the World Trade Center Captive Insurance Company. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number OIG FOIA #2012-015).
- On December 20, 2011, the Transportation Security Administration (TSA) issued a full denial to **Keith Herbert**, a reporter with *Newsday* in Melville, New York, in response to his request seeking records detailing “security breach information” at the following New York and New Jersey airports: Long Island MacArthur, John F. Kennedy International, LaGuardia, and Newark Liberty International. The records were withheld in full pursuant to FOIA Exemption (b)(3). (Case Number TSA11-0757).
- On December 20, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Joe Kloc**, a reporter with *The Atavist* in San Francisco, California, seven pages of correspondence related to the Apollo 17 moon rocks. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2012FOIA03561).
- On December 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, ten spreadsheets containing data from the ENFORCE database for the 2004 and 2005 calendar years. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2010FOIA4313).
- On December 20, 2011, the Transportation Security Administration (TSA) released to **Timothy Sheridan**, Assistant Counsel with the **National Treasury Employees Union (NTEU)** 21 pages responsive to his request for a copy of the investigation in reference to a named individual at Kona International Airport in Hawaii. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number TSA 10-0538).
- On December 21, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Kevin Crowe**, a reporter with **The Watchdog Institute at San Diego State University** in San Diego, California, a spreadsheet containing data with the number of individuals apprehended, detained, and deported by ICE in San Diego, California. Portions of this response were withheld pursuant to FOIA Exemption (b)(6) and (b)(7)(C). (Case Number 2011FOIA16223).
- On December 21, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Matt O’Brien**, a reporter with the *Bay Area News Group* in Walnut Creek, California, a spreadsheet containing statistics for Secure Communities arrests in California. These records were released in full. (Case Number 2012FOIA01468).
- On December 21, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Tan**, an attorney with the **American Civil Liberties Union (ACLU) Immigrants’ Rights Project** in New York, New York, a spreadsheet containing data related to individuals detained as criminal aliens. These records were released in full. (Case Number 2011FOIA16025).

- On December 22, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, one page of correspondence concerning the loss of records in the September 11, 2011 attack on the World Trade Center. The responsive portion of the record were released in full. (Case Number COW2011000624).
- On December 22, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Marcus Stern**, a reporter with *Reuters* in Acworth, Georgia, a spreadsheet with employer violations including the name of the business, the location of the business, the final order amount, and the status of the case. Portions of this response were withheld pursuant to FOIA exemption (7)(A). (Case Number 2012FOIA01469).
- On December 23, 2011, the Federal Law Enforcement Training Center (FLETC) released to **Jason Smathers**, with *MuckRock.com* in Boston, Massachusetts, two pages of material responsive to his request for a list, index, or catalog of all training videos produced by FLETC in Fiscal Year 2011. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number FOIA 12-014).
- On December 23, 2011, the Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, DC, 354 pages of records responsive to her request seeking copies of all correspondence to and from eight named DHS officials and documents related to the BP Oil Spill dating back to April 20, 2011. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), and (b)(6). (Case Number DHS/OS/PRIV 10-0646).
- On December 27, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Dan Stein**, President of **Federation for American Immigration Reform** in Washington, DC, 30 pages of memoranda and emails related to ICE's prosecutorial discretion policies. Portions of this response are withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA14406).

#### IV. FOIA Appeals

- On December 19, 2011, **Shmuel Bulka**, a Vice President with **Thomas Reuters** in New York, New York, appealed the withholding determination made by the Federal Emergency Management Agency (FEMA) to his request seeking all claims records of disaster declarations issued in 2011. (Case Number A-12-0029).
- On December 19, 2011, **Shmuel Bulka**, a Vice President with **Thomas Reuters** in New York, New York, appealed the withholding determination made by the Federal Emergency Management Agency (FEMA) to his request seeking all flood claims in the National Flood Insurance Program from 1978 to the present. (Case Number A-12-0030).
- On December 19, 2011, **Shmuel Bulka**, a Vice President with **Thomas Reuters** in New York, New York, appealed the withholding determination made by the Federal Emergency Management Agency (FEMA) to his request seeking all flood claims in the disaster assistance program from 1998 to the present. (Case Number A-12-0031).
- On December 22, 2011, **Steven Aftergood**, a senior research analyst with the **Federation of American Scientists** in Washington, DC, appealed the withholding determination made by the Science and Technology Directorate (S&T) to his request

for a report entitled “Solar EMP.” The draft report was withheld in full pursuant to FOIA Exemption (b)(5). (Case Number A-12-0033).

## **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*, (11-cv-3235), Plaintiffs filed a complaint May 12, 2011, claiming constructive denial and contesting the denial of their fee waiver request pertaining 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 December 19, 2011, U.S. Immigration and Customs Enforcement (ICE) released 476 pages of responsive records from the ICE Office of the Principal Legal Advisor.
- In the matter of *Olivas Castillo v. U.S. Department of Homeland Security*, (11-cv-00069), Plaintiff filed a complaint challenging U.S. Immigration and Customs Enforcement (ICE) withholdings with regard to a FOIA request filed with United States Citizenship and Immigration Services (USCIS) in November 2007, seeking records related to an investigation into an individual’s previous marriage. USCIS referred records to ICE. On November 22, 2011, the Court ruled in ICE’s favor, confirming ICE’s withholdings and granting ICE’s motion for summary judgment.
- In the matter of *Abdul Hakeim Thabet Ahmed v. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services*, (11-cv-6230), Plaintiff filed a complaint December 21, 2011, claiming constructive denial pertaining to his request seeking records relating to the plaintiff’s Alien File.
- In the matter of *Electronic Privacy Information Center (EPIC) v. The United States Department of Homeland Security (DHS)*, (11-cv-02261-JDB), Plaintiff’s filed a complaint December 20, 2011, claiming constructive denial to their request seeking records related to social media monitoring.



## FOIA Activity for the Week of December 30, 2011 – January 6, 2012

### Privacy Office

January 9, 2012

### 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 December 28, 2011, U.S. Immigration and Customs Enforcement (ICE) posted the list of detainee deaths and the November 2011 FOIA log to its FOIA Library.
- On January 5, 2012, the Department of Homeland Security (DHS) posted to its FOIA Library the following FOIA Logs: 1) October 2011 (9 pages); and 2) November 2011 (12 pages).
- Over the past few weeks, the Department of Homeland Security (DHS) Office of Inspector General (OIG) posted to its FOIA Library additional work papers for inspection report number OIG-08-18, entitled “The Removal of a Canadian Citizen to Syria.” Additionally, OIG has undertaken the reorganization of the reading room to make it more user-friendly.

#### II. FOIA Requests

- On December 30, 2011, **Dennis Marketic**, President of **Ranch Management International** in Henrietta, Texas, requested from the United States Coast Guard (USCG) copies of all written/recorded requests and discussions concerning the use of the Oil Spill Eater II and/or bio remediation with regard to the Deepwater Horizon oil spill cleanup, including the people involved, decisions that were made, and who signed off on what in what capacity. (Case Number USCG 2012FOIA0886).
- On January 3, 2012, **Douglas Morino**, a reporter with the *Daily Breeze* in Hermosa Beach, California, requested from the United States Coast Guard (USCG) records related to suspected smuggling vessels seized off or near the California coast from January 1, 2007 through December 31, 2011, including the names and nationalities of suspects detained, itemized lists of seized contraband, arrest and investigative reports compiled by local and federal law enforcement agencies, and criminal complaints and dispositions of courts cases involving suspects and the outcome of immigration cases. (Case Number USCG 2012FOIA0904).
- On January 4, 2012, **Douglas Morino**, a reporter with the *Daily Breeze* in Hermosa Beach, California, requested from the Department of Homeland Security Office of Inspector General (OIG) records related to suspected smuggling vessels seized off or near the California coast from January 1, 2007 through December 31, 2011, including the names and nationalities of suspects detained, itemized lists of seized contraband, arrest and investigative reports compiled by local and federal law enforcement agencies, and criminal complaints and dispositions of courts cases involving suspects and the outcome of immigration cases. (Case Number OIG FOIA #2012-041).

- On January 3, 2012, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) data related to the number of Stipulated Orders of Removal (SORs) signed by illegal aliens for the years 2007 through 2011, and any and all communication from either the Obama Administration or top ICE officials to field offices regarding the use of SORs. (Case Number ICE 2012FOIA04418)
- On January 4, 2012, **Josh Gerstein**, a reporter with *Politico* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all records released on December 28, 2011 in *National Day Laborer Organizing Network (NDLON), et al. v. U.S. Immigration and Customs Enforcement*. (Case Number ICE 2012FOIA04629).
- On January 4, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) received a request from **Scott MacFarlane**, Washington Correspondent for **Cox Media Group** in Washington, DC, seeking specific correspondence between OIG and members of Congress. (Case Number OIG FOIA 2012-038).
- On January 4, 2012, **Sean Reilly**, staff writer with *The Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) copies of travel vouchers, and all supporting documentation and cost records from October 1, 2009 through the present for the Acting Inspector General, Assistant Inspector General for Investigations, Deputy Assistant Inspector General for Investigations, and four identified OIG agents. (Case Number OIG FOIA #2012-042).
- On January 5, 2012, **Michael Morisy**, a blogger with *Muckrock* in Somerville, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) copies of records provided by ICE to Transactional Records Access Clearinghouse (TRAC) in response to a May 2010 FOIA request for “information about all individuals who had been arrested, detained, charged, returned or removed from the country for the period beginning October 1, 2004 to date.” (Case Number ICE 2012FOIA04703)
- On January 5, 2012, **Emily Willard**, a researcher with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents regarding the corresponding DHS and Department of Defense announcements on December 20, 2011, that National Guard support to the southwest U.S. border security will be reduced to 300 personnel, concentrating on air support. (Case Number ICE 2012FOIA02717).

#### **Late Requests**

- On December 13, 2011, **Becky Bohrer**, a reporter with *The Associated Press* in Juneau, Alaska, requested from the United States Coast Guard (USCG) copies of the transcript of the cockpit voice recording of the H-60 Jayhawk helicopter that crashed off LaPush, Washington on July 7, 2010 as well as the investigation report. (Case Number USCG 2012FOIA0881).
- On December 29, 2011, **Regina Dennis**, a reporter with the *Waco Tribune-Herald* in Waco, Texas, requested from U.S. Immigration and Customs Enforcement (ICE)

copies of the following records related to the Jack Harwell Detention Center: all complaints/grievances filed by ICE detainees, all ICE detention facility inspections/reviews, and call communications between ICE and McLennan County and the operator of the Jack Harwell Detention Center. (Case Number ICE 2012FOIA04035).

### III. FOIA Releases

- On January 4, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Craig Keller**, Co-Founder of **Respect Washington** in Seattle, Washington, ten pages of correspondence between ICE and Oregon Governor John Kitzhaber (D-OR) concerning Secure Communities. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number ICE 2012FOIA00139).
- On January 5, 2012, the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) released to **Kary Moss**, Executive Director of **American Civil Liberties Union of Michigan**, 22 FLETC lesson plans responsive to her request for records related to ICE and an incident that occurred on February 23, 2011 in Grand Rapids, Michigan. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(E). (Case Number FLETC FOIA 12-013). *Note: The requester is currently in litigation with ICE over the non-response to this request. (2:11-cv-12997-SFC-MAR).*
- On January 5, 2012, the United States Coast Guard (USCG) issued to **Thomas Luft**, managing editor with **WFXT-TV** in Dedham, Massachusetts, a full denial in response to his request for email sent to USCG personnel working at the Atlantic avenue office regarding complaints that Occupy Boston Protesters were harassing a uniformed USCG member in addition to email and memos pertaining to uniform police during this time; paperwork, complaints, email, etc., pertaining to an incident that took place 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. Information was withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCG 2012FOIA0130).
- On January 6, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Azadeh Shahshahani**, an attorney with the **American Civil Liberties Union of Georgia** in Atlanta, Georgia, 2,519 pages of records responsive to his request for copies of contracts, agreements and detention reviews concerning detention facilities in Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number ICE 2011FOIA12787).
- On January 6, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, 103 pages of records responsive to her request for documents concerning the January 13, 2011 death of Juan Palomo-Rodriguez while in ICE custody. The release included the ERO and OPR investigative report and email between ERO and IHSC employees concerning the death. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2011FOIA5077).

#### **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) (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. On December 27, 2011, ICE released 20,252 pages of responsive records pursuant to the final production list.
- 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, ICE released 529 pages of responsive records from the ICE Office of the Principal Legal Advisor on January 3, 2012.
- In the matter of *Gerald Marchelletta, Jr., et al v. U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection* (1:10-cv-3280-TCB), the Court granted defendants' motion for summary judgment and dismissed the case on December 21, 2011. The request underlying the litigation sought records related to a U.S. Customs Service investigation commenced in early 2001. Both ICE and CBP released records prior to commencement of litigation; the only issue presented in the Motion for Summary Judgment was the adequacy of the search. The Court found that Defendants had conducted reasonable searches.

### **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 January 7 - 13, 2012**  
**Privacy Office**  
**January 17, 2012**  
**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 9, 2012, the Federal Bureau of Investigation (FBI), referred to the Department of Homeland Security (DHS) documents responsive to a request from **John Althen**, FOIA Manager with **Judicial Watch** in Washington, DC, seeking any and all records from September 30, 2010 through June 7, 2011: 1) concerning, regarding, or relating to the September 30, 2010 shooting and presumed death of a named individual on Falcon International Reservoir, located between Texas and the Mexican state of Tamaulipas; 2) of any investigation(s) conducted by the Federal Bureau of Investigation (FBI) concerning, regarding, or relating to the September 30, 2010 incident; 3) of communications, contacts, or correspondence concerning, regarding or relating to the incident or any investigation(s) of the incident between the FBI and any and all a) employees, officials or representatives of the U.S. Government; b) employees, officials or representatives of the Mexican Government; c) employees, officials or representatives of the state of Texas; d) employees, officials or representatives of the state of Colorado; e) the widow of the deceased or her representative(s); and f) any other entity, organization, or individual not specifically described above. (Case Number DHS/OS/PRIV 12-0172).
- On January 9, 2012, **Stephanie Nielsen**, a researcher with the **Democratic Senatorial Campaign Committee** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of following records: any correspondence, including electronic, to, from, or on the behalf of Congressman Jeff Flake (R-AZ) from January 2001 through the present; and 2) any correspondence to, from, or on the behalf of Jeffrey (Jeff) Flake as a private citizen prior to January 2001. (Case Number DHS/OS/ PRIV 12-0173).
- On January 10, 2012, **Senators Mary Landrieu (D-LA)** and **David Vitter (R-LA)** requested from the Department of Homeland Security (DHS) any and all documents or records related to the decisions on marine transport for the drawdown of the Strategic Petroleum Reserve from June 23, 2011 through the present. (Case Number DHS/OS/PRIV 12-0175).
- On January 12, 2012, **Rachel Leven**, an editorial researcher with **The Hill** in Washington, DC, requested from the Department of Homeland Security (DHS) any and all records concerning communications between DHS and the White House Chief of Staff William Daley and/or his staff, including but not limited to four named

- individuals regarding DHS regulations since January 1, 2011 to the present. (Case Number DHS/OS/PRIV 12-0179).
- On January 9, 2012, **Kathleen Miller**, a journalist with **Bloomberg News** in Washington, DC, requested from the Transportation Security Administration (TSA) copies of all email, legal documents, letters, memos, and correspondence related to the Department's interest in procuring 9/11 anniversary wristbands for employees. (Case Number TSA12-0203).
  - On January 9, 2012, **Dr. Christopher Chapman**, Director of Criminal Justice with **The City University of New York, Kingsborough Community College** in Brooklyn, New York, requested from the Transportation Security Administration (TSA) a copy of a TSA internal report from on or around January 25, 2010, regarding allegations of racial profiling at Newark International Airport. (Case Number TSA12-0204).
  - On January 10, 2012, **Dr. Christopher Chapman**, Director of Criminal Justice with **The City University of New York, Kingsborough Community College** in Brooklyn, New York, requested from the Transportation Security Administration (TSA) the following records: 1) information regarding racial profiling at TSA, including copies of training, SOPs, and guidelines for the TSA Screen Passengers by Observation Techniques (SPOT) program; 2) any internal reports regarding racial profiling, transcripts of testimony by DHS or TSA officials; 3) copies of complaints from the public and; 4) statistical data regarding complaints submitted at the New York and New Jersey airports between 2009 and 2012. (Case Number TSA12-0207).
  - On January 11, 2012, **Peter Wilgoren**, managing editor with **KCBS/KCAL-TV** in Los Angeles, California, requested from the Transportation Security Administration (TSA) any security video or audio related to a January 4, 2012 incident where California Assemblyman Tim Donnelly (R-59<sup>th</sup>) was cited at Ontario International Airport in Ontario, Canada, for possession of a loaded handgun in his carry-on luggage. (Case Number TSA12-0209).

### **Late Requests**

- On January 4, 2012, **Ross Schneiderman**, a reporter with **Newsweek/The Daily Beast** in New York, New York, requested from the Department of Homeland Security (DHS) information or records on a named individual from 2000 through 2010, in relation to both Al Qaeda and the Central Intelligence Agency's enhanced interrogation program. (Case Number DHS/OS/PRIV 12-0170).
- On January 5, 2012, **Representative Timothy B. Bishop (D-NY)** in Patchogue, New York, requested from the Department of Homeland Security (DHS) on behalf of a constituent a copy of the report or any documents that might be related him pursuant to an investigation conducted by DHS. (Case Number DHS/PRIV 12-0171).
- On January 6, 2012, **Mark Albert**, a journalist with **KSTP-TV** in St. Paul, Minnesota, requested from the Transportation Security Administration (TSA) the following records: 1) the number of security incidents and security breaches at the Minneapolis-St. Paul International Airport (MSP) broken down by week for calendar years 2009 through 2011; 2) the complete personnel file of former MSP Federal

Security Director Ken Kasprisin; 3) passenger wait time and lanes AIT staffed for the weeks of November 21, 2011 and December 19, 2011 broken down by wait time; and 4) any complaint, warning, or concern from a TSA employee in 2010 or 2011 expressing concern about TSA MSP management, including complaints that might qualify under the Federal Whistleblower Protection Act. (Case Number TSA12-0200).

### III. FOIA Releases

- On January 10, 2012, the Department of Homeland Security (DHS) released to **Sean Dunagan**, an investigator with **Judicial Watch** in Washington, DC, 106 pages of correspondence responsive to his request for any and all records regarding, concerning or related to the six-week pilot program in Baltimore and Denver scheduled to begin on December 4, 2011 and under which the immigration-related charges against certain undocumented residents may be subject to dismissal. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number PLCY 12-2006).
- On January 10, 2012, the Department of Homeland Security (DHS) released to **Conor Kennedy**, a Fellow with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, 285 pages of records related to social media responsive to his request seeking 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. Portions of the response were withheld pursuant to FOIA Exemptions (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number DHS/OS/PRIV 11-0736).
- On January 11, 2012, United States Citizenship and Immigration Services (USCIS), released to **Christina Poulos**, an individual in Costa Mesa, California 434 pages responsive to her request for email, documents, letters or other materials from, to, or among the Director of USCIS and/or other high ranking officials relating to her reassignment from the position of Director, California Service Center. Portions of the



- response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCIS HQS2011000045).
- On January 13, 2012, Transportation Security Administration (TSA) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, DC, 48 pages consisting of records including the “Summary of Transportation Security” dated January 28, 2009 and prepared by TSA for the Secretary Napolitano in response to her request seeking notes, memos and reports, and submissions to the Office of the Executive Secretariat collected in response to the Secretary’s January 21, 2010 directive regarding transportation security. Portions of the response were withheld pursuant to FOIA exemptions (b)(5) and (b)(7)(E). (Case Number TSA11-0134).

#### **IV. FOIA Appeals**

- NSTR

#### **V. FOIA Appeals Releases**

- On January 9, 2012, United States Citizenship and Immigration Services (USCIS), denied access and provided a no records determination to **Nina Bernstein**, a reporter with *The New York Times* in New York, New York, in response to her appeal of the initial response to her FOIA request seeking information about marriage fraud. In that response, USCIS released one page of materials and withheld portions of the response pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). Upon appeal, USCIS Appeals Counsel remanded the request back to the National Records Center for a second search, which resulted in the January 9 denial of access and no records determination. (Case Number USCIS PPO2011000060).

#### **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 January 13 - 19, 2012**  
**Privacy Office**  
**January 23, 2012**  
**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 17, 2012, United States Citizenship and Immigration Services (USCIS) announced that the Department of Homeland Security (DHS), in consultation with the Department of State (DOS), has identified 58 countries whose nationals are eligible to participate in the H-2A and H-2B programs for the coming year. The notice listing eligible countries was published in the *Federal Register* on January 18, 2012. Each country's designation is valid for one year from the date of publication.
- On January 17, 2012, United States Citizenship and Immigration Services (USCIS) posted the interim memorandum entitled "The Role of Private Attorneys and Other Representatives: Revisions to *Adjudicator's Field Manual (AFM)* Chapters 12 and 15; *AFM* Update AD11-42" for stakeholder review. The purpose of this memorandum is to provide guidance regarding the role of private attorneys and other representatives who appear before USCIS. The comment period ends February 14, 2012.

**II. FOIA Requests**

- On January 17, 2012, **Patrick McHugh**, an individual with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) any correspondence to DHS from or on behalf of Hawaii Governor Linda Lingle (R) between December 2, 2002 through December 6, 2010; 2) any correspondence to DHS from or on behalf of Hawaii Republican Party Chairwoman Linda Lingle between 1999 through 2002; 3) any correspondence to DHS from or on behalf of Maui County Mayor Linda Lingle (also known as Linda Crockett Lingle) between January 2, 1991 through January 2, 1992; and 4) any correspondence to DHS from or on behalf of Maui County Councilwoman Linda Lingle (also known as Linda Crockett Lingle) between 1980 through 1990. (Case Number DHS/OS/PRIV 12-0186).
- On January 18, 2012, **Julie Putnam**, Investigative Producer with **NBC-Bay Area** in San Jose, California, requested from U.S. Customs and Border Protection (CBP) a list of all items, including the date confiscated and the amount/number of each item, confiscated by CBP at California's San Francisco International Airport, Oakland Airport, San Jose Airport, Port of Oakland, and Port of San Francisco, from January 2010 through the present. (Case Number CBP FOIA 2012F09531).

### Late requests

- On January 6, 2012, **Tia Ghose**, Homeland Security Reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) information on all underground border tunnels discovered by ICE since 1990, including the location of the tunnels, their diameters, their length, and the type and weight of contraband found within them. (Case Number ICE 2012FOIA04712).
- On January 9, 2012, **Grace Sheedy**, Research Associate with the **United Food and Commercial Workers International Union** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) visitor logs, calendars, meeting notes and preparation materials, email, and documents submitted by outside parties and written correspondence between representatives of Wal-Mart Stores, Inc., and the Department of Homeland Security (DHS) officials pertaining to comprehensive immigration reform, the DREAM Act, and other immigration issues, from January 1, 2008, through the present. (Case Number ICE 2012FOIA04770).
- On January 9, 2012, **Amy Gooden**, Research Director with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS), all correspondence between Senator Kirsten Gillibrand (D-NY) and USCIS between January 2010 to present. (Case Number USCIS COW2012000033).
- On January 10, 2012, **Rachael Leven**, editorial researcher for *The Hill* in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) all records concerning Anthony Blankley (deceased), former press secretary to the former Speaker of the House, Newt Gingrich (R-GA). (Case Number USCIS COW2012000043).
- On January 10, 2012, **Alison Cowan**, a reporter with the *New York Times* in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) copies of any correspondence that may have been obtained by, directed to or handled by the Department of Homeland Security (DHS) Office of Legislative Affairs (OLA) in 2011 or 2012 on the topic of EB5 visas and documents that mention the terms “EB-5 visa,” “EB-5 investment visa,” “investor visa,” “immigrant entrepreneur,” “Immigrant Investor Pilot Program,” “Section 610 of Public Law 102-395,” “immigrant petition by alien entrepreneur,” “I-526,” “I-829,” “I-924,” “EB-5 Regional Center,” and “EB-5 project,” from any one of Brooklyn’s six representatives in Congress: Jerrold Nadler (D-NY), Bob Turner (R-NY); Edolphus Towns (D-NY), Yvette D. Clarke (D-NY), Nydia M. Velazque (D-NY) and, Michael Grimm (R-NY). (Case Number USCIS COW2012000044).
- On January 9, 2012, **Steven Brown**, Executive Director with the **American Civil Liberties Union Rhode Island Affiliate** in Providence, Rhode Island, requested from U.S. Immigration and Customs Enforcement (ICE) IDENT/IAFIS interoperability statistical information relating to the implementation of the Secure Communities Program in the State of Rhode Island, specifically statistics for those “Administratively Arrested or

Booked Into ICE Custody” for the period July 1, 2011 through September 30, 2011. (Case Number ICE 2012FOIA04822).

- On January 11, 2012, **Becky Schlikerman**, a reporter with *The Chicago Tribune* in Tinley Park, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) any and all proposals submitted to ICE regarding a detention facility in Crete, Illinois. (Case Number ICE 2012FOIA04853).
- On January 12, 2012, **Mark Segraves**, a journalist with *WTOP News* in Washington, DC, requested from the Transportation Security Administration (TSA) records from calendar years 2009 through January 2012 pertaining to “thefts, complaints of theft, and complaints of damage to luggage and other personal belongings at airports in the United States”; as well as “the number of TSA employees disciplined or terminated for theft or damaging property”; a list of all TSA employees charged with crimes resulting out of performance of their official duties; and “a breakdown of all complaints filed with TSA” regarding lost, damaged, or stolen belongings, including the airport where the complaint was filed, complaint resolution, and payment or other settlements made as a result of these complaints. (Case Number TSA12-0223).
- On January 13, 2012, the United States Secret Service (USSS) received a referral from the National Park Service (NPS) pertaining to a request from **John Althen**, FOIA Program Manager with **Judicial Watch**, in Washington, DC, seeking all records of communications between NPS and the White House and/or the Executive Office of the President from September 17, 2011 through December 14, 2011, concerning, regarding, or relating to the Occupy DC protests, including records of communications related to the “Stop the Machine” protest in Freedom Plaza and the “Occupy DC” protest in McPherson Square. (Case Number USSS 20120021).

### III. FOIA Releases

- On January 6, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Josh Gerstein**, a reporter with *POLITICO* in Boston, Massachusetts, 160 pages responsive to his request for material as released to Plaintiffs in the Secure Communities FOIA litigation on 28 December 2011 in the Secure Communities FOIA Litigation. (Case Number ICE 2012FOIA04629).
- On January 17, 2012, the Transportation Security Administration (TSA) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, DC, seven pages of records, consisting of a “Department of Homeland Security (DHS) Risk Methodology Inventory.” These records were released in full. (Case Number TSA11-0136).
- On January 19, 2012, United States Citizenship and Immigration Services (USCIS), released to (b) (6) in Plainfield, Indiana, 259 pages of material consisting of USCIS internal and external communiques and records concerning adoptions from the Bac Lieu Province of Vietnam responsive to their request for all records maintained by USCIS in any form regarding their adoption of a child from the Bac Lieu Province and other records about adoptions there. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(E). (Case Number USCIS COW2011000299).

- On January 20, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jason A. Malinksy**, an attorney with **Iraqi Refugee Assistance Project (IRAP)** in San Francisco, California, 66 separate portable document files of material consisting of work load reports with data from August 2010 through November 2011, process time reports with data from August 2010 through November 2011, pending –not ready reports with data as of December 15, 2011, and refugee reports in response to his request seeking all statistics on overseas adjudications, including requests for review/reconsideration, from the Overseas Tracking System from 2003 to present day; USCIS quality assurance program review “of a statistically valid sample of refugee cases” conducted in Fiscal Year 2009 as described in Alejandro N. Mayorkas’s July 31, 2010, memorandum to January Contreras; and all post-2001 USCIS data on overseas adjudications, including all available data prior to the introduction of the case management system. These records were released in full. (Case Number USCIS COW2011000600).

#### IV. FOIA Appeals

- On January 17, 2012, **Andrew Becker**, a reporter with *The Center for Investigative Reporting* in Berkley, California, appealed the response by U.S. Customs and Border Protection (CBP) to his request for records relating to the use of force or attempted use of force by any CBP employee from 2003 through the present. In response to the initial request CBP released 11 pages of records with redactions made pursuant to FOIA Exemptions (b)(2), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number CBP H200746).
- On January 17, 2012, **Andrew Becker**, a reporter with *The Center for Investigative Reporting* in Berkley, California, appealed the response by U.S. Customs and Border Protection (CBP) to his request for photographs of CBP employees who were arrested, charged, convicted, and/or sentenced on corruption-related charges. In response to a referral by DHS Office of Inspector General, CBP withheld one page in full pursuant to FOIA Exemptions (b)(6) and (b)(7)(E). (Case Number CBP H200578).

#### V. FOIA Appeals Releases

- NSTR

#### VI. Lawsuits

- In the matter of *National Immigrant Justice Center v. U.S. Immigration and Customs Enforcement (ICE)* (N.D. Ill. 11-CV-01050), in which Plaintiffs claimed that ICE failed to respond to a FOIA request seeking information relating to immigration detainers, Plaintiff filed a notice of dismissal on January 6, 2012. Subsequent to the filing of the suit, ICE made several disclosures of records. No attorney fees or costs were awarded.
- In the matter of *Union Leader Corporation v. U.S. Immigration and Customs Enforcement (ICE)* (D.N.H. 12-CV-00018), in which Plaintiff seeks to compel the release of records containing the names and addresses of six individuals arrested in New Hampshire during 2011. Plaintiff filed suit under the FOIA on January 13,

- 2012, however ICE has determined that plaintiff never submitted a FOIA request. Plaintiff's requests were to the ICE Office of Public Affairs. ICE is preparing a declaration in support of a motion for dismissal.
- 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), (Secure Communities Case), in which Plaintiffs claim constructive denial and that U.S. Immigration and Customs Enforcement (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 January 17, 2012, ICE released 15,374 pages of responsive records pursuant to Plaintiff's Final Production List.

### **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 January 27 – February 3, 2012

### Privacy Office

February 6, 2012

### 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 27, 2012, **Yuki Ito**, with **Topspin Creative Corporation** in New York, New York, requested from the United States Coast Guard (USCG) documents concerning an investigation involving a named individual who in 2009 attempted to fake his own death in Indiana. (Case Number USCG 2012FOIA1149).
- On January 30, 2012, **Kate Doyle**, a senior analyst with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents, including, but not limited to internal reports and memoranda, raw data, letters, and background information regarding the Government Accountability Office (GAO) report in July 2010 on the Alien Transfer and Exit Program and the May 2010 GAO Report to Congressional Requesters on the Alien Transfer and Exit Program. (Case Number ICE 2012FOIA05435).
- On January 30, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents, including, but not limited to internal reports and memoranda, raw data, letters, and background information regarding complaints (and responses to the complaints) filed against ICE regarding the Alien Transfer and Exit Program, particularly those filed in September 2011 by the organization “No More Deaths” and on a weekly basis in 2011 by the Mexican Counsel in Tucson, Arizona. (Case Number ICE 2012FOIA05436).
- On January 30, 2012, **Peter Wilgoren**, managing editor with **KCBS/KCAL** in Los Angeles, California, requested from the Transportation Security Administration (TSA) a copy of airport security tape video/audio related to an incident involving a possible security breach at a checkpoint at Los Angeles [California] International Airport on January 26, 2012 at 7:30 AM. (Case Number TSA 12-0254).
- On January 30, 2012, **Josh Margolin**, a reporter with **The New York Post** in Washington, DC, requested from the Department of Homeland Security (DHS) records concerning the review of events and responses to the ceremonies and events connected to the 10<sup>th</sup> anniversary of the 9/11 attacks and the run-up to those events on and before September 11, 2011. (Case Number DHS/OS/PRIV 0224).
- On January 30, 2012, **Ryan Jham**, with the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from the Transportation Security Administration (TSA) all logs of communication between members of Congress and TSA from January 1, 2008 through the present. (Case Number TSA12-0256).



- On January 31, 2012, **Christine Haas**, a reporter with **NBC 7** in San Diego, California, requested from the Transportation Security Administration (TSA) all theft reports/incidents filed against TSA at San Diego [California] International Airport from January 2010 through the present, as well as whether the claims were approved or denied and any amount paid out. (Case Number TSA12-0258).
- On January 30, 2012, **Zachary Einzig**, an individual with **Gate Guru** requested from the Transportation Security Administration (TSA) all historical security wait time data in TSA's possession through 2009. (Case Number TSA120259).
- On January 31, 2012, the Office of the Secretary of the Air Force referred to the United States Secret Service (USSS) a FOIA request from **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, seeking 1) all records concerning mission taskings for President Barack Obama's travel; 2) all records concerning costs of operating military aircraft for President Obama's travel; 3) all passenger manifests, including DD-2131s, for President Obama (including both domestic and international travel); 4) all travel reports for President Obama; 5) all records concerning mission taskings for First Lady Michelle Obama's travel; 6) all records concerning costs of operating military aircraft for the First Lady's travel; 7) all passengers manifests, including DD-2131s, for the First Lady's (including both domestic and international) travel; and 8) all travel reports for the First Lady. (Case Number USSS 20120070-20120077).
- On February 1, 2012, **Jason Leopold**, lead investigative reporter with **Truthout.org** in Beverly Hills, California, requested from the Department of Homeland Security (DHS) copies of any records referencing his FOIA request DHS/OS/PRIV 12-0048, including notes, worksheets, justifications for exemptions, etc. (Case Number DHS/OS/PRIV 12-0232).
- On February 2, 2012, **Vince Green**, a researcher with **Missing from the Front Page (MFFP)** a weekly Comcast Cable broadcast in Arlington, New Jersey, requested from U.S. Customs and Border Protection (CBP) releasable radar data from September 11, 2001 covering Washington, DC, and Virginia between 7:00 AM through 12:00 PM EST, including radar data and aircraft clearance logs for the National Emergency Airborne Command Post that took off from Andrews Air Force Base on September 11, 2011. (Case Number CBP FOIA 2012F10936).
- On February 2, 2012, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the weekly and monthly FOIA status reports or updates sent to USCIS Administration for the 2010 and 2011 calendar years. (Case Number USCIS COW2012000108).
- On February 2, 2012, the U.S. Department of State referred to the Department of Homeland Security (DHS) documents responsive to a FOIA request from **John Althen**, FOIA Program Manager with **Judicial Watch** in Washington, DC, seeking the following records: 1) any and all records concerning, regarding, or relating to the September 20, 2010 shooting and presumed death of a named individual on Falcon Lake International Reservoir located between Texas and the Mexican State of Tamaulipas; 2) any and all records of any investigation thereof; 3) any and all records

pertaining to the incident and/or investigation between the Department of State and named individuals. (Case Number DHS/OS/PRIV 12-0233).

### **Late requests**

- On January 20, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, requested from the United States Coast Guard (USCG) all documents from Fiscal Year 2008 through the present detailing the equipment maintenance expenditures made by the Joint Task Force-North, headquartered at Fort Bliss, Texas, including the maintenance, repair, and upgrading both of loaned DoD equipment and of non-DoD equipment. (Case Number USCG 2012-1212).
- On January 24, 2012, **Kate Doyle**, a senior analyst with **The National Security Archive** in Washington, DC, requested from the United States Coast Guard (USCG) all documents from Fiscal Year 2008 through the present detailing the establishment, construction, and activities expenditures to military bases of operation and of training facilities in Mexico as made by the Joint Task Force-North in Fort Bliss, Texas, including the locations of the operations, a list of what operations are carried out at each facility, the cost of the projects, internal documents that deal with planning and establishment of these operations, and assessments of these projects. (Case Number USCG 2012-1212).
- On January 24, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, requested from the United States Coast Guard (USCG) all documents from Fiscal Year 2008 to the present detailing the construction project expenditures made by the Joint Task Force-North headquartered at Fort Bliss, Texas, to Mexico, including but not limited to the location of the construction projects, the type of infrastructure built by the project, and the cost of the project. (Case Number USCG 2012-1212).
- On January 24, 2012, **Ryan Jham**, with the **Democratic Congressional Campaign Committee** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS), any and all logs of communication between members of Congress and USCIS from January 1, 2008 through the present. (Case Number USCIS COW2012000082).
- On January 25, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents, including, but not limited to internal reports and memoranda, raw data, letters, and background information regarding the evaluation of the Lateral Repatriation Program that took place at the conclusion of the pilot program in September 2003, particularly costs associated with the program, number of people processed, plans for further testing or implementation, and the bi-national meeting held with Mexican Officials in November 2003. (Case Number ICE 2012FOIA05377).
- On January 25, 2012, **Brian Haas**, a journalist with **The Tennessean** in Nashville, Tennessee, requested from the Transportation Security Administration (TSA) the

- false alarm/false positive rates for millimeter wave airport scanners both before and after newly installed privacy software went into place. (Case Number TSA12-0247).
- On January 26, 2012, **Bryan Luhn**, Assistant News Director with **WLOS News 13** in Asheville, North Carolina, requested from the Transportation Security Administration (TSA) any and all passenger complaints against TSA of missing or stolen items from checked or carry-on luggage from the Asheville Regional Airport and the Greenville-Spartanburg International Airport, both in North Carolina, from January 1, 2007 through the present. (Case Number TSA 12-0250).
  - On January 26, 2012, **Kate Doyle**, a senior analyst with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents, including, but not limited to internal reports and memoranda, raw data, letters, and background information regarding complaints made to the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) about the Lateral Repatriation Program that took place in September 2003, particularly complaints filed by the Interior Secretary of Mexico and two Mexican citizens during that time. (Case Number ICE 2012FOIA05375).
  - On January 26, 2012, **Maria Sacchetti**, a reporter with **The Boston Globe**, in Boston, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS), a copy of the A-File for Omar Okech Obama a/k/a Onyango Obama. (Case Number USCIS COW2012000091).

### III. FOIA Releases

- On January 30, 2012, the United States Coast Guard (USCG) released to **Russell Carollo**, a journalist in Pueblo, Colorado, a CD-ROM consisting of travel information responsive to his request for all documents detailing travel by the USCG and/or finance by the USCG. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCG 2012FOIA0321).
- On January 30, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Lise Olsen**, a reporter with **The Houston Chronicle** in Houston, Texas, 13 pages of material consisting of data contained in the Refugee, Asylum and Parole System (RAPS), and Central Index System Consolidated Operational Repository (CISCOR). (Case Number USCIS COW2011000322).
- On January 31, 2012, the United States Coast Guard (USCG) released to **Michael George**, an investigator with **NBC Action News** in Tampa, Florida, 91 pages of documents consisting of incident reports, letters, enforcement summaries, and forms responsive to his request for documents regarding any risk/threat assessment for the Port of Tampa from September 11, 2001 through the present and any report on security issues/threats at the Port of Tampa from September 11, 2001 through the present. These records were released in full. (Case Number USCG 2011FOIA3783).
- On January 31, 2012, United States Citizenship and Immigration Services (USCIS) released to **Michael Ray**, a lawyer in Miami, Florida, acting on behalf of his client, **The Haitian-American Grassroots Coalition**, 81 pages of material consisting of USCIS policy memoranda, communications, and question and answer sheets pertaining to his request for records about temporary protected status by Haitians.

Portions of the response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCIS COW2011000260).

- On January 31, 2012, the United States Coast Guard (USCG) issued a no records response to **Carly Zakin**, a producer with **Peacock Productions** in New York, New York, with regard to her request for documents related to a bay liner boat crash in Fort Lauderdale, Florida, on April 6, 1997. (Case Number USCG 2012FOIA1064).
- On January 31, 2012, the United States Coast Guard (USCG) released to **Mike Soraghan**, a reporter with **Greenwire** and **Environment and Energy Daily** in Washington, DC, six pages of documents consisting of memos and letters responsive to his request for all Jones Act waiver requests submitted to the U.S. Customs and Border Protection (CBP) or other agencies for foreign vessels to operate in the Gulf of Mexico since April 20, 2010. Portions of this response were withheld pursuant to FOIA Exemption (b)(5). (Case Number 2011FOIA0613).
- On January 31, 2012, the Department of Homeland Security (DHS) released to **David Sobel**, Senior Counsel with the **Electronic Frontier Foundation (EFF)** in Washington, DC, 30 pages of correspondence related to the High Level Contact Group (HLCG). Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(E), and (b)(7)(F). (Case Number DHS/OS/PRIV 11-0778).
- On January 31, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Robert Deasy**, Director of Liaison and Information of the **American Immigration Lawyers Association (AILA)** in Washington, DC, 228 pages of records including the USCIS online version of the Adjudicator's Field Manual. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCIS COW20100000628).
- January 31, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with **Witness Unto Me** in Topok, Arizona, 179 pages including A-file records of a deceased individual. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number COW20110000640).
- On February 1, 2012, the United States Citizenship and Immigration Services (USCIS) issued a no records response to **Tarmo Vahter**, a journalist for **Eesti Ekspress** in Estonia, pertaining to his request for documents about (b) (6), a writer, film director and Estonian statesman. (Case Number USCIS COW2011000842).
- On February 1, 2012, United States Citizenship and Immigration Services (USCIS) released to **Steve Emerson**, President with **SAE Productions, Inc.**, in Washington, DC, 666 pages of Department of Homeland Security (DHS) communications with the Muslim Public Affairs Council of Western New York and its president. Portions of the response were withheld pursuant to FOIA Exemption (b)(5). (Case Number USCIS COW2011000453).
- On February 1, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Bede Sheppard**, a senior researcher with **Human Rights Watch** in New York, New York, three spreadsheets with data relating to unaccompanied alien children from the People's Republic of China that were in immigration removal

proceedings from FY 1999 through the present. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCIS COW2011000451).

- On February 2, 2012, U.S. Customs and Border Protection (CBP) released to **John Verdi**, an attorney with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, 938 pages from various contracts, including incorporated proposals, statements of work and modifications, responsive to his request for 1) all records, final or draft, concerning the customization or purchase of ALPR systems; 2) all records, final or draft, of communication to ALPR vendors concerning customization or purchase of ALPR systems; 3) all records, final or draft, containing technical specifications for the customization or purchase of ALPR systems; 4) all contracts, final or draft, regarding the purchase or customization or purchase of ALPR systems; and 5) all records, final or draft, regarding the evaluation of ALPR systems. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4), (b)(5), (b)(6), and (b)(7)(E). (Case Number CBP 2011F13600).
- On February 2, 2012, the United States Citizenship and Immigration Services released to **Yang Wang**, a reporter with the ***Houston Chronicle*** in Houston, Texas, five spreadsheets within three workbooks consisting of Performance Analysis System (PAS) and Central Index System Consolidated Operational Repository (CISCOR) data. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number COW2011000986).
- On February 2, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jason Leopold**, lead investigative reporter with ***Truthout.org*** in Beverly Hills, California, 1,092 pages of records including applications, petitions, court documents, and investigative documents contained in the alien file of a 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 USCIS COW2011000737).
- On February 3, 2012, the Department of Homeland Security (DHS) released to **Patrick McHugh**, an individual with **The Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, 18 pages of correspondence logs from the Enterprise Correspondence Tracking System (ECT) between the Department of Homeland Security (DHS) and Governor Linda Lingle (R-HI). Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 12-0186).
- On February 3, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Robert P. Deasy**, Director of Liaison and Information with the **American Immigration Lawyers Association (AILA)** in Washington, DC, nine pages of records including email and draft standard operating procedures related to 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. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number COW2011000403).
- On February 3, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, a spreadsheet provided by ICE ERO STU which

contained 949,127 rows of data from IIDS responsive to her request for person-to-person, anonymous data concerning all individuals on whom ICE has placed detainees on or after October 1, 2007. These records were released in full. (Case Number 2012FOIA03035).

#### **IV. FOIA Appeals**

- NSTR

#### **V. FOIA Appeals Releases**

- NSTR

#### **VI. Lawsuits**

- In the matter of *National Immigrant Justice Center v. U.S. Department of Homeland Security*, (N.D. Ill. 12-cv-637), Plaintiffs filed a complaint January 30, 2011, claiming U.S. Immigration and Customs Enforcement (ICE) failed to conduct an adequate search for responsive documents and improperly withheld personal information (such as A-Numbers) pertaining to alien minors in ICE custody with regard to a FOIA request submitted on December 30, 2010 and seeking records relating to all minors in ICE custody from October 1, 2008 through September 30, 2010.

### **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 February 3 – 10, 2012

### Privacy Office

February 13, 2012

### 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 29, 2012, United States Citizenship and Immigration Services (USCIS) issued a revised Form G-639, the form used to make a Freedom of Information/Privacy Act (FOIA/PA) request to USCIS. USCIS made these changes in response to stakeholder concerns that the previous form lacked clarity on what was required in order to submit a FOIA/PA request. A copy of the new form is attached.

#### II. FOIA Requests

- On February 3, 2012, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) all records, documents, e-mails, etc. related to a U.S. Citizen who was deported after using a false name and falsely claiming to be a Colombian citizen. (Case Number 2012FOIA06017).
- On February 3, 2012, **Dan Schulman**, a reporter with *Mother Jones* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any reports or memoranda concerning possible business transactions between Koch Industries and/or its affiliates and Iran or any other country that is currently under economic or trade sanctions; 2) any reports or memoranda concerning possible illicit payments and/or FCPA violations by Koch Industries and/or its affiliates; Transcripts, or if transcripts are unavailable, audio recordings of any interviews conducted with employees of Koch Industries or its affiliates concerning possible FCPA violations or business transactions involving Iran or other nations currently under trade or economic sanctions; copies of any documents procured from Koch Industries, Koch-Glitsch, or affiliated companies concerning possible FCPA violations or transactions with Iran or other countries under sanctions; and 2) any other materials produced or procured by agency officials looking into or monitoring possible FCPA and/or trade sanctions violations by Koch Industries and/or its affiliates. (Case Number 2012FOIA06058).
- On February 6, 2012, **Heather Smathers**, a blogger with *MuckRock.com*, Boston, Massachusetts, requested from the Transportation Security Administration (TSA) any and all documents "on, about, mentioning, or concerning" the TSA Choir that sang for passengers in airports in 2011. (Case Number TSA12-0271).
- On February 6, 2012, **David Barry**, an individual in Tempe, Arizona, requested from the Transportation Security Administration (TSA) a copy of the Screening Checkpoint Standard Operating Procedures. (Case Number TSA12-0273).
- On February 6, 2012, **Sean Reilly**, staff writer with *The Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS)



- Office of Inspector General (OIG) a list of all investigations opened in Fiscal Years 2010 and 2011 of potential misconduct by DHS contractors. (Case Number OIG FOIA 2012-050).
- On February 6, 2012, **Sean Reilly**, staff writer for *The Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) a list of all investigations opened in Fiscal Years 2010 and 2011 of potential misconduct by DHS employees. (Case Number OIG FOIA 2012-051).
  - On February 7, 2012, **Michael Wilt**, a representative with **Cause of Action** in Washington, DC, requested from the Transportation Security Administration (TSA) any and all documents and communications from any executive branch entity "referring or relating to" non-contractual awards, including requests for such awards from any federal, state, or local governments or elected officials or any other entity. (Case Number TSA12-0274).
  - On February 7, 2012, **Andrew Wyner**, Investigator with **The Project on Government Oversight (POGO)** in Washington, DC, seeking a statement of work Statement of Work as well as the final report or final slide presentation provided by Accenture as a result of Contract 00020200212DDTSA2003C00546: P00111. (Case Numbers TSA12-0281).
  - On February 7, 2012, **Andrew Wyner**, Investigator with **The Project on Government Oversight (POGO)** in Washington, DC, seeking a statement of work as well as the final report or final slide presentation provided by Dynamics Research Corporation as a result of Contract HSTS0206CAOP242: P00006. (Case Number TSA12-0282).
  - On February 7, 2012, **Andrew Wyner**, Investigator with **The Project on Government Oversight (POGO)** in Washington, DC, seeking a statement of work as well as the final report or final slide presentation provided by Deloitte & Touche as a result of Contract GS10F06LPA0005: HSTS0408FCT8600: P00010. (Case Number TSA12-0283).
  - On February 7, 2012, **Andrew Wyner**, Investigator with **The Project on Government Oversight (POGO)** in Washington, DC, seeking a statement of work as well as the the final report or final slide presentation provided by Deloitte & Touche as a result of Contract GS10F06LPA0005: HSTS0208FCGO042. (Case Number TSA12-0284).
  - On February 7, 2012, **Bill McGinty**, reporter with **WCNC-TV**, Charlotte, North Carolina, requested from the Transportation Security Administration (TSA) information regarding a damage claim made by a Charlotte-based traveler arising out of an incident at the Tucson International Airport, including the videotape of TSA employees searching the traveler's bag. (Case Number TSA12-0287).
  - On February 7, 2012, **Andrew Wyner**, Investigator with **The Project on Government Oversight (POGO)** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records that reflect the operative policies, guidance, orders, and memoranda from January 1, 2005 to the present. (Case Number CBP FOIA 2012F12692).

- On February 8, 2012, **Logan Ferree**, a representative of the **Democratic Congressional Campaign Committee (DSCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) any and all correspondence between ICE and **(b) (6)** owner of R.P. Lumber and Plummer Properties, LLC. (Case Number 2012FOIA06628).
- On February 8, 2012, **Michelle Trosclair**, a reporter with the **New England Center for Investigative Reporting**, Allston, Massachusetts, from the Transportation Security Administration (TSA) any records relating to complaints made against TSA by passengers at Boston-Logan International Airport, including disposition or resolution of such complaints, from January 2009 to the present. (Case Number TSA12-0289)
- On February 8, 2012, **Josh Margolin**, a reporter with **The New York Post** in New York, New York, requested from the Transportation Security Administration (TSA) any and all records concerning reviews, correction plans, and corresponding records pertaining to security problems, breakdowns, and lockdown incidents at all TSA functions in the New York/New Jersey area from January 2011 to the present. (Case Number TSA12-0291)

#### Late requests

- On February 3, 2012, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) a copy of the video “BSD Five Step Interview/Suspect Interview” produced by FLETC. (Case Number FLETC FOIA 12-030).
- On February 3, 2012, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) a list, index, or catalog of all training videos produced by FLETC in fiscal years 2005-2010. (Case Number FLETC FOIA 12-031).
- On February 3, 2012, **Max Newfield**, a researcher with **CNN Presents** in Atlanta, Georgia, requested from the Department of Homeland Security (DHS) a copy of the contracts DNDO awarded to Raspican on October 11, 2011. (Case Number DHS/OS/PRIV 12-0236).

### **III. FOIA Releases**

- On February 3, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Maria Sacchetti**, a reporter with **The Boston Globe** in Boston, Massachusetts, 450 pages responsive to her request seeking the names, crimes, and last-known states of residence of convicted criminals who have been released in the U.S. after serving their sentences because ICE did not deport them, and the reasons they were not deported. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(c). (Case Number 2012FOIA01383).
- On February 3, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-Director of **The Transactional Records Access Clearinghouse (TRAC)** and Associate Professor at Syracuse University in Syracuse, New York, an

- Excel spreadsheet provided by ICE ERO STU, which contains information responsive to 11 of the 80 items detailed in Dr. Long's request. These records were released in full. (Case Number ICE 2012FOIA03035).
- On February 6, 2012, the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) released to **Mark Rumold**, Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, 2,029 pages of lesson plans and PowerPoint slides responsive to his request for training material pertaining to Cellebrite systems and electronic data extraction used in Mobile Device Investigations Program. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(E). (Case Number FLETC FOIA 11-074).
  - On February 6, 2012, United States Immigration and Customs Enforcement (ICE) released to **Betsy Ginsberg**, an Assistant Clinical Professor with the **Benjamin Cardozo School of Law** in New York, New York, 192 pages of emails related to *Dent v. Holder*, 627 F.3d 365 (9<sup>th</sup> Cir. 2010). Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number 2012FOIA02492).
  - On February 6, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Azadeh Shahshahani**, an attorney with the **American Civil Liberties Union (ACLU)** in Atlanta, Georgia, 101 pages including ICE Office of Professional Responsibility investigation reports, in response to his request seeking records related to the death of an ICE detainee. Portions of this response are withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2012FOIA04876).
  - On February 6, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Azadeh Shahshahani**, an attorney with the **American Civil Liberties Union** in Atlanta, Georgia, 37 pages, including incident and autopsy reports, in response to his request seeking records concerning the death of an ICE detainee. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2012FOIA05032).
  - On February 7, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with the *Houston Chronicle* in Houston, Texas, 17 pages of records, including the final Office of Professional Responsibility report, concerning the January 13, 2011 death of a named individual while in ICE custody. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number ICE 2011FOIA5077).
  - On February 7, 2012, the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) released to **Christopher Soghoian**, a Graduate Fellow with the **Center for Applied Cybersecurity Research, Indiana University**, in Bloomington, Indiana, 2,029 pages of material consisting of lesson plans and PowerPoint slides previously responsive to his request for training material pertaining to mobile phone surveillance and tracking devices. This material was previously released in FLETC FOIA 11-074 (see above). Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(E). (Case Number FLETC FOIA 12-028).

- On February 7, 2012, the Transportation Security Administration (TSA) released to **Kevin McKeon**, an attorney in Washington, DC, 183 pages of correspondence between DHS and former Congressmen Charlie Bass (R-NH), Mike Fitzpatrick (R-PA), Steve Chabot (R-OH) and Steve Pearce (R-NM). Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), and (b)(7)(C). (Case Number TSA 10-0220).
- On February 7, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Mike Maybay**, a producer with **KSTP Television** in Minneapolis, Minnesota, one page of material consisting of Performance Analysis System (PAS) data responsive to his request for the following records: 1) statistical information about the number of N-648 (Medical Certification for Disability Exception) applications submitted to USCIS, the number granted and the number denied for each calendar years 2005, 2006, 2007, 2008, 2009, and 2010, including numbers for applications from the entire United States and for applications from Minnesota exclusively; 2) copies of N-648 applications by a psychologist practicing in Edina, Minnesota, submitted from January 1, 2005 through May 31, 2011; and 3) records of fraud surveys or fraud investigations involving N-648 applications submitted by medical professionals in Minnesota. This record was released in full. (Case Number USCIS COW2011000524).
- On February 7, 2012, the United States Citizenship and Immigration Services (USCIS) released to (b) (6) individuals in Plainfield, Indiana, 179 pages of the administrative record for the adoption application filed by (b) (6). Portions of this response are withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number USCIS COW2011000298).
- On February 7, 2012, the United States Citizenship and Immigration Services (USCIS) issued a no record determination to **Neil Munro**, a journalist with **The Daily Caller** in Washington, DC, in response to his request for copies of Form I-134, Affidavit of Support and I-864A, Contract Between Sponsor and Household Member of Immigration Sponsors between January 2000 through January 2002 that include 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 USCIS COW2011000633).
- On February 8, 2012, the Department of Homeland Security (DHS) released to **Sarah Chacko**, a staff writer with **Federal Times** in Springfield, Virginia, four pages of DHS job data responsive to her request seeking records relating to the number of jobs in-sourced, including the title and decision basis for the years 2006 through the present. These records were released in full. (Case Number MGMT 12-12).
- On February 8, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Scott MacFarlane**, Washington Correspondent with **Cox Media Group** in Washington, DC, 28 pages of correspondence between OIG and members of Congress. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (7)(C). (Case Number OIG FOIA #2012-038).

- On February 8, 2012, the United States Citizenship and Immigration Services (USCIS) issued a no record determination to **Steven Emerson**, President, with **SAE Productions** in Washington, DC, in response to his request for records about a meeting among the Department of Homeland Security and USCIS officials, representatives from the Minneapolis Sheriff's Department, the U.S. Attorney's Office and board members of the Abubakar As-Saddique Islamic Center in Minneapolis, Abdirashid Abdi and Sugule Jama to discuss law enforcement outreach to the Somali community in Minneapolis. (Case Number USCIS COW2011000926).
- On February 9, 2012, the Department of Homeland Security (DHS) released to **Emily Willard**, a research associate with the **National Security Archive** in Washington, DC, a four-page memorandum from DHS to the Department of Defense (DoD) requesting support for DHS's Southwest Border Security missions responsive to her request seeking records regarding DoD and DHS December 20, 2011 announcements that DoD and National Guard support to southwest US border security would be reduced to 300 personnel, concentrating on air support. Portions of this response were withheld pursuant to FOIA Exemption (b)(7)(E). (Case Number DHS/OS/PRIV 12-0153).
- On February 9, 2012, the Department of Homeland Security (DHS) released to **Stephanie Nielsen**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, a two-page letter from Congressman Jeff Flake (R-AZ) to DHS regarding Cuba policy responsive to her request seeking: 1) any correspondence, including electronic, to, from, or on behalf of Congressman Flake from January 2001 through the present; and 2) any correspondence to, from, or on behalf of Flake as a private citizen prior to January 2001. The record was released in full. (Case Number DHS/OS/PRIV 12-0173).
- On February 10, 2012, the Department of Homeland Security (DHS) released to **Constantine G. Papavizas**, an attorney with **Winston & Strawn, LLP** in Washington, DC, 104 pages of letters from the DHS Office of the Secretary responsive to his request seeking the following records: 1) the general (blanket) waiver of the Jones Act issued by the Department of Homeland Security on or about June 23, 2011 referenced in the Notice of Sale issued by the Strategic Petroleum Reserve Project Management Office of the Department of Energy; 2) any reversal, alterations or amendment to the general (blanket) waiver reference in the first request above; 3) any case-by-case or other Jones Act waiver issued by the Department of Homeland Security relating to the transportation of crude oil sold by the Department of Energy from the Strategic Petroleum Reserve in the Notice of Sale dated June 23, 2011; and 4) any other general determination, finding or other document finding that the Jones Act waivers are in the interest of national defense in connection with the June 23 Strategic Petroleum Reserve notice of sale by the Department of Energy other than records identified in the first three requests above. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (Case Number DHS/OS/PRIV 12-0045).
- On February 10, 2012, the Department of Homeland Security (DHS) released to **Jonathan K. Waldron**, an attorney with **Blank Rome, LLP**, in Washington, DC, 107 pages of responsive documents including letters from DHS Office of the

Secretary in response to his request seeking copies of all Jones Act Waivers granted in accordance with 46 U.S.C. §501 by the Department of Transportation Maritime Administration (MARAD) in connection with any and all successful Strategic Petroleum Reserve (SPR) purchase awards made from June 29, 2011 to present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (Case Number DHS/OS/PRIV 12-0047).

- On February 10, 2012, the Department of Homeland Security (DHS) released to **U.S. Senator Mary Landrieu (D-LA)** and **U.S. Senator David Vitter (R-LA)**, 169 pages of material consisting of letters from various oil companies and letters from DHS leadership responsive to their request for any and all documents or records, including but not limited to electronic documents, email, and paper documents, related to the decisions on marine transport for the drawdown of the Strategic Petroleum Reserve beginning June 23, 2011. Portions of this response were withheld pursuant to FOIA exemptions (b)(4) and (b)(6). (Case Number DHS/OS/PRIV 12-0175).

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- On February 7, 2012, U.S. Customs and Border Protection (CBP) released 55 pages consisting of a summary and Form I-213s, "Record of Deportable/Inadmissible Alien," in response to an appeal filed by **Dominic Gates**, aerospace reporter for *The Seattle Times* in Seattle, Washington, pertaining to his request for records relating to 15 Russian engineers who were denied entry into the United States at Sea-Tac International Airport in Seattle on or around October 14, 2011, which was initially closed as an unperfected request. Portions of the response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number CBP H196205)
- On February 7, 2012, U.S. Customs and Border Protection (CBP) released one page consisting of a photograph in response to an appeal filed by **Andrew Becker**, a reporter for **The Center for Investigative Reporting** in Berkeley, California, related to his request for photographs of CBP employees who were arrested, charged, convicted, and/or sentenced on corruption-related charges. Portions of these records were initially withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number H200578).
- On February 8, 2012, U.S. Customs and Border Protection (CBP) referred six DVDs to the Department of Justice Drug Enforcement Administration (DEA) in response to an appeal filed by **Lynn Oberlander**, General Counsel with *The New Yorker* in New York, New York, related to her request for video recordings and flight records regarding a raid on Tivoli Gardens in Kingston, Jamaica on May 24, 2010. Portions of these records were initially withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number CBP H195040).

#### VI. Lawsuits

- In the matter of *WeCount! Inc. v. U.S. Department of Homeland Security*, (11-cv-00-143), Plaintiff filed a complaint January 21, 2011, claiming that U.S. Immigration and

Customs Enforcement (ICE) improperly withheld records responsive 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. ICE on or between November 18 through November 19, 2008, in Miami Dade County, Broward County, and Palm Beach County, Florida. ICE released 637 pages of responsive records from the ICE Office of Enforcement and Removal Operations and the ICE Office of Homeland Security Investigations to the plaintiffs on February 3, 2012.

## **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 February 10 – 17, 2012

### Privacy Office

February 21, 2012

### 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 16, 2012, U.S. Immigration and Customs Enforcement (ICE) posted a copy of the December 2011 Kenosha County Detention Center Compliance Inspection Report to its FOIA Library.

#### II. FOIA Requests

- On February 13, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the number of federal convictions obtained under Operation Streamline, including the number of nonviolent immigration offenses; the lengths of imprisonment, names and locations of prisons for those arrested under Operation Streamline; 2) cost calculations for detentions, prosecutions, and incarcerations under Operation Streamline; 3) information regarding the failure to give defendants in Operation Streamline probable cause determinations within 48 hours of their warrantless arrests, as required by the Fourth Amendment; 4) any complaints and responses regarding this practice; and 5) information regarding the use of a Border Patrol Agent as a prosecutor, instead of an Assistant U.S. Attorney in some Operation Streamline trials. (Case Number ICE 2012FOIA06976).
- On February 14, 2012, **Emily Willard**, a research associate with **The National Security Archive**, Washington, DC, requested from U.S. Customs and Border Protection (CBP) all documents pertaining to Operation Streamline including 1) the number of federal convictions obtained under Operation Streamline and the number of non-violent immigration offenses; 2) information regarding lengths of imprisonment, names, and locations of prisons used under Operation Streamline; 3) cost calculations for detentions, prosecutions, and incarcerations; 4) information regarding the failure to give defendants probable cause determinations within 48 hours of their warrantless arrests; and 5) information regarding the use of a Border Patrol Agent as a prosecutor instead of an Assistant U.S. Attorney. (Case Number CBP FOIA 2012F13869).
- On February 13, 2012, **Michael Knuzelman**, a reporter with *The Associated Press* in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) email sent and received by Commandant Thad Allen from April 20, 2010 through July 31, 2010 concerning the Deepwater Horizon oil spill. (Case Number USCG 2012FOIA1293).
- On February 14, 2012, **Melissa Klein**, a reporter with *The New York Post* in New York, New York, requested from U.S. Customs and Border Protection (CBP)

documents on all initial reports of arrival for pleasure boats in the Newark/New York Area in 2011. (Case Number CBP FOIA 2012F13746).

- On February 14, 2012, **Amy Taxin**, a reporter with *The Associated Press* in Tustin, California, requested from U.S. Immigration and Customs Enforcement (ICE) documents outlining the Standard Operating Procedures for prosecutorial discretion that have been drafted and/or implemented by each ICE Office of Chief Counsel in the United States per the November 17, 2011 Memorandum by Principal Legal Advisor for ICE Peter Vincent. (Case Number ICE 2012FOIA06977).
- On February 14, 2012, **Rami Nagel**, requested from the Transportation Security Administration (TSA) information regarding the band/wavelength TSA's Advanced Imaging Technology (AIT) machines run on in addition to copies of all laboratory safety tests on mice for the AIT machines. (Case Number TSA12-0304).
- On February 15, 2012, **Michael Grabell**, a staff writer with *Pro Publica* in New York, New York, requested from U.S. Customs and Border Protection (CBP) documents regarding a police vehicle known as a Z-backscatter van, including: 1) lists or itineraries of past missions/deployments of the van, as well as memos, debriefings, or after-action reports; 2) the Department's policies and procedures regarding the van and any training materials; 3) final policy decisions or interpretations of the law or any legal options as to when Z-backscatter van can or cannot be used; 4) any contracts and supplemental contracting documents; 5) any tests or reports regarding the radiation dose or other health and safety concerns, 6) records related to data storage, and 7) contents of the image databases used and/or created by the Z-backscatter van. (Case Number CBP FOIA 2012F13866).
- On February 15, 2012, **Richard Gaines**, a reporter with *The Gloucester Times* in Gloucester, Maine, requested from the United States Coast Guard (USCG) the accident report of the *Bulldog* which was reported to have become immobilized off Portsmouth, New Hampshire on January 12, 2012. (Case Number USCG 2012FOIA1315).
- On February 15, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) received a request from **Aaron Diamant**, an investigative reporter with *WSB-TV* in Atlanta, Georgia, seeking a copy of report number OIG-12-26, entitled "TSA Covert Testing of Access Controls to Secured Airport Areas." (Case Number OIG FOIA 2012-058).
- On February 15, 2012, **Michael Brick**, a free-lance reporter with *The Daily* in Austin, Texas, requested from the United States Coast Guard (USCG) copies of reports of injuries incurred embarking, riding in, maintaining or testing lifeboats from 2002 through 2011. (Case Number USCG 2012FOIA1325).

#### Late requests

- On February 3, 2012, **Mary Cox**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following publicly available records: 1) any correspondence, including electronic, from or on behalf of Congressman Cornelius McGillicuddy, IV, also known as Connie Mack (R-FL), from January 2005 through the present; and 2) any correspondence, including electronic, from or on behalf of

Cornelius McGillicuddy, IV, in his former capacity as a Florida State Representative (R-91st) from January 2001 through October 2003. (Case Number DHS/OS/PRIV 12-0239).

- On February 6, 2012, **Josh Margolin**, a reporter with the *The New York Post* in New York, New York, requested from the Department of Homeland Security (DHS) a copy of any and all records in all printed and electronic formats concerning the review of events and responses associated with the ceremonies, game, and all events associated with Super Bowl XLVI in Indianapolis, Indiana, February 5, 2012. (Case Number DHS/OS/PRIV 12-0240).
- On February 7, 2012, **Patrick McHugh**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) complete copies of the correspondence associated with Electronic Correspondence Tracking System (ECT) workflow identification numbers 9453, 12539, 690061, 753591, 765060, 818244, 857447, and 873426. (Case Number DHS/OS/PRIV 12-0241).
- On February 7, 2012, **David Tonyan**, a graduate student with **The Medill School of Journalism at Northwestern University** in Skokie, Illinois, requested from the Department of Homeland Security (DHS) access to the list of all FOIA requests pertaining to the Occupy Chicago protestors from September 24, 2011 through January 22, 2012. (Case Number DHS/OS/PRIV 12-0244).
- On February 8, 2012, **Scott MacFarlane**, Washington Correspondent with **COX Media** in Washington, DC, requested from the Department of Homeland Security (DHS) all DHS records, including videotape, email, memorandums, reports, threat assessments, or transcripts regarding the Occupy Oakland protest from 2011 through 2012. (Case Number DHS/OS/PRIV 12-0255).
- On February 8, 2012, **Scott MacFarlane**, Washington Correspondent with **COX Media** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all written or electronic communication and mailing between Secretary Napolitano and Texas Governor Rick Perry from 2009 through 2012. (Case Number DHS/OS/PRIV 12-0256).
- On February 9, 2012, **Steven Emerson**, President, with **SAE Productions**, in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) copies of any reports, memos, email, or other internal DHS documents related to the January 18, 2012 White House meeting among DHS Secretary Janet Napolitano, Attorney General Eric Holder, and Assistant to the President for Homeland Security and Counterterrorism John Brennan; 2) any documents identifying meeting participants and their organizational affiliations and any evaluation forms/reports executed by meeting participants; 3). copies of any attendee evaluation forms/documents prepared resulting from this meeting (minus attendee identity information, if deemed necessary); and 4) copies of any audio and/or video presentations/recordings presented at or made during the meeting. (Case Number DHS/OS/PRIV 12-0260).

### III. FOIA Releases

- On February 14, 2012, the United States Citizenship and Immigration Services (USCIS) issued to **Eric Houser**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, a no records determination in response to his request seeking documents involving correspondence and other information requested by or provided to Scott Stanzel, former Deputy Assistant and Deputy Press Secretary to President George W. Bush from January 2001 through January 2009. (Case Number USCIS COW2011000655).
- On February 14, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Douglas Morino**, a reporter with the **Daily Breeze** in Hermosa Beach, California, four pages of tracking data pertaining to a complaint received by DHS-OIG. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). Additionally, Three pages were referred to the U.S. Customs and Border Protection (CBP). (Case Number OIG FOIA #2012-041).
- On February 14, 2012, the United States Coast Guard (USCG) released to **Lynn Walsh**, a producer with **WPTV NBC** in West Palm Beach, Florida, 39 pages of records including an incident report, a case report, and test results responsive to her request for information related to the July 2011 collision in Key West, Florida between *Carnival Imagination* and *Carnival Fantasy*. These records were released in full. (Case Number USCG 2012FOIA1044).
- On February 14, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Kevin James Andrews**, an attorney with **Murthy Law Firm** in Owings Mills, Maryland, 51 pages of communications, draft final rulings, and draft letter responses responsive to his request seeking correspondence and/or guidance between the USCIS Office of Chief Counsel (OCC) and E-Verify concerning interpretation of the H1B portability provision under INA § 214(n) and its applicability to non-immigrants in a status other than H1B status under INA § 214(n) on the basis of having been “previously issued a visa or otherwise provided nonimmigrant status under § 101(1)(15)(G)(i)(b).” Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number USCIS COW2011000334).
- On February 15, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released 311 pages of travel vouchers for three DHS-OIG agents to **Sean Reilly**, a staff writer with **The Federal Times** in Springfield, Virginia. Portions of this second interim response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number OIG FOIA #2012-042).
- On February 15, 2012, United States Customs and Border Protection (CBP) released to **John Verdi**, an attorney with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, 917 pages from contracts including incorporated proposals, statements of work and modifications responsive to his request seeking the following: 1) all records, final or draft, concerning the customization or purchase of ALPR systems; 2) all records, final or draft, of communication to ALPR vendors concerning customization or purchase of ALPR systems; 3) all records, final or draft, containing technical specifications for the customization or purchase of ALPR systems; 4) all

- contracts, final or draft, regarding the purchase or customization or purchase of ALPR systems; and 5) all records, final or draft, regarding the evaluation of ALPR systems. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7)(E). (Case Number CBP 2011F13600).
- On February 15, 2012, the Transportation Security Administration (TSA) released 183 pages of records to **Kevin McKeon**, a representative of **Pierce, Fitz and Chabot**, in Washington, DC, in response to his request for correspondence between TSA and four former members of Congress or their staff: Charlie Bass (R-NH); Mike Fitzpatrick (R-PA); Steve Chabot (R-OH); and Steve Pearce (R-NM). Portions of the response were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), (b)(6), and (b)(7)(C). (Case Number TSA10-0220).
  - On February 15, 2012 the Department of Homeland Security (DHS) released to **Russell Carollo**, a journalist with *JunketSleuth* in Pueblo, Colorado, 14 spreadsheets containing data responsive to his request seeking all data bases containing information regarding travel by DHS employees. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number MGMT 11-170).
  - On February 15, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Emily Willard**, a research associate with the **National Security Archive** in Washington, DC, 108 pages of email concerning the deployment of National Guard personnel in Operation Phalanx in response to her request seeking information about United States Department of Defense (DoD) and DHS announcements that the DoD and National Guard support to southwest U.S. border security would be reduced to 300 personnel concentrating on air support. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2012-02717).
  - On February 16, 2012, the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) released to **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, a copy of the video “Interview Techniques” responsive to his request for the BSD Five Step Interview/Suspect Interview video produced by DHS FLETC. The video was released in full. (Case Number FLETC FOIA 12-030).
  - On February 16, 2012, the United States Coast Guard (USCG) released to **Margaret McAvoy Riess**, a paralegal with **Fowler, Rodriguez, Valdes-Fauli** in New Orleans, Louisiana, 228 pages of diagrams, email, and related material responsive to her request seeking the report of the investigation of the April 20, 2010, Deepwater Horizon oil spill, witness statements, and Form 2692s. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (USCG Case Number FOIA 2011-3622).
  - On February 16, 2012, the United States Coast Guard (USCG) released to **James M. Wilson, Jr.**, an attorney with **Chitwood, Harley, & Harnes, LLP** in Atlanta, Georgia, 228 pages of diagrams, email, manuals, and related material regarding the Deepwater Horizon oil spill responsive to his request for documents referenced by the Joint Investigation Team in its final report issued September 14, 2011. Portions of

this response were withheld pursuant to FOIA exemptions (b)(4) and (b)(6). (Case Number FOIA 2011-3857).

- On February 16, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Tan**, an attorney with the **American Civil Liberties Union** in New York, New York, one spreadsheet containing data on the number of individuals detained by ICE Area of Responsibility in response to his request seeking documents containing the number of individuals in ICE custody subject to “non-mandatory” and “mandatory” detention on the first day of each month of 2011 for each ICE Area of Responsibility. These records were released in full. (Case Number ICE 2012FOIA-5180).
- On February 17, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Jon Campbell**, a freelance journalist in San Diego, California, 552 pages of work papers responsive to his request for certain work papers relating to OIG report number OIG-11-46, entitled “The State of California’s Management of Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008.” Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(4), (b)(5), and (b)(6). (Case Number OIG 2012-023).
- On February 17, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Laura Wides-Munoz**, a journalist with *The Associated Press* in Miami, Florida, 27 pages from the Alien File of Mario Rubio in response to her request seeking immigration records pertaining to the three deceased relatives of Senator Marco Rubio (FL-R). Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number USCIS COW2011000981).
- On February 17, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jeffery Alan Conklin**, an individual in Fairfax, Virginia, 28 pages of material consisting of a summary of proposed Senior Executive Service (SES) ratings, bonuses, and payments and of USCIS SES Performance Work Plans responsive to his request seeking the following records: 1) source data information contained in records for a statistical analysis of the FY08 SES Executive Performance Agreements at USCIS; 2) source information needed for statistical analysis and/or any records of statistical analysis that was done; 3) information contained in the block identified as “Summary Rating Score” on the first page of the final 2008 Executive Performance Agreements for SES at USCIS; 4) copies of all the final signed first pages of all USCIS SES Performance Work Plans from FY2008; 5) numerical scoring (not simply the final ranking) based on the numerical score and; 6) records of any statistical analysis that was done on the SES performance results in general at USCIS in 2008. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2) and (b)(6). (Case Number USCIS COW2011000946).

#### IV. FOIA Appeals

- On February 10, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, appealed the response by U.S. Customs and Border Protection (CBP) to her request for records concerning boomerang helicopter operations conducted by Mexican officials from U.S. territory from 2008 through the present. In response to the initial request, CBP was unable to locate any responsive

records. The requester is contesting the adequacy of the search. (Case Number CBP H204435).

## **V. FOIA Appeals Releases**

- NSTR

## **VI. Lawsuits**

- In the matter of *Electronic Privacy Information Center (EPIC) v. Department of Homeland Security*, (D.D.C. 11-cv-02261-JDB), the Plaintiffs filed a complaint on December 21, 2011, claiming constructive denial and denial of their media status pertaining to their April 19, 2011 request for records relating to Social Media Monitoring and Situational Awareness Initiatives. On February 15, 2012, the Department of Justice (DOJ) released to Plaintiffs 39 pages of records responsive to their request. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). An answer to the complaint was filed on February 17, 2012.
- In the matter of *WeCount! Inc. v. U.S. Department of Homeland Security*, (Case 1:11-cv-00143-RMC), in which Plaintiff claims improper exemptions were applied to responsive records released 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. Immigrations and Customs Enforcement (ICE) on or between November 18 through November 19, 2008 in Miami Dade County, Broward County, and Palm Beach County, Florida, on February 14, 2012, ICE released 1000 pages of responsive records from the ICE Office of Enforcement and Removal Operations 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 February 18 – 24, 2012

### Privacy Office

February 27, 2012

### 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 22, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the year-to-date Fiscal Year 2012 Nationwide Interoperability Statistics to the ICE FOIA Library.

#### II. FOIA Requests

- On February 19, 2012, **Holly Maynard**, anchor/reporter with **WSOC-TV**, in Charlotte, North Carolina, requested from the Transportation Security Administration (TSA) any information available regarding weapons seized at TSA security checkpoints at Charlotte-Douglas International Airport, in Charlotte, North Carolina, from January 2009 through March 2012. (Case Number TSA12-0329).
- On February 21, 2012, **Brandi Hitt**, a reporter with **KTTLA 5 News** in Los Angeles, California, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of an ICE agent's (deceased) disciplinary and performance files. (Case Number ICE 2012FOIA07361).
- On February 21, 2012, **Matt Schrader**, a journalist with **KOVR CBS-13** in West Sacramento, California, requested from the Transportation Security Administration (TSA) the following records: 1) documents detailing the total number of items reported stolen to TSA in 2010 and 2011, both agency-wide and at Sacramento International Airport (SMF), including the total estimated value of the items and total amount paid by TSA to settle all claims; 2) documents detailing unclaimed items, both agency-wide and at SMF during the same time period, and 3) documents detailing the number of passenger complaints about TSA staff and personnel using, taking, or damaging personal property. (Case Number TSA12-0323).
- On February 21, 2012, **Sarah Ryley**, a reporter/producer with **The Daily** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS), the following records: 1) annual statistics on the number of petitions filed-broken down by visa type-by Dahn Yoga or Dahn World since 1991, as well as the approvals, denials, fraud referrals, and findings of fraud, including country of origin; 2) all petitions filed by Dahn Yoga or Dahn World between calendar year 2009 through 2011; 3) email, letters, and other documentation addressed to or authorized by USCIS personnel containing the words Dahn Yoga or Dawn World; 4) any and all investigatory documentation related to Dahn Yoga or Dahn World, including but not limited to fraud reports; and 5) site visits related to petitions filed by Dahn Yoga or Dahn World. (Case Number USCIS COW2012000174).
- On February 21, 2012, **Alissa Bohling**, a reporter with **Truthout.org** in Portland, Oregon, requested from the Transportation Security Administration (TSA) the

- following records: 1) all complaints regarding searches or interaction with TSA staff based on the traveler's perception that the activity resulted from gender presentation, gender identity, transgender status, document inconsistencies regarding sexual markers, medical history, and/or requests for or review of documentation explaining the traveler's gender status, including all subsequent internal TSA communication regarding these complaints from September 4, 2003, through the cutoff date of this request; 2) current TSA procedures and training regarding the treatment of minors, the disabled, and transgender passengers, as well as passengers wearing concealed medical devices; 3) all procedures and training regarding TSA staff making passenger gender determinations; and 4) any and all documentation on how the L3 millimeter-wave scanners detect anomalies on passengers bodies. (Case Number TSA12-0325).
- On February 22, 2012, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Transportation Security Administration (TSA) all records concerning investigations into claims concerning the targeting of people for screening based on appearance, as well as any records summarizing or reporting the gender of passengers scanned at airports in Texas, Arizona, and Nevada and a log of all scans conducted at McCarran International Airport in Las Vegas, Nevada, for the week of December 29, 2011 through January 4, 2012, including all information recorded about the passenger, including gender. (Case Number TSA12-0326).
  - On February 22, 2012, **Jon A. Ottman**, a reporter with ***The Port Huron Times-Herald*** in Warren, Michigan, requested from the United States Coast Guard (USCG) correspondence and records detailing the proposed conversion of the former USCGC ***Bramble*** to private commercial service. (Case Number USCG 2012FOIA1376).
  - On February 23, 2012, **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) a copy of the video "Explosive Demo" produced by FLETC. (Case Number FLETC FOIA 12-041).
  - On February 23, 2012, **James Diamond**, an attorney with **Levine Sherkin Boussidan** in Toronto, Ontario, requested from the Department of Homeland Security (DHS) any documents describing or summarizing the particulars of the attempt made on February 13, 2012, by two named individuals to enter the United States and the reasons for their denial of entry. (Case Number DHS/OS/PRIV 12-0286).
  - On February 23, 2012, **Michael Kaufman**, an attorney with **The American Civil Liberties Union (ACLU) of Southern California** in Los Angeles, California, together with **The ACLU Immigrants' Right Project, The ACLU National Prison Project, The ACLU of Minnesota, The ACLU of New Mexico, the ACLU of San Diego & Imperial Counties, Electronic Frontier Foundation (EFF), the National Immigration Law Center, the National Immigration Justice Center and the Transactional Records Access Clearinghouse at Syracuse University (TRAC)** requested from the Department of Homeland Security (DHS) any and all records prepared, received, transmitted, collected and/or maintained by DHS, U.S. Immigration and Customs Enforcement (ICE), United States Citizenship and Immigration Services (USCIS), or U.S. Customs and Border Protection (CBP) relating to or concerning the following: 1) policies, procedures, manuals, memoranda, or other guidance (whether in written or electric form), issued or in effect from 2005

to present, concerning the consideration and evaluation of requests for a fee waiver under 5 U.S.C. § 552(a)(4)(A)(iii) (public interest fee waiver) in connection with a FOIA request; 2) policies, procedures, manuals, memoranda, or other guidance (whether in written or electric form), issued or in effect from 2005 through the present, concerning the consideration and evaluation of requests for specific requester classification under 5 U.S.C. § 552(a)(4)(A)(ii)(II) in connection with a FOIA request; 3) any and all statistics since 2005 concerning the number of requests for a public interest fee waiver received; the number or percentage of fee waivers issued; the number of administrative appeals made by FOIA requesters who were denied fee waivers; the outcome of the appeals; the number of lawsuits filed by FOIA requesters challenging the denial of a fee waiver; and the outcome of the lawsuits; 4) any and all statistics since 2005 concerning the number of requests for specific requester classification received; the number or percentage of specific requestor classifications issued; the number of administrative appeals taken by FOIA requesters who were denied specific requester classification; the outcome of the administrative appeals; the number of lawsuits filed by FOIA requesters challenging the denial of specific requester classification; and the outcome of the lawsuits; 5) augmented FOIA logs for requests from 2005 to the present on which a request for a fee waiver or specific requestor classification was sought providing the following: (a) the tracking ID assigned the request, (b) the date of the request, (c) the identity of the requester including name and organization name, (d) the city and state of the requester, (e) a description of the records requested, (f) whether a fee waiver or specific requestor classification or both were requested, (g) whether the fee waiver was denied or granted, (h) the date of the fee waiver decision, (i) whether the specific requester classification was made or, if denied, the requester classification assigned, (j) the date of the requester classification decision, (k) the amount of any fees requested, and (l) the amount of any fees actually collected; 6) augmented FOIA logs concerning each FOIA appeal from 2005 to the present on which a fee waiver or specific requester classification was sought providing the following information: (a) the original request tracking ID, (b) the appeal tracking ID, (c) the date of the appeal, (d) the identity of the requester including name and organization name, (e) the city and state of the requester, (f) a description of the records requested, (g) whether a fee waiver or specific requester classification or both were appealed, (h) whether the appeal on the fee waiver upheld or reversed the FOIA office's determination, (i) the date of the fee waiver appeal decision, (j) whether the appeal of the requester classification was granted or denied, (k) the date of the requester classification appeal decision, (l) the amount of any fees upheld; and 7) augmented FOIA logs, logs, or other compilations concerning each lawsuit filed from 2005 to the present in which the Plaintiff challenged the denial of a FOIA fee waiver or specific requester classification was sought providing the following information: (a) the identity of the requester including name and organization name, (b) the city and state of the requester, (c) a description of the records requested, (d) the name and citation of the lawsuit, (e) the date the lawsuit was filed, (f) the court in which the lawsuit was filed, (g) whether the denial of a fee waiver or specific requester classification or both were challenged, (h) the outcome of the lawsuit, including whether the court found that the Plaintiff was

entitled to a fee waiver or requester classification, (i) the date of the final decision, settlement or other final action in the lawsuit. (Case Number DHS/OS/PRIV 12-0287).

#### **Late requests**

- On February 15, 2012, **Tracey Broussard**, an individual in Hollywood, Florida, requested from the Transportation Security Administration (TSA) statistics for the past five years related to incidents in which Federal Air Marshals assisted in passenger-related incidents, such as threats to passenger safety, or medical or aircraft emergencies. (Case Number TSA12-0315).
- On February 15, 2012, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records related to a named individual who died in ICE custody on December 19, 2011. (Case Number 2012FOIA07153).
- On February 15, 2012, **Shona Holagh**, planning editor with *FOX 5* in Atlanta, Georgia, requested from the Transportation Security Administration (TSA) a compilation of all formal complaints made by passengers against TSA at Hartsfield-Jackson International Airport in Atlanta, Georgia, for over-screening by TSA agents. (Case Number TSA12-0313).
- On February 15, 2012, **Elisha Anderson**, a reporter with *The Detroit Free Press*, Detroit, Michigan, requested from the Transportation Security Administration (TSA) records related to reportable prohibited items found at Detroit Metro Airport (DTW) from 2007 through 2011, including how many prohibited items were found and the category in which each was classified, as well as the same information for Orlando (MCO), Newark Liberty (EWR), Minneapolis-St. Paul (MSP), Seattle-Tacoma (SEA), and Philadelphia (PHL) airports. (Case Number TSA12-0314).
- On February 15, 2012, **Adam Rappaport**, Senior Counsel with **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, DC, requested from the Department of Homeland Security (DHS) all communications between all DHS employees, and the Office of Representative Michael Grimm (R-NY), or anyone acting on his behalf, related to individuals obtaining green cards, including but not limited to communications regarding a named individual and the Office of the Secretary and the Offices of Legislative Affairs, Intergovernmental Affairs, and the General Counsel. (Case Number DHS/OS/PRIV 12-0275).
- On February 15, 2012, **Sean Kennedy**, Manager of Research with **Citizens Against Government Waste (CAGW)** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of records indicating the amount DHS spent in Fiscal Year 2010 reimbursing contractors for defined benefit pension plan shortfalls in target funding. (Case Number DHS/OS/PRIV 12-0278).
- On February 16, 2012, **Ryan Lengerich**, a reporter with *The Rapid City Journal* in Rapid City, South Dakota, requested from the United States Citizenship and Immigration Services (USCIS) any existing database, or a database that can be created, with the following information from January 1, 2010 through the present in the state of South Dakota: all H-2B workers in South Dakota, including their names, ages, home country and address, job title, phone number, U.S. address, and dates of employment in South Dakota. (Case Number USCIS COW2012000170).

### III. FOIA Releases

- On February 17, 2012, the United States Coast Guard (USCG) issued a no records determination to **Bonnie Stewart**, a journalist with **Oregon Public Broadcasting** in Portland, Oregon, in response to her request seeking documents related to the towing survey and stability study from 2008 for the *Davy Crockett*. (Case Number USCG 2012FOIA1172).
- On February 21, 2012, United States Citizenship and Immigration Services (USCIS), released to **(b) (6)**, an individual in Laguna Hills, California, 835 pages of records relating to the following: 1) all documentation from September 2009 to present regarding the reassignment of the requester from the California Service Center to the Nebraska Service Center in May 2010; 2) all such documentation regarding this reassignment from 15 individuals; and 3) Outlook email tapes for two individuals containing references to the requester's reassignment. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(E). (Case Number USCIS COW2011000510).
- On February 22, 2012, the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) released to **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, a list, index, or catalog of all training videos produced by FLETC from Fiscal Year 2005 through Fiscal Year 2010. (Case Number FLETC FOIA 12-031).
- On February 22, 2012, the Department of Homeland Security (DHS) released to **Emily Willard**, a research associate with the **National Security Archive** in Washington, DC, a four-page memo from DHS to the Department of Defense (DoD) requesting support for DHS's Southwest Border missions responsive to her request seeking records regarding DoD and DHS announcements on that DoD and National Guard support to southwest border security would be reduced to 300 personnel concentrating on air support. Portions of the response were withheld pursuant to FOIA Exemption (b)(7)(E). (Case Number DHS/OS/PRIV 12-0153).
- On February 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Knittle**, a reporter with **The Oklahoman** in Oklahoma City, Oklahoma, records related to the number of removals for the Dallas, Texas ICE area of responsibility (AOR) from 2006 through 2011, in response to his request seeking information related to the number of deportations/removals of illegal aliens documented over the past six years (2006, 2007, 2008, 2009, 2010 and 2011) originating in Oklahoma. The information was released in full. (Case Number ICE 2012FOIA06436).
- On February 23, 2012, U.S. Customs and Border Protection (CBP) released to **Melissa Klein**, a reporter with the **New York Post** in New York, New York, one page of statistics identifying pleasure boat conveyances arriving in 2011 for the New York and the New York-Newark, New Jersey, areas. The record was released in full. (Case Number CBP 2012F13746).
- On February 23, 2012, United States Citizenship and Immigration Services (USCIS) responded to **Maria Sacchetti**, a reporter with **The Boston Globe** in Boston, Massachusetts, with a total denial relating to her request for a copy of the

immigration file for Omar Okech Obama a/k/a Onyango Obama. (Case Number USCIS COW2011000924).

- On February 24, 2012, the Department of Homeland Security (DHS) released to the United States Department of Justice two pages listing invitees to a January 19, 2010, Southwest Border Strategy Group meeting responsive to a FOIA request from **Sean Dunagan**, an investigative reporter with **Judicial Watch** in Washington, DC, seeking records related to Operation Fast and Furious. Portions of the response were withheld pertaining to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number DHS/OS/PRIV 12-0254).

#### IV. FOIA Appeals

- On February 22, 2012, **Ronald Schechter**, an attorney with **Arnold & Porter LLP** in Washington, DC, appealed the adequacy of the search by the Department of Homeland Security (DHS) to his request for 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, including but 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, including (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 A-12-0041).
- On February 22, 2012, **Ronald Schechter**, an attorney with **Arnold & Porter LLP** in Washington, DC, appealed the adequacy of the search by the Department of Homeland Security (DHS) to his request for 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 A-12-0042).
- On February 22, 2012, **Ronald Schechter**, an attorney with **Arnold & Porter LLP** in Washington, DC, appealed the adequacy of the search by the Department of

Homeland Security (DHS) to his request for the following documents: 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 A-12-0043).

## **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 February 24 – March 1, 2012

Privacy Office

March 5, 2012

### 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 29, 2012, U.S. Immigration and Customs Enforcement (ICE) posted to their online FOIA Library the January 2012 FOIA Log.

#### II. FOIA Requests

- On February 27, 2012, **Alicia Caldwell**, a reporter with *The Associated Press* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding treatment in the workplace filed within the Los Angeles area offices of ICE since January 1, 2008, including allegations of bias, inappropriate conduct, and general mistreatment of employees. (Case Number ICE 2012FOIA08134).
- On February 28, 2012, **Michael Tan**, staff attorney with the **American Civil Liberties Union Foundation (ACLU)**, **ACLU Immigrants' Rights Project** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) the number of individuals in ICE custody under INA 236(c) on the first day of each month in Fiscal Year 2010 - 2011 for each detention facility in California, including all look-up tables, guidance, policies, manuals, or other records defining the database fields and possible entries for the fields produced in response to this request. (Case Number ICE 2012FOIA08174).

#### Late requests

- On November 10, 2011, **Evan Kaufman**, Partner with Robbins Geller Rudman & Dowd, Melville, New York, requested from the Transportation Security Administration (TSA) all contracts with Lockheed Martin regarding the HR Access program, as well as all documents concerning Lockheed Martin's performance and award fees earned on the HR Access contract. (Case Number TSA12-0339).
- On January 23, 2012, **Duane Stuart**, general manager with *thebackgate.org* in Brazoria, Texas, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) the number of current employees employed by the Texas Department of Criminal Justice working under HB1 visa status; and 2) the counties of origin of those employees. (Case Number USCIS NRC2012014522).
- On February 9, 2012, **Les Zaitz**, a reporter with *The Oregonian* in Portland, Oregon, requested from United States Citizenship and Immigration Services (USCIS) the complete file on a named individual. (Case Number USCIS NRC2012012662).
- On February 15, 2012, **Josh Gerstein**, a reporter with *POLITICO* in Washington, DC, requested from the United States Secret Service (USSS) a copy of all official schedules for President Barack Obama, including but not limited to daily schedules of

- appointments and activities and trip schedules reflecting appointments and activities during “out-of-Washington” travel. (Case Number USSS 20120159).
- On February 21, 2012, **Michael Morisy**, a blogger with ***MuckRock*** in Somerville, Massachusetts, requested from the Federal Emergency Management Agency (FEMA) copies of closing reports, reviews, and/or other post-operation updates made evaluating the effectiveness or success of the Department of Homeland Security (DHS) readiness test performed at the Winter Hill Community School in Somerville, Massachusetts, on July 26, 2007. (Case Number FEMA 12-314).
  - On February 21, 2012, **David Perera**, a journalist with ***Fierce Homeland Security*** requested from the Federal Emergency Management Agency (FEMA) copies of the bottom-up review of the Pre-positioned Equipment Program FEMA began in December 2011. (Case Number FEMA 12-313).
  - On February 21, 2012, **Sarah Ryley**, a reporter/producer with ***The Daily*** in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) a list of I-924 applications submitted between January 1, 2009 through the present, including the name and addresses of the principal regional center, managing company, and other agent; 2) the structure, ownership, and control of the regional center, including the date it was established, how its organized, and a description of the past, current, and future promotional activities; 3) the current and/or prospective structure of ownership and control of the commercial entity in which the EB-5 alien investors have or will make their capital investments; 4) if each of the I-924 applications was approved, denied, or revoked, as well as the date of such action; 5) the denial letter for each of the I-924 applications that were denied; 6) for approved I-924 applications, the number of I-526 petitions submitted by each regional center, in addition to a breakdown of their current disposition (number approved, denied, revoked, withdrawn, abandoned, and RFE); 7) for approved I-924 applications, the number of I-829 petitions submitted by each regional center per fiscal year, the number of approvals, and the number of denials along with a reason for denial. (Case Number USCIS COW2012000173).
  - On February 22, 2012, **Antonio Olivo**, a reporter with ***The Chicago Tribune*** in Chicago, Illinois, requested from the United States Citizenship and Immigration Services (USCIS) all I-924 applications, and I-526 and I-829 petitions with supporting documentation submitted to USCIS by the following approved Immigrant Investor Regional Centers under the EB-5 Visa program: 1) US HITEC Regional Center; 2) Local Government Regional Center of Illinois; 3) Chicagoland Foreign Investment Group; 4) LaSalle County Business Development Center; 5) Intercontinental Regional Center Trust; and 6) Energize-ECI EB-5 Visa Regional Center. (Case Number USCIS COW2012000192).
  - On February 20, 2012, **Josh Margolin**, a reporter with ***The New York Post*** in New York, New York, requested from the Transportation Security Administration (TSA) records concerning sex crimes and attempted sex crimes reported to have occurred on board any aircraft, whether in-flight or not, in TSA's jurisdiction from January 1, 2010 through the present. (Case Number TSA12-0330).
  - On February 23, 2012, **Rachel Schallom**, a graphics reporter with ***The Columbia Missourian*** in Columbia, Missouri, requested from the Federal Emergency

- Management Agency (FEMA) information regarding the 2011 tornado in Joplin, Missouri, specifically, how many individuals were displaced and how much assistance was provided by county. (Case Number FEMA 12-316).
- On February 23, 2012, **John Knicely**, a journalist with **KMOV News 4** in St. Louis, Missouri, requested from the Transportation Security Administration (TSA) attendance records for TSA workers on Monday as compared with other workdays. (Case Number TSA12-0331).
  - On February 24, 2012, **Holly Maynard**, anchor/reporter with **WSOC-TV** in Charlotte, North Carolina, requested from the Transportation Security Administration (TSA) any complaints made by travelers to TSA regarding treatment at security checkpoints at Charlotte Douglas International Airport in North Carolina. (Case Number TSA12-0342).

### III. FOIA Releases

- On February 22, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Michael George**, a reporter with **ABC Action News** in Tampa, Florida, 65 pages of material consisting of petitions and labor documents responsive to his request seeking copies of all H2B Visa applications and related records filed by U.S. Lawns of Tampa, North Tampa (Clearwater), and St. Petersburg, Florida. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(E). (Case Number USCIS NRC2011093580).
- On February 24, 2012, U.S. Immigration and Customs Enforcement (ICE) notified **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, that all records responsive to her request seeking information about an individual who died in ICE custody on December 19, 2011, were being withheld due to an ongoing law enforcement investigation. (Case Number USCIS 2012FOIA07153).
- On February 28, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Mark Miller**, a reporter with **Capital News Service** in Washington, DC, a spreadsheet containing data from the ICE Office of Enforcement and Removal Operations related to the 287(g) Criminal Alien Program (CAP), in response to his request seeking information about all persons arrested by the Frederick County [Maryland] Sheriff's Office in connection with the CAP since its 2008 inception. Portions of the response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number ICE 2012FOIA04941).
- On February 29, 2012, 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, 217 pages of travel vouchers responsive to his request for records pertaining to travel by OIG agents. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number OIG FOIA 2012-042).
- On February 29, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, an attorney with the **American Civil Liberties Union (ACLU)** in Washington, DC, 112 pages of email, medical records, investigative reports, and other documents pertaining to the March 12, 2010, death of an individual in ICE custody responsive to his request seeking copies of records involving individuals who

- have died in ICE custody. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(F), and (b)(7)(E). (Case Number 2011FOIA2220).
- On March 1, 2012, the Department of Homeland Security (DHS) released to **Jason Smathers**, a blogger with ***MuckRock*** in Somerville, Massachusetts, 41 pages of email related to his request seeking information about processing of an earlier FOIA request he submitted seeking information about an April 2011 request for the Alien File of Barack Obama Senior. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 12-0105).
  - On March 1, 2012, United States Citizenship and Immigration Services (USCIS) released to **Rudi Keller**, a reporter with ***Columbia Daily Tribune*** in Columbia, Missouri, five pages of email responsive to his request seeking communications among USCIS and U.S. Representatives and/or Senators from Missouri regarding the Mamtek EB-5 Regional Center application. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCIS COW2011000928).

#### IV. FOIA Appeals

- On March 2, 2012, U.S. Customs and Border Protection (CBP) granted a partial public interest fee waiver and categorized the requester as a media representative in response to an appeal from **Edwin Macy**, an attorney with the American Civil Liberties Union (ACLU) of New Mexico in Albuquerque, New Mexico, pursuant his request seeking records pertaining to CBP's use of cameras and other technologies at permanent Border Patrol checkpoints in New Mexico. (Case Number CBP H201275).

#### V. FOIA Appeals Releases

- NSTR

#### VI. Lawsuits

- In the matter of *Gonzales & Gonzales Bonds v. DHS*, (N.D. Cal. 11-cv-2267), Plaintiff filed a complaint on May 9, 2011, alleging that U.S. Immigration and Customs Enforcement (ICE) has improperly denied numerous FOIA requests for Alien Files (A-files). Until mid-2010, United States Customs and Immigration Services (USCIS) responded to requests from bond obligors by supplying the entire A-file; however, when ICE began processing bond obligor requests, ICE produced redacted copies of certain documents in the file, but not the entire file. ICE later changed the procedure to have ERO's Bond Management Unit respond to all bond obligor requests. On February 9, 2012, the Court granted DHS's Motion to Dismiss.
- In the matter of *Board of County Supervisors of Prince William County v. DHS* (E.D.V.A. 11-cv-819), in which Plaintiffs claimed that U.S. Immigration and Customs Enforcement (ICE) and United States Citizenship and Immigration Services (USCIS) failed to provide a timely response and improperly applied exemptions to records released pursuant to their November 23, 2010, FOIA request seeking documents relating to individuals taken into physical custody in Prince William County, Virginia, and then turned over to ICE, on March 1, 2012, the Court granted DHS's Motion for Summary Judgment and dismissed the case.

## **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 March 2 – 8, 2012**  
**Privacy Office**  
**March 12, 2012**  
**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 March 2, 2012, **Sean Dunagan**, senior investigator with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the 2004 management review report by the Joint Assessment Team (JAT) assigned to investigate the conduct of ICE and Drug Enforcement Agency (DEA) personnel during an investigation, and the relationship among Federal law enforcement agencies in the El Paso, Texas, and Ciudad Juarez, Chihuahua areas; and 2) all records related to any interviews conducted by, on behalf of, and/or in the presence of any member of the JAT. (Case Number 2012FOIA08258).
- On March 2, 2012, **Robert Faturechi**, a reporter with the *Los Angeles Times* in Los Angeles, California, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to a 2002 U.S. Customs Service investigation into allegations that dozens of bullet proof vests were purchased by the City of Gardena from Los Angeles County, then sold and shipped to Cambodia. (Case Number 2012FOIA08249).
- On March 2, 2012, **Gregory Korte**, a reporter with *USA Today* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records related to the November 4, 2011 subpoena issued by the House Subcommittee on Immigration Policy and Enforcement. (Case Number 2012FOIA08312).
- On March 5, 2012, the Transportation Security Administration (TSA) referred to the Department of Homeland Security (DHS) Office of Inspector General (OIG) a request referred from **Mark Albert**, a journalist with **KSTP-TV(ABC)** in Minneapolis, Minnesota, seeking any complaint, warning, or concern received in calendar years 2010 or 2011 by TSA from a TSA employee at Minneapolis-St. Paul Airport (MSP) that raised concerns about TSA management or administration at MSP or expressed concerns about retaliation, discipline, or public safety being jeopardized by TSA staff or management decisions. (Case Number 2012-061).
- On March 5, 2012, **Claire Navarro**, a researcher with **The National Security Archive**, in Washington, DC, requested from the Department of Homeland Security (DHS) all records from January 1, 2011 through the present regarding the Western Hemisphere Counterdrug Strategy, which was created by an interagency team convened by the Office of National Drug Control Policy (ONDCP), including, but not limited to, talking points, agendas, memos, transcripts, cables, audio recordings, information reports, etc. (Case Number DHS/OS/PRIV 12-0301).

- On March 5, 2012, **Emily Willard**, a researcher with the **National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records relating to the February 15, 2011, death of Special Agent Jaime Zapata (deceased) and the subsequent investigation. (Case Number 2012FOIA08314).
- On March 6, 2012, **Claire Navarro**, a researcher with **The National Security Archive**, in Washington, DC, requested from the Department of Homeland Security (DHS) all documents from August 2009 through the present pertaining to the bi-lateral implementation plan for the four pillars of the extended Merida Initiative, including cables, memos, talking points, budget breakdowns, transcripts, information reports, intelligence reports, etc. (Case Number DHS/OS/PRIV 12-0303).
- On March 7, 2012, **Stephanie Nielsen**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) a log of all FOIA requests submitted to DHS concerning Senator Deborah (Debbie) Stabenow (D-MI) from January 1, 2001 through the present and any correspondence from or on behalf of Senator Stabenow since January 1, 2001 through the present. (Case Number DHS/OS/PRIV 12-0305).
- On March 7, 2012, **James Sprankle**, a reporter with **Fox News** in Washington, DC, requested from the United States Coast Guard (USCG) the number of accidental deaths or injuries that have occurred annually as a result of military training within the past five years. (Case Number 2012FOIA1552).
- On March 7, 2012, **Lauren Wilkinson**, an individual in Austin, Texas, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) the Consular Record of Birth Abroad or equivalent document submitted for George Romney by his parent in 1912; 2) the processing documents for Gaskell and Anna Romney for re-admittance into the United States, and 3) the entire immigration files of George, Gaskell, and Anna Romney, including their repatriation documents and/or visa files for 1912 and beyond. (Case Numbers USCIS NRC2012017105, USCIS NRC2012017107, and USCIS NRC2012017108).
- On March 7, 2012, **Andrew Becker**, staff reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) information relating to any and all the ICE Director's travel engagements, both domestic and abroad, the purpose for the travel, all related costs, and information relating to the people who traveled with the Director for each trip from the time of his confirmation to the present. (Case Number 2012FOIA08445).
- On March 8, 2012, **Andrew Becker**, staff reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding the repatriations/removals of criminal Mexican nationals, by U.S. port of entry for each fiscal year from 2003 through the present. (Case Number ICE 2012FOIA08435).

#### **Late requests**

- On February 28, 2012, **Abed Ayoub**, legal director with the **American-Arab Anti-Discrimination Committee Research Institute** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding individuals who

are officially considered stateless, specifically documented persons of Palestinian descent and Palestinian nationals detained and/or deemed deportable by ICE. (Case Number ICE 2012FOIA08311).

- On February 29, 2012, **G.W. Schulz**, a journalist with the **Center for Investigative Reporting** in Austin, Texas, requested from the United States Coast Guard (USCG) all contents in the E-AVIATORS and E-MISHAPS databases, including current user manuals maintained for these two databases. (Case Number 2USCG 012FOIA1504).
- On February 29, 2012, **Khaliah Barnes**, Open Government Fellow, and **Ginger McCall**, Director, EPIC Open Government Project, with the **Electronic Privacy Information Center (EPIC)**, in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to the January 18, 2012 White House Conference on Domestic Terrorism at which DHS, the Federal Bureau of Investigation (FBI), and the National Counterterrorism Center (NCTC) discussed their analysis of domestic terrorism incidents, including all records presented during the conference; all records concerning each of the 62 case studies investigated for the final report analysis; and all instructions, policies, and/or procedures presented during the conference concerning methodology used to identify persons label as domestic terrorists and/or domestic terrorist extremists. (Case Number DHS/OS/PRIV 12-0297).
- On February 29, 2012, **Jordy Yager**, a reporter with **The Hill**, in Washington, DC, requested from the Department of Homeland Security (DHS) copies of the following documents: 1) a complete log of all travel undertaken by the Secretary of Homeland Security from March 24, 2011 through January 24, 2012; and 2) a complete log of all travel undertaken by the Deputy Secretary of Homeland Security from March 24, 2011 through January 24, 2012. (DHS/OS/PRIV 12-0298).
- On February 28 2012, **Max Calise**, News Assignment Manager with **ABC-4/CW-30 TV** in Salt Lake City, Utah, requested from the Transportation Security Administration (TSA) a copy of security camera footage from a particular location in the Salt Lake City International Airport over the period 12:45 PM through 1:00 PM on February 24, 2012. (Case Number TSA12-0348).
- On March 1, 2012, **Michael Grabell**, a staff writer with **ProPublica** in New York, New York requested from the Transportation Security Administration (TSA) an electronic copy of the Federal Air Marshal Service misconduct database. (Case Number TSA12-0351).

### III. FOIA Releases

- On March 5, 2012, United States Citizenship and Immigration Services (USCIS), released to **Robert Deasy**, Director of Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, DC, 62 pages of records consisting of statistical data, inquiries and responses, and emails pertaining to O nonimmigrant visa classifications responsive to his request for information about the O nonimmigrant visa program. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCIS NRC2010053613).
- On March 5, 2012, United States Citizenship and Immigration Services (USCIS), released to **Robert Deasy**, Director of Liaison and Information with **American**



- Immigration Lawyers Association (AILA)** in Washington, DC, 33 pages of records consisting of statistical data, inquiries and responses, and email pertaining to P nonimmigrant visa classifications responsive to his request for information about the P nonimmigrant visa program. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCIS NRC2010053626).
- On March 6, 2012, the Transportation Security Administration (TSA) released to **Lena Masri**, staff attorney with the **Council on American-Islamic Relations (CAIR)** in Southfield, Michigan, nine pages of travel records related to a named individual. Portions of the release were withheld under FOIA Exemptions (b)(3) and (b)(7)(E). (Case Number TSA11-0751).
  - On March 6, 2012, the Federal Law Enforcement Training Center (FLETC) issued to **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, a total denial of “Explosive Demo.” (Case Number FLETC FOIA 12-041).
  - On March 6, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Brandi Hitt**, a reporter with **KTLA 5 News** in Los Angeles, California, a full denial in response to her request seeking copies of the disciplinary and performance files of Special Agent Ezequiel Garcia. Portions of this response were withheld pursuant to FOIA Exemption (b)(7)(A). (ICE Case Number 2012FOIA07361).
  - On March 6, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Betsy Ginsberg**, an Assistant Clinical Professor at the **Benjamin Cardozo School of Law** in New York, New York, a second interim response, which included 163 pages of email communications concerning the decision in *Dent v. Holder*. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number ICE 2012FOIA02492).
  - On March 6, 2012, the Department of Homeland Security (DHS) released to **Mary Cox**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, two pages of Congressional correspondence logs for Congressman Cornelius McGillicuddy IV, (R-FL). Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 12-0239).
  - On March 6, 2012, the Department of Homeland Security (DHS) released to **Senator Robert Menendez** (D-NJ), 145 pages of his Congressional correspondences dated January 1, 2007 through November 1, 2011. 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 12-0052).
  - On March 6, 2012, United States Citizenship and Immigration Services (USCIS), released to **Jeffery Conklin**, an individual in Fairfax Station, Virginia, 44 pages of material consisting of FY 2007 USCIS Executive Performance Agreements in response to his request seeking the following records: 1) source data information contained in records for a statistical analysis of the FY 2007 SES Executive Performance Agreement at USCIS; 2) source information needed for statistical analysis and/or any records of statistical analysis that was done in this FY; 3) information contained in the block identified as “Summary Rating Score” on “Page 1” of the final 2007 Executive Performance Agreements for SES at USCIS; 4) copies of all final completely signed “Page 1’s” of all USCIS SES Performance Work Plans

from FY 2007 including the numerical scoring; and 5) copy of the record of any statistical analysis that was done on the SES performance results in general at USCIS in 2007. Portions of this response were withheld pursuant to FOIA exemptions (b)(2) and (b)(6). (Case Number USCIS COW20110000961).

- On March 6, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Ryan Lengerich**, a reporter with ***Rapid City Journal*** in Rapid City, South Dakota, 66 pages of H-2B data for workers limited to countries of birth, ages, job titles and dates of employment in South Dakota, in response to his request seeking all H-2B worker data in the state of South Dakota since January 2010 including their names, ages, home country and address, job title, phone number, United States address and dates of employment in the state of South Dakota. The records were released in full. (Case Number USCIS COW2012000170).
- On March 6, 2012, the Department of Homeland Security (DHS) released to **Lynn Doan**, an energy market reporter from ***Bloomberg News***, in New York, 205 pages of documents including email and letters from the Secretary's Office responsive to her request seeking copies of expedited Jones Act Waivers requested approved, denied and/or still pending related to the sale of oil from the U.S. Strategic Petroleum Reserve in June 2011. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (Case number DHS/OS/PRIV 12-0046).
- On March 8, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Steve Eder**, a reporter with the ***Wall Street Journal***, in New York, New York, one page of data from the Performance Analysis System containing the total number of approved I-829s and I-526s from 2007 through 2011 in response to his request seeking the number of EB-5 visas that have been issued through each EB-5 regional center over the past five years. These records were released in full. (Case Number USCIS COW2012000225).

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- On March 8, 2012, the Transportation Security Administration (TSA) released to **John Althen**, FOIA Program Manager with **Judicial Watch** in Washington, DC, six pages of multi-agency communications with portions now being released that were previously withheld pursuant to FOIA Exemption (b)(5). Portions of this response were withheld under FOIA Exemption (b)(6). (Case Number TSA10-0845A).

#### VI. Lawsuits

- In the matter of *Electronic Privacy Information Center v. The Department of Homeland Security* (DHS), (Case 1:12-cv-00333-GK), Plaintiff filed a complaint on March 1, 2012, claiming constructive denial to their request for records concerning contracts, communications, Privacy Impact Assessments (PIAs), and related documents concerning a program designed to monitor Internet traffic routed through Internet Service Providers from Internet users to computer networks operated by defense contractors.

## **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 March 9 – 15, 2012**  
**Privacy Office**  
**March 19, 2012**  
**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 15, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the Laredo Service Processing Center Compliance Inspection Report and the February 2012 FOIA Log to the ICE FOIA Library.
- On March 15, 2012, the Department of Homeland Security (DHS) posted to its FOIA Library four FOIA request seeking records related to the Jones Act Waivers for January 2011 through September 2011, totaling 505 pages.

**II. FOIA Requests**

- On March 9, 2012, **Will Campbell**, a freelance journalist individual in Ottawa, Ontario, requested from the Department of Homeland Security (DHS) records relating to “Occupy Toronto” protests in Toronto, Ontario, Canada. (DHS/OS/PRIV 12-0312).
- On March 9, 2012, **Roger Tansey**, a deputy public defender in Riverside County, California, requested from the Department of Homeland Security(DHS) records detailing any contact between DHS and the City of Palm Desert, California, (including but not limited to its police department, the mayor, city council or employees) from September 2011 through November 30, 2011 concerning the Occupy Wall Street movement. (DHS/OS/PRIV 12-0313).
- On March 9, 2012, **Amy Woodward**, a researcher with the **Independence Institute** in Denver, Colorado requested from the Department of Homeland Security (DHS) access to and copies of email for the week of February 27, 2012 through March 2, 2012 for Assistant Secretary for the Office of Intergovernmental Affairs (b) (6) from Abound Solar and/or its staff or board and anyone from the Department of Energy’s loan program. (Case Number DHS/OS/PRIV 12-0314).
- On March 13, 2012, the U.S. Department of State referred to the Department of Homeland Security (DHS) documents responsive to a request submitted on behalf of (b) (6), seeking records pertaining to his family’s dealings at the U.S. Embassy from January 1, 2010 through the present. (Case Number DHS/OS/PRIV 12-0323).
- On March 13, 2012, **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) statistics relating to every person who has been removed/deported/returned as a result of the Secure Communities Program, including names, birth dates, countries of origin, criminal charges, criminal convictions, dates of incarceration, locations of incarceration, reasons for removal, dates of removal,

and countries to which individuals were removed. (Case Number ICE 2012FOIA08984).

- On March 13, 2012, **Gregory T. White**, an individual in Dagsboro, Delaware, requested from the Department of Homeland Security (DHS) records consisting of communications received by DHS from the Office of the Vice President from January 10, 2009 through January 20, 2009, that contain the name of, or related to a Marine who died at Bagram Airfield, Afghanistan, on June 20, 2004. (Case Number DHS/OS/PRIV 12-0322).
- On March 13, 2012, **Cindy Zipf**, Executive Director with Clean Ocean Action in Highlands, New Jersey, requested from the United States Coast Guard (USCG) all documents pertaining to the Deepwater Port Act (DWPA) application of Liberty LNG and/or any new, amended, or resubmitted applications by the company and/or any communications relating to Liberty LNG in general from December 21, 2011 to the present. (Case Number USCG 2012FOIA1592).

#### Late requests

- On January 18, 2012, **Mitchell B. Armentrout**, a reporter with *The Daily Northwestern* in Evanston, Illinois, requested from United States Citizenship and Immigration Services (USCIS) records detailing the number of countries of origin of refugees admitted to the United States from March 2003 through December 2011. (Case Number USCIS NRC2012019802).
- On February 11, 2012, **Les Zaitz**, senior investigative reporter with *The Oregonian* in Portland, Oregon, requested from the United States Citizenship and Immigration Services (USCIS) the complete FOIA release from INS litigation case 96-CV-01469, relating to (b) (6) (Case Number USCIS COW2012000263).
- On March 7, 2012, **Andrew Becker**, a reporter with *The Center for Investigative Reporting* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to the number of temporary duty (TDY) assignments for the ICE Office of Intelligence for each fiscal year from FY 2009 through the present, including information on the amount claimed for reimbursement by, and actually reimbursed to individual Office of Intelligence employees, contractors, and seven named individuals who received a TDY assignment. (Case Number ICE 012FOIA08484).
- On March 8, 2012, **Tia Ghose**, Homeland Security Researcher with *The Center for Investigative Reporting* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) the following records: 1) any and all methodology that CBP uses to calculate its effectiveness and the percent of the border that is under operational control; 2) any and all algorithms, equations, or mathematical formulas used to calculate the effectiveness and operational control of the border; 3) any and all data variables that are used to calculate effectiveness and operational control of the border; and 4) historical estimates of border control's effectiveness and the percentage of the border under operational control from 1990 through the present. (Case Number CBP FOIA 2012F17389).
- On March 8, 2012, **Tia Ghose**, Homeland Security Researcher with *The Center for Investigative Reporting* in Berkeley, California, requested from U.S. Customs and

- Border Protection (CBP information about drug seizures in California, Arizona, and Texas since 2005, including the date and location of the seizure, the border patrol station or field office responsible, the weight and type of contraband, the circumstances surrounding the seizure, the suspect's name and immigration status, whether the suspect had a valid visa for the U.S., and whether the case went forward for prosecution. (Case Number CBP FOIA 2012F17449).
- On March 8, 2012, **Daniel Gonzalez**, a reporter with *The Arizona Republic* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to any attempts by Pinal County Arizona Sheriff's Office personnel, under the authority of the agency's 287(g) agreement with ICE, possible use of ICE or DHS databases, either properly or improperly, to check the immigration status of a Mexican national from the State of Jalisco, who resides in the Phoenix area. (Case Number ICE 2012FOIA08851).
  - On March 8, 2012, **Erik Houser**, an individual with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) any correspondence, including electronic, to, from or on behalf of former Senator George LeMieux (R-FL) from September 2009 through January 2011; and 2) any correspondence, including electronic, to, from, or on behalf of George LeMieux, in his former capacity as Chief of Staff to Florida Governor Charlie Crist (R) from January 2007 through January 2008. (Case Number DHS/OS/PRIV 12-0309).
  - On March 8, 2012, **Claire Navarro**, Evidence Project Intern with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records, including but not limited to, talking points, agenda, memoranda, transcripts, cables, information reports, etc., regarding the National Southwest Border Counter-Narcotics Strategy. (Case Number ICE 2012FOIA08718).
  - On March 8, 2012, **Claire Navarro**, Evidence Project Intern with **The National Security Archive** in Washington, DC, requested from the Department of Homeland Security (DHS) all documents including, but not limited to, cables, talking points, memorandums, notes, aerograms, transcripts, information reports, intelligence reports, etc., regarding the benchmarks and indicators established for the evaluation of the success of the Beyond Merida Initiative from August 2009 through the present. (Case Number DHS/OS/PRIV 12-0310).
  - On March 8, 2012, **Emily Willard**, research associate with **The National Security Archive** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records relating to a meeting among Secretary Napolitano, CBP and U.S. Immigration and Customs Enforcement (ICE) officials and Mexican representatives in Mexico City pertaining to the Merida Initiative. (Case Number CBP FOIA 2012F17141).
  - On March 8, 2012, **Emily Willard**, research associate with **The National Security Archive** in Washington, DC, requested from the Department of Homeland Security (DHS) records regarding the tracking, the evaluation of implementation, and the further breakdown of the aid provided through the International Narcotics Law Enforcement, Foreign Military Financing, and Economic Support Fund accounts for

Fiscal Years 2008 through 2012 for implementation of the Merida Initiative. (Case Number DHS/OS/PRIV 12-0311).

### III. FOIA Releases

- On March 13, 2012, the United States Coast Guard (USCG) released to **Jon A. Ottman**, a journalist with the *Port Huron Times-Herald* in Warren, Michigan, two pages consisting of a vessel inspection responsive to his request seeking correspondence and records detailing the proposed conversion of the former USCG Bramble to private commercial services. The records were released in full. (Case Number USCG 2012-1376).
- On March 13, 2012, the United States Coast Guard (USCG) issued to **Michael George**, an investigator with *NBC Action News* in Tampa, Florida, a full denial pertaining to his request seeking any risk/threat assessment from the Port of Tampa from September 11, 2001 through the present and any report on security issues/threats at the Port of Tampa from September 11, 2001 through the present. These pages were withheld in full pursuant to FOIA Exemption (b)(3). (Case Number USCG 2011FOIA3783).
- On March 13, 2012, the United States Coast Guard (USCG) released to **Elizabeth Wagner**, a reporter with *KNTV NBC* in San Jose, California, 82 pages of material consisting of vessel inspections responsive to her request seeking inspection of various cruise vessels. These records were released in full. (Case Number USCG 2012-1440).
- On March 14, 2012, the United States Coast Guard (USCG) released to **Randy Tyler**, a Legal Fellow with **The American Civil Liberties Union (ACLU)** in Seattle, Washington, 29 pages of material consisting of threat assessments responsive to his request seeking documents concerning activist activities in Washington State. Portions of the release were withheld pursuant to FOIA Exemptions (b)(1) and (b)(3). (Case Number USCG 2010FOIA0528).
- On March 14, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Isabel Vincent**, a reporter with *The New York Post* in New York, New York, 37 pages of documents responsive to her request seeking any and all documents related to arrests of illegal aliens by ICE agents on Roosevelt Island, New York, from June 1, 2009 through December 1, 2009. Portions of the release were withheld pursuant to FOIA Exemption (b)(7)(E). (Case Number ICE 2012FOIA02654).
- On March 14, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Emily Willard**, research associate with **The National Security Archive** in Washington, DC, a full denial of records responsive to her request seeking records relating to the death of a Special Agent and the subsequent investigation. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number ICE 2012FOIA08314).
- On March 15, 2012, the United State Citizenship and Immigration Services (USCIS) released to **Vivek Mittal**, an attorney with the **National Immigration Law Center** in Los Angeles, California, 2,391 pages of material consisting of email and policy statements responsive to his request seeking: a) any and all records to, from or originating within USCIS referring or relating to the issuance of interim Employment

- Authorization Documents (EADS); b) any and all records regarding actual or proposed changes in practice, policy, procedures or authority relating of referring to Interim EADS; c) any and all records to, from or originating within USCIS regarding policies, procedures or concerns about security, reliability or counterfeiting of Interim EADS; d) any and all records regarding aggregate data or statistical reports relating to the issuance or non issuance of Interim EADS; and e) any and all records regarding aggregate data or statistical reports regarding the length of time for USCIS to process EAD Applications. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5),(b)(6), and (b)(7)(E). (Case Number USCIS COW2011000062).
- On March 15, 2012, the United States Citizenship and Immigration Services (USCIS) issued to **Betsy M. Isenberg**, Deputy Attorney General with the **Indiana Office of Attorney General** in Indianapolis, Indiana, a no record determination in response to her request seeking the following records: 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 USCIS in the State of Indiana in 2008, 2009, 2010, and 2011; 2) public, final policies, handbooks, directives, and other records pertaining to the number of personnel utilized by USCIS exclusively for the enforcement of immigration laws in the State of Indiana in 2008, 2009, 2010, and 2011; 3) public, final records pertaining to the number of authorized immigrant population currently in Indiana; 4) public, final records pertaining to the number of I.U.S. Immigration and Customs Enforcement (ICE) detainees or apprehensions that took place in Indiana in 2008, 2009, 2010, and 2011; 5) public, final records pertaining to the number of removal proceedings brought against Aliens apprehended or domiciled in Indiana in 2008, 2009, 2010, and 2011; 6) public, final policies, handbooks, directives, and other records pertaining to the budget for the ICE 287(g) program in 2008, 2009, 2010, and 2011; 7) public, final records pertaining to the amount of money spent by USCIS on training local and State officers participating in the 287(g) program in 2008, 2009, 2010, and 2011; 8) public, final records pertaining to the number of application for the 287(g) program received by USCIS from state and local governments agencies in Indiana; and 9) public, final policies, handbooks, directives, and other records pertaining to illegal activities or crimes committed by members of the unauthorized population in Indiana in 2008, 2009, 2010, and 2011. (Case Numbers USCIS COW2011001020 and DHS/OS/PRIV 12-0064).
  - On March 15, 2012, United States Citizenship and Immigration Services (USCIS), released to **David Bacon**, a reporter in Berkeley, California, 985 pages of records consisting of receipt numbers and receipt files responsive to his request for copies of petitions for visas, records of visas granted, and all records pertaining to visas issued for H2-A, H2-B, and H1-B visas for Smithfield Foods, a corporation based in Smithfield, Virginia, including its subsidiaries Carroll's Farms and Granjas Carroll de Mexico, for the years 1990 through 2011. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number USCIS COW2011000795).
  - On March 15, 2012, the United States Coast Guard (USCG) released to **Jennifer Kay**, a reporter with *The Associated Press* in Miami, Florida, 74 pages of material



consisting of the International Offshore Drilling Response Plan. The records were released in full. (Case Number USCG 2012FOIA1498).

- On March 16, 2012, United States Citizenship and Immigration Services (USCIS) released to **Manuel Roig-Franzia**, a journalist with *The Washington Post* in Washington, DC, 31 pages from the Alien File of Dolores Denis, the deceased aunt of Senator Marco Rubio (R-FL) responsive to his request for the entire alien file. Portions of the response were withheld pursuant to FOIA Exemption (b)(6).

#### **IV. FOIA Appeals**

- NSTR

#### **V. FOIA Appeals Releases**

- NSTR

#### **VI. Lawsuits**

- In the matter of *WeCount! Inc. v. U.S. Department of Homeland Security(DHS)*, (11-cv-00143-RMC), in which Plaintiff claimed improper exemptions were applied to responsive records released 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 County, Broward County, and Palm Beach County, Florida, ICE re-processed and re-released 180 pages of records from the fourth response and released an additional 1130 pages of records to Plaintiff on March 9, 2012.
- In the matter of *American Immigration Council, et al. v. Department of Homeland Security* (3:12-cv-003555-WWE), Plaintiffs filed a complaint on March 8, 2012, claiming constructive denial and that U.S. Immigration and Customs Enforcement (ICE) improperly denied their fee waiver pertaining to their request for records relating to the Criminal Alien Program (CAP), Plaintiffs filed suit on March 8, 2012, in the U.S. District Court for the District of Connecticut.

### **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 March 16 – 22, 2012

Privacy Office

March 26, 2012

### 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 19, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the Immigration Centers of America-Farmville Detention Center Compliance Inspection Report to the ICE FOIA Library.
- On March 19, 2012, the United States Coast Guard (USCG) posted the Final Action Memorandum on the administrative investigation into the July 7, 2010 crash of CG 6017 to its FOIA Library.
- On March 21, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the Northwest Detention Center Compliance Inspection Report to the ICE FOIA Library

#### II. FOIA Requests

- On March 16, 2012, **James Carroll**, a reporter with *The Louisville Courier-Journal* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all logs and recording correspondence to and from members of Congress from Kentucky and certain members of Congress from Indiana to DHS and its various agency components regarding congressional support for specific projects and programs covering the time period from January 1, 2010 through March 16, 2012. (Case Number DHS/OS/PRIV 12-0329).
- On March 16, 2012, **Katie Sciortino**, an Associate Producer with **Towers Productions, LLC**, in Chicago, Illinois, requested from the United States Coast Guard (USCG) all photographs and videos associated with the sinking of the tugboat *Margaret Anne* on March 31, 2005. (Case Number USCG 2012FOIA1646).
- On March 19, 2012, **William Sharp**, staff attorney with the **American Civil Liberties Union (ACLU) of Kentucky** in Louisville, Kentucky, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to the issuance and execution of immigration detainees by the ICE office in Louisville, Kentucky. (Case Number ICE 2012FOIA09359).
- On March 19, 2012, **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Woodstock, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) records sufficient to show the most up-to-date “Identified Aliens for Removal” and “Identified Aliens Departed/VR” statistics for the 287(g) program. (Case Number ICE 2012FOIA09515).
- On March 20, 2012, **Caren Caterina**, a reporter with *The Coast Star* in Manasquan, New Jersey, requested from the United States Coast Guard (USCG) records pertaining to three separate incidents involving the *Blood Gypsy*, a diving boat out of Brielle, New Jersey, in which a diver in 2008 became unconscious and divers in 2010 and 2012, respectively, died. (Case Number USCG 2012FOIA1679).

- On March 19, 2012, **Tom Garber**, president with **Third Wave Films** in Hampton Bays, New York, requested from the United States Coast Guard (USCG) Jayhawk or ROV video from the rescue and sinking of the *Johanna Lenore* on January 18, 2011. (Case Number USCG 2012FOIA1680).
- On March 19, 2012, **Danny Barrett**, a journalist with *The Vicksburg Post* in Vicksburg, Mississippi, requested from the United States Coast Guard (USCG) copies of all records pertaining to investigations of barges that struck the support piers of the old U.S. 80 bridge and the Interstate 20 bridge across the Mississippi in Vicksburg on March 20, 2011, March 23, 2011 and May 24, 2011. (Case Number USCG 2012FOIA1688).
- On March 21, 2012, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) the travel calendar for the Secretary of Homeland Security from January 1, 2012 to March 21, 2012. (Case Number DHS/OS/PRIV 12-0333).
- On March 21, 2012, **Pamela Lafreniere**, an attorney in New Bedford, Massachusetts, requested from the United States Coast Guard (USCG) a copy of Judge Parlen M. McKenna's request to the USCG Ethics Official regarding the approval of his attendance at the Global Fisheries Enforcement Training Workshop in Kuala Lumpur, Malaysia in July 2005. (Case Number USCG 2012FOIA1711).
- On March 21, 2012, **Emily Aden**, a representative of the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) the following records: copies of any public documents that may be in the record and any documents that may have been submitted on behalf of the subject of the file, Don Kelly Construction Inc. (Case Number USCIS COW2012000306).
- On March 21, 2012, **Craig Cheatham**, a reporter with **KMOV-TV** in St. Louis, Missouri, requested from the Department of Homeland Security (DHS) records related to PRIV 11-0127 and PRIV 11-0083, including the initial request, response letters and any records that were released to the requester, David Barr of the Democratic National Committee. (Case Number DHS/OS/PRIV 12-0335).
- On March 22, 2012, **Moriah Balingit**, a journalist with the *Pittsburgh Post-Gazette* in Pittsburgh, Pennsylvania, requested from the Department of Homeland Security (DHS) the March 21, 2012 Occupy Wall Street FOIA request records that were released to Gawker Media and the following records: 1) a Threat Assessment issued by the Pittsburgh Office of Emergency Management and Homeland Security regarding an October 15, 2011 Occupy Pittsburgh rally; 2) all e-mails, correspondence and memos concerning the Threat Assessment, especially those from the Office for Civil Rights and Civil Liberties; 3) all e-mails, correspondence and memoranda regarding Occupy Pittsburgh; 4) all e-mails, correspondence and memoranda regarding Occupy Pittsburgh between DHS and Pittsburgh Bureau of Police, Pittsburgh Office of Emergency Management, Mayor Luke Ravenstahl, Public Safety Director Mike Huss, the Allegheny County Sheriff's Office, Allegheny County Police and Allegheny County Emergency Services, BNY Mellon Security Director Jake Resier and BNY Mellon CEO Vincent Sands. (Case Number DHS/OS/PRIV 12-0334).

### Late requests

- On February 21, 2012, **Andrew Becker**, staff reporter with **The Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) copies of travel records and schedules for the Acting Inspector General, the Assistant Inspector General for Investigations, the Deputy Assistant Inspector General for Investigations, and five OIG agents from Fiscal Year 2010 through the present in addition to records pertaining to the creation, formulation, launch, and/or planning for an OIG training center in and or around Chicago, Illinois. (Case Number OIG FOIA #2012-066).
- On February 28, 2012, the Federal Bureau of Investigation (FBI) referred to the United States Citizenship and Immigration Services (USCIS) documents responsive to a request from **Peter Duffy**, a journalist with **The New Republic** in Washington, DC, seeking the FBI file for a deceased individual, Nickolaus A.F. Ritter, who purportedly was a figure in the Duquesne Spy Case. (Case Number USCIS COW2012000290).
- On March 2, 2012, **Joseph Colligan**, an individual in Miami, Florida, requested from the United States Citizenship and Immigration Services (USCIS), the immigration file for deceased entertainer David T. Jones a/k/a “Davy Jones.” (Case Number USCIS COW2012000288).
- On March 9, 2012, **Elliott Rosenfeld**, Public Affairs Analyst with **The American Small Business League** in Petaluma, California, requested from the Transportation Security Administration (TSA) the Individual Subcontracting Report (ISR/SF 294) for the contract with PIID Number HSTS0411JCT2079 and IDVPIID Number HSTS0410DST2003 awarded to L-3 Communications Corporation, DUNS 112753194, as well as the most recent Summary Subcontracting Report (SSR/SF 295) for L-3 Communications Corporation, DUNS 112753194. (Case Number TSA12-0375).
- On March 9, 2012, **Sean Dunagan**, Senior Investigator with **Judicial Watch** in Washington DC, requested from the Transportation Security Administration (TSA) records of communications between any official, employee or representative of TSA and any journalist or media organization regarding the video released on March 6, 2012, addressing alleged vulnerabilities of the “body scanners” utilized by the TSA and/or any of the claims contained in the video. (Case Number TSA 12-0379).
- On March 12, 2012, **Emily Pantelides**, a reporter with **WPEC-Channel 12 News** in West Palm Beach, Florida, requested from the Transportation Security Administration (TSA) all complaints against TSA filed from the Palm Beach International Airport from 2009 through the present. (Case Number TSA12-0372).
- On March 12, 2012, **Joanne Macri**, Director, Criminal Defense Immigration Project, with the **New York State Defenders Association, Inc.**, in Albany, New York, requested from U.S. Immigration and Customs Enforcement (ICE) electronic records relating to detainers issued by ICE to law enforcement agencies or other institutions located within the State of New York on or after January 1, 2009. (Case Number ICE 2012FOIA09438).

- On March 13, 2012, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents response to a request from **Cori Crider**, an attorney with **Reprieve** in London, United Kingdom, seeking records relating to the following: “1) (b) (6) abduction from the streets of Sana’a, Yemen on January 26, 2010; 2) U.S. agencies’ involvement in that disappearance; 3) U.S. agencies’ interrogation of (b) (6) in incommunicado detention in Yemen, at a time when he was suffering torture and/or cruel, inhuman, and degrading treatment (CIDT); 4) The wider pattern of U.S.-sponsored sweeps and proxy detention in Yemen from January 2010, of which (b) (6) seizure is a part.” (Case Number DHS/OS/PRIV 12-0323).
- On March 14, 2012, **George Ciccariello-Maher**, an Assistant Professor at **Drexel University** in Philadelphia, Pennsylvania, requested from the Department of Homeland Security (DHS) records related to the following names of political organizations: Advance the Struggle; Black Orchid Collective; Bring the Ruckus; Democracy Insurgent; Gathering Forces; Hella 503; Raider Nation Collective; Repeal Coalition; Unity and Struggle. (Case Number DHS/OS/PRIV 12-0325).
- On March 14, 2012, **Kristen Rasmussen**, a staff writer with *The News Media & the Law* the quarterly magazine of **The Reporters Committee For Freedom of The Press**, in Arlington, Virginia, requested from the Department of Homeland Security (DHS) records related to the U.S. Department of Justice’s (DOJ) investigation of the Internet domain site Dajazl.com, specifically seeking the following records: 1) all records, including communications, related to the government’s notification to the owner of the seized property of such seizure and any and all information provided to him about the opportunity to challenge the judge’s determination through a petition or to demand return of the property through a letter to U.S. Immigration and Customs Enforcement (“ICE”), the law enforcement agency that seized it; 2) all records, including but not limited to communications between Andrew Bridges, a Fenwick & West LLP attorney representing the owner of Dajazl.com, and Assistant U.S. Attorney Steven R. Welk, chief of the Asset Forfeiture Section of the U.S. Attorney’s Office in Los Angeles, related to the government’s forfeiture action(s) against the domain site, including its notice of intent to file a forfeiture action(s) and requests for extensions of time in those action(s); 3) all records, including communications, related to the public docketing, if any, of this investigation and subsequent forfeiture action(s); and 4) all records, including communications, related to the Justice Department’s decision to abandon the forfeiture action(s) in December 2011. (Case Number DHS/OS/PRIV 12-0327).
- On March 14, 2012, **Julia Angwin**, editor with *The Wall Street Journal* in New York, New York, requested from the Department of Homeland Security (DHS) records concerning proposed changes to the unclassified “Memorandum of Agreement between the Attorney General and Director of National Intelligence on Guidelines for Access, Retention, Use and Dissemination by the National Counterterrorism Center of Terrorism Information Contained Within Datasets Identified as Including Non-Terrorism Information and Information Pertaining Exclusively to Domestic Terrorism,” which took effect Nov. 4, 2008, specifically seeking the following records: 1) related to the proposed changes to the

- memorandum; 2) related to legal justifications for changes to the memorandum; 3) briefing Congress or government agencies about changes to the memorandum; and 4) related to effects that proposed changes might have on other Department of Homeland Security systems, including the Advanced Passenger Information System (APIS). (Case Number DHS/OS/PRIV 12-0328).
- On March 15, 2012, **Emily Aden**, a researcher with the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records in the Worksite Enforcement Activity Record and Index (LYNX) for Don Kelly Construction, Inc., in Phoenix and Tucson, Arizona; Sacramento, California; Bozeman, Montana; Santa Fe, New Mexico; and Austin, Texas. (Case Number ICE 2012FOIA09543).

### III. FOIA Releases

- On March 21, 2011, the Department of Homeland Security (DHS) released to **Jason Leopold**, an investigative reporter with **Truthout.org** in Los Angeles, California, 398 pages of records dated from September 1, 2011 through November 16, 2011 related to the “Occupy Wall Street” movement responsive to his request seeking email, memos, letters, audio/video, transcripts, reports, and threat assessments, related to the protest from August 31, 2011 through October 31, 2011. Portions of this interim response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number DHS/OS/PRIV 12-0048).
- On March 21, 2011, the Department of Homeland Security (DHS) released to **Grace Wyler**, a reporter with **Business Insider** in New York, New York, 398 pages of records dated September 15, 2011 to November 16, 2011 related to the “Occupy Wall Street” movement responsive to her request seeking 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 from September 15, 2011 to November 16, 2011.. 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 12-0081).
- On March 21, 2011, the Department of Homeland Security (DHS) released to **John Cook**, a senior writer with **Gawker Media** in Brooklyn, New York, 398 pages of records dated September 15, 2011 to November 16, 2011 related to the “Occupy Wall Street” movement responsive to his request seeking 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. 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 12-0084).
- On March 21, 2011, the Department of Homeland Security (DHS) released to **Sean Dunagan**, an investigator with **Judicial Watch** in Washington, DC, 398 pages of records related to the “Occupy Wall Street” movement responsive to his request seeking: 1) any and all records regarding, concerning, or related to the “Occupy Wall Street” protests occurring in New York, NY; 2) any and all records of communication between any official, employee, or representative of the Department of Homeland Security and any official, officer, employee, or representative of the New York City Police Department regarding, concerning, or related to the “Occupy Wall Street” protests; and 3) any and all records of communication between any official, employee, or representative of the Department of Homeland Security and any official, employee, or representative of the Office of the Mayor of New York City regarding, concerning, or related to the “Occupy Wall Street” protests. 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 12-0068).
  - On March 21, 2011, the Department of Homeland Security (DHS) released to **Mara Verheyden-Hilliard**, Executive Director with the **Partnership for Civil Justice Fund** in Washington, DC, 398 pages of records related to the “Occupy Wall Street” movement responsive to her request seeking information related to law enforcement involvement in discussions, communications, and technical support regarding the Occupy Wall Street movement and the Occupy encampments in cities around the country. 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 12-0085).
  - On March 21, 2011, the Department of Homeland Security (DHS) released to **Geoff King**, an attorney, 398 pages of records related to the “Occupy Wall Street” movement responsive to his request seeking all records concerning the economic parity demonstrations commonly known as “Occupy Oakland” and “Occupy San Francisco,” including all records pertaining to force used by law enforcement officials on demonstrators, including, but not limited to, force used by law enforcement officials in Oakland, California on October 24-26, 2011 and November 2-3, 2011. (The requester later amended to include all “Occupy Wall Street” records.). 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 12-0104).
  - On March 21, 2011, the Department of Homeland Security (DHS) released to **Geoff Newman**, an individual in Lancaster, California, 100 pages of records related to the “Occupy Wall Street” movement. 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 12-0139).
- On March 21, 2011, the Department of Homeland Security (DHS) released to **Christopher Cook**, an individual, 398 pages of records related to the “Occupy Wall Street” movement responsive to his request seeking all DHS documents, including correspondence, email, faxes and other documentation issued by or received by DHS regarding Occupy Wall Street. 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 12-0147).
  - On March 15, 2012 U.S. Immigration and Customs Enforcement (ICE) released to **Jacob Kushner**, a journalist with the **Center for Investigative Reporting** in Milwaukee, Wisconsin, 9,493 pages of information responsive to his request seeking records showing the current or recent disposition or status of specific individuals, including whether each was repatriated to Haiti, released under ICE supervision, or continued to be detained under ICE custody. These records were released in full. (Case Number ICE 2012FOIA03696)
  - On March 15, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Daniel Gonzalez**, a reporter with *The Arizona Republic* in Phoenix, Arizona, a Glomar response regarding his request seeking records relating to any attempts by Pinal County Sheriff’s Office personnel, under the authority of the agency’s 287(g) agreement with ICE, used ICE or DHS databases, either properly or improperly, to check the immigration status of a Mexican national from the State of Jalisco, who resides in the Phoenix area. (Case Number ICE 2012FOIA08851)

#### IV. FOIA Appeals

- On January 31, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, appealed the final response issued by U.S. Customs and Border Protection (CBP) to her request seeking records concerning Operation Knock Down, which involved the round-up and questioning of more than 100 Azteca gang members in El Paso, Texas in March 2010. CBP released ten pages of records with information redacted pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). The requester is contesting not only the redactions but also the adequacy of the search. (Case Number CBP H210055).

#### V. FOIA Appeals Releases

- NSTR

#### VI. Lawsuits

- In the matter of *WeCount! Inc. v. DHS*, (D.D.C. 11-00143), Plaintiff filed a complaint on January 21, 2011, in which Plaintiff claimed improper exemptions were applied to responsive records released 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 County, Broward

- County, and Palm Beach County, Florida. On March 19, 2012, ICE issued the final release consisting of 31 pages of records.
- 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), suit was filed on April 27, 2010, claiming constructive denial with regard to U.S. Immigration and Customs Enforcement (ICE) FOIA 10-2674 and improper denial of requests for fee waiver and expedited processing. On March 20, 2012, ICE issued the 13th release of 8,353 pages of records pursuant to Plaintiff's Final Production List.
  - In the matter of *American Immigration Council, et al. v. Department of Homeland Security* (D. Conn. 12-cv-355), Plaintiffs filed a complaint March 8, 2012, claiming constructive denial pertaining to their request, ICE improperly denied their fee waiver request, and their request for media requestor status relating to their FOIA request sent to ICE on November 29, 2011 seeking all records relating to the Criminal Alien Program (CAP) and its predecessors.
  - In the matter of *National Immigrant Justice Center (NIJC) v. DHS* (N.D. Ill. 11-CV-3469), Plaintiffs filed a complaint on May 24, 2011, claiming constructive denial pertaining to their request seeking information relating to Intergovernmental Service Agreements (IGSAs) with the Jefferson County Jail and the Tri-County Detention Center in Illinois. On March 14, 2012, the Court dismissed the case as moot, since ICE had produced all responsive records to the Plaintiffs and there were no challenges of withholdings.

## FOIA Activity for the Week of March 23 – 29, 2012

Privacy Office

April 2, 2012

### 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 23, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the Secure Communities year-to-date Nationwide Interoperability Statistics to the ICE FOIA Library.
- On March 26, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the updated detainee death list to the ICE FOIA Library.

#### II. FOIA Requests

- On March 23, 2012, Department of State referred to the Department of Homeland Security (DHS) documents responsive to a request from **John Althen**, FOIA Program Manager with **Judicial Watch** in Washington, DC, seeking records related to the shooting and presumed death of David Hartley on Falcon International Reservoir. (Case Number DHS/OS/PRIV 12-0336).
- On March 23, 2012, **Ted Landreth**, a documentary film producer in Los Angeles, California, requested from United States Citizenship and Immigration Services (USCIS) the complete Alien File for Elizabeth Scholz Randow (deceased). (Case Number USCIS NRC2012027460).
- On March 23, 2012, **Claire Navarro**, Evidence Project Intern with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to the Merida Initiative Pillar IV strategic planning session that was held at the U.S. Embassy in December 2010 with staff from USAID/Mexico, USAID/Washington, the Government of Mexico, and other U.S. Government agencies. (Case Number ICE 2012FOIA10014).
- On March 26, 2012, **Peter D. Joseph**, the Executive Director of the *Association to Invest In the USA (IIUSA)*, in Chicago, Illinois, requested from the United States Citizenship and Immigration Services (USCIS) the unreleased EB-5 Program study by the Office of Policy & Strategy, data on which it is based, and summary documents, as detailed on record by USCIS in multiple EB-5 stakeholder meetings. (Case Number USCIS NRC2012026771).
- On March 26, 2012, **Robert A. Burton** and **Dismas N. Locaria** with **Venable LLP** in Washington, DC, requested from the Department of Homeland Security (DHS) all guidance, instructions, memoranda and other documents that set forth how the Department of Homeland Security (DHS) and/or the Federal Emergency Management Agency (FEMA) are to perform an in-sourcing actions. (Case Number DHS/OS/PRIV 12-0338).
- On March 26, 2012, **Jason Leopold**, lead investigative reporter with **Truthout.org** in St. Louis, Missouri, requested from the Department of Homeland Security (DHS)

seeking the following: 1) all records, which includes but is not limited to, emails, memos, reports, threat assessments, requests for “intelligence products,” budgets, contracts, recordings, photographs, legal opinions, in which DHS senior officials and officials within the agency's Office of Intelligence and Analysis (I&A) as well as officials within the Office of Civil Rights and Civil Liberties (CRCL) communicated with and/or were contacted or briefed by any officials within the New York Police Department and/or the New York Police Department's intelligence division and/or NYPD's Joint Terrorism Task Force (JTTF) and the New York City Fusion Center about the protest movement known as Occupy Wall Street, sometimes referred to as “OCCUPY” or “OWS”; 2) records from I&A and CRCL as well as senior officials at DHS at agency headquarters were either contacted and/or briefed by New York Police Department (NYPD) and/or the New York Police Department's intelligence division and/or NYPD's Joint Terrorism Task Force (JTTF) about surveillance and/or monitoring of the Muslim community or whether any of the officials mentioned were the recipients of emails, memos, intelligence reports, threat assessments. The records for Occupy Wall Street or OWS or Occupy should cover the time frame of September 1, 2011 through the present. The second request seeking records regarding the Muslim community should cover the time frame of January 1, 2008 through the present. (Case Number DHS/OS/PRIV12-0340).

- On March 26, 2012, **Geoffrey King**, an attorney, requested from the Department of Homeland Security (DHS) all records concerning the economic parity movement known as “Occupy” as it pertains to the University of California system campuses, including but not limited to “Occupy UC Berkeley” and “Occupy UC Davis.” (Case Number DHS/OS/PRIV 12-0341).
- On March 26, 2012, **Emily Willard**, research associate with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents regarding the arrest by ICE of 49 Central America illegal immigrants from a house on Hiram Clark Road in Houston, Texas, on March 23, 2012, with particular emphasis on information suggesting that the individuals had been kidnapped or were being held against their will by coyotes or organized crime members. (Case Number ICE 2012FOIA09880).
- On March 26, 2012, **Jonathan Corbett**, a blogger in Miami Beach, Florida, requested from the Transportation Security Administration (TSA) the following records: 1) any and all email sent by a named employee with TSA's Office of Public Affairs between March 6, 2012 through March 8, 2012; 2) any communication from a TSA employee cautioning a member of the media not to publish information concerning a YouTube video entitled “How Anyone Can Get Anything Past TSA Nude Body Scanners”; 3) any video taken at the Fort Lauderdale, Florida Airport “E” gate TSA checkpoint on March 3, 2012 between 3:55 and 4:25 AM; and 4) any video taken at the Cleveland-Hopkins, Ohio International Airport US Airways gates TSA checkpoint on March 4, 2012 between 2:35 and 3:05 PM. (Case Number TSA 12-0399).
- On March 28, 2012, **Rich Jones**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Transportation Security Administration (TSA) all

documents mentioning a YouTube **video** entitled “How Anyone **Can** Get Anything Past TSA Nude Body Scanners.” (Case Number USCG 12-0417).

- On March 27, 2012, **Sara Chacko**, a reporter with the **Federal Times** in Springfield, Virginia, requested from the Transportation Security Administration (TSA) two cost and performance analysis reports undertaken by TSA in 2007 and 2011 with regard to its Screening Partnership Program. (Case Number TSA 12-0418).
- On March 26, 2012, **Andrew Becker**, staff reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records pertaining to the McAllen Field Office in McAllen, Texas, of investigations stemming from the September 2011 inspection of that office from September 1, 2011 through the present. (Case Number OIG FOIA #2012-070).
- On March 27, 2012, **Jack Gillum**, a Reporter with **The Associated Press** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of correspondence logs pertaining to Florida Sen. Marco Rubio and his congressional staff, from January 3, 2011 to the present. (Case Number DHS/OS/PRIV 12-0345).
- On March 27, 2012, **Mary Cox**, an individual, requested from the Department of Homeland Security (DHS) copies of the records with the following ID numbers: 565102; 766571; 235901; 915149; 521860; 832822. (Case Number DHS/OS/PRIV 12-0346).
- On March 27, 2012, **Melissa Yeager**, a reporter with **WINK TV** in Fort Myers, Florida, requested from the United States Coast Guard (USCG) reports pertaining to specified incidents on 11 cruise ships. (Case Number USCG 2012FOIA1754).
- On March 27, 2012, **J. Warrens**, an attorney with the **Louisiana Workers’ Compensation Corporation** in Shreveport, Louisiana, requested from the United States Coast Guard (USCG) documents associated with any claims pursuant to the Deepwater Horizon Oil Spill made by a named individual. (Case Number USCG 2012FOIA1769).
- On March 28, 2012, **Lara Yunaska**, story coordinator with **Inside Edition** in New York, New York, requested from the United States Coast Guard (USCG) records concerning a Mayday call from a vessel on March 22, 2012 (Case Number USCG 2012FOIA1766).
- On March 28, 2012, **Lynn Walsh**, investigative producer with **WPTV** in West Palm Beach, Florida, requested from the United States Coast Guard (USCG) reports and results from annual USCG inspections of various cruise ships. (Case Number USCG 2012FOIA1760).

#### **Late requests**

- On February 22, 2012, **Andrew Becker**, staff reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records pertaining to use of force and/or attempted use of force by any and all DHS employees from 2003 through the present and any and all reports of incidents involving firearms, certain and/or specified use of force events, and/or enforcement related officer safety issues,

including unintentional discharge of a weapon. (Case Number OIG FOIA #2012-068).

- On March 12, 2012, **Jason Torchinsky**, a partner with **Holtzman Vogel, LLC**, in Warrenton, Virginia, requested from the United States Secret Service (USSS) any and all records derived from the USSS Workers and Visitors Entrance System (WAVES) files regarding any visits to or appointments at the White House, with one or more federal government employee(s), from January 20, 2009 through the present, by three named individuals and any available information pertaining to others who attended such meetings or appointments with those three individuals. (Case Number USSS 2012079).
- On March 12, 2012, **Justin McCarthy**, a 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 February 2012 trip to Aspen, Colorado. (Case Number USSS 2012070).
- On March 14, 2012, the Department of the Navy referred to the United States Coast Guard (USCG) a request from **Carolyn Adolph**, a reporter with **KUOW Puget Sound Public Radio** in Seattle Washington, seeking all records on the collision of the US Navy vessel LST-306 with the vessel *Santa Maria* on March 10, 1955. (Case Number USCG 2012FOIA1763).
- On March 15, 2012, **David Caruso**, a reporter with *The Associated Press* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) copies of all communications from 2008 through 2012 among any USCIS employee and the offices of U.S. Representatives Michael Grimm (R-NY), Anthony Weiner (D-NY), or Eric Cantor (R-VA), regarding individuals obtaining green cards or American citizenship. (Case Number USCIS COW2012000318).
- On March 20, 2012, **Megan Chuchmach**, a reporter with **ABC News Investigative Unit** in New York, New York, requested from the Transportation Security Administration (TSA) “a breakdown of theft incidents by TSA employees at specific airports,” from May 2003 through December 2011. (Case Number TSA 12-0413).
- On March 21, 2012, **Craig Cheatham**, investigative reporter with **KMOV-TV** in St. Louis, Missouri, requested from the Transportation Security Administration (TSA) copies of all Travel Redress Inquiry Program complaints based on actions taken at St. Louis-Lambert International Airport from January 1, 2008 from the present. (Case Number TSA 12-0407).
- On March 21, 2012, **G.W. Schulz**, reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) the following records: 1) data on Border Patrol employees and contractors who have been accused of misconduct, including the charge or allegation and definition of the charge; the date, month and year of the alleged occurrence (or range of dates); the specific location or locations where which the alleged misconduct occurred; the name, title/rank, and Border Patrol branch/office/sector in which the individual worked: reaction from the Inspector General’s Office, including but not limited to type of investigation, action description

such as demotion or suspension, formal criminal charges; a narrative of the misconduct; unique identifying numbers for each case and indication if it is connected to other cases; indication of whether the case was referred both FROM another agency and/or TO another agency and any corresponding case numbers those agencies are using; date indicating when these referrals occurred, status of the referral; 2) statistics on the total number of misconduct cases, including but not limited to criminal civil rights violations; allegations of misconduct and criminal civil rights violations; breakdown of these cases by Border Patrol sector and/or office; and 3) any larger internal departmental assessments or reviews that examine possible reasons for employee/contractor misconduct at the U.S. Border Patrol and list suggestions or strategies for addressing the issue. (Case Number OIG FOIA #2012-069).

- On March 21, 2012, **Claire Navarro**, Evidence Project Intern with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to weekly Law Enforcement Working Group meetings regarding the Merida Initiative in Mexico, weekly Merida Implementation Conference calls, and interagency working group meetings on such topics as rule of law/justice reform, human trafficking, human rights and money laundering in Mexico from October 2007 through the present. (Case Number ICE 2012FOIA09644).
- On March 22, 2012, **Gregory Korte**, a staff reporter with **USA Today** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all correspondence from members of Congress sent to ICE's Office of Congressional Relations (OCR) or ICE field offices from January 1, 2011 through the present. (Case Number ICE 2012FOIA09646).

On March 22, 2012, **David Schechter**, a reporter with **WFAA-TV** in Dallas, Texas, requested from U.S. Immigration and Customs Enforcement records (ICE) the following records created between March 15, 2011 and March 16, 2012: 1) all G-786 "Alien Funds Audit Sheets" that conclude a discrepancy has occurred, included G-589 property receipts, property receipt logbook entries, and accountability logbook entries for the Dallas Office; 2) all G-786s that conclude a discrepancy has occurred on a nationwide basis; 3) all I-387s "Reports of Detainees' Missing Property" on a nationwide basis; and 4) all allegations of impropriety against ICE staff in the handling of detainee funds or valuables on a nationwide basis. (Case Number ICE 2012FOIA09854).

### III. FOIA Releases

- On **March 27, 2012**, U.S. Immigration and Customs Enforcement (ICE) released to **Eric Tucker**, a reporter with **The Associated Press** in Washington, DC, 1,152 pages of documents responsive to his request seeking a list containing a breakdown of gang affiliations, criminal charges and deportation history of the more than 20,000 individuals ICE has arrested since 2005 under Operation Community Shield. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number ICE 2012FOIA03488).
- On March 27, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Jon Campbell**, a freelance journalist in San Diego,

- California, 593 pages of work papers pertaining to OIG report number OIG-11-46, entitled “The State of California’s Management of Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008.” Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). Additionally, 968 pages of records were referred to the Federal Emergency Management Agency for processing and direct response to the requester. (Case Number OIG FOIA #2012-023).
- On March 27, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with **The Center for Investigative Reporting** in Berkeley, California, 116 pages of travel vouchers. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(6), and (b)(7)(C). (Case Number OIG FOIA #2012-066).
  - On March 27, 2012, the United States Coast Guard (USCG) released to **Elizabeth Wagner**, a reporter with **NBC** in San Jose, California, four pages of documents consisting of a list of domestic and foreign flagged vessels that were inspected between 2009 through 2011 responsive to her request for information about domestic and foreign flagged cruise ships. These records were released in full. (Case Number USCG 2012FOIA1151).
  - On March 26, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, one page of material responsive to his request for information about USCIS employees “onboard” from August 1, 2008 through August 1, 2009 and holding Senior Executive Service (SES) non-career, Presidential Appointee requiring Senate confirmation (PAS), and Schedule C status. (Case Number COW2011001191).
  - On March 27, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jennifer Lynch**, a staff attorney with **The Electronic Frontier Foundation (EFF)** in Washington, DC, 353 pages of records responsive to her request seeking documents regarding the Department of Homeland Security’s (DHS) plans to collect, analyze and store DNA, which includes copies of email, draft policy documents, and DNA working group notes concerning the implementation of the DNA collection requirements. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2011-13882).
  - On March 27, 2012, the Transportation Security Administration (TSA) released to **Laura Strickler**, a reporter with **CBSNews** in Washington, DC, 13 pages of material responsive to a narrowed request for initial and final correspondence TSA received regarding any stimulus or American Recovery and Reinvestment Act (ARRA) of 2009 issues. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2) and (b)(6). (Case Number TSA 10-0128).
  - On March 28, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Sean Reilly**, staff writer with the **Federal Times** in Springfield, Virginia, 12 pages of narratives of complaints received by the OIG Hotline. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(A), and (b)(7)(C). (Case Number OIG FOIA #2012-050).
  - On March 28, 2012, the Transportation Security Administration (TSA) released to **Constance Murphy**, a journalist with **KXAN-TV** in Austin, Texas, 77 pages of



records responsive to her request seeking information about incidents involving threats or confiscated items at Austin-Bergstrom International Airport from August 1, 2010 through September 26, 2010. Sixty-eight of the pages were withheld in part under FOIA Exemptions (b)(2), (b)(3), (b)(6), and (b)(7)(C). (Case Number TSA 10-0846).

#### IV. FOIA Appeals

- On March 16, 2012, **Scott Nicol**, Conservation Committee co-chair with the **Lower Rio Grande Valley Sierra Club**, in McAllen, Texas, appealed the denial by U.S. Customs Border Protection (CBP) of his request for a fee waiver associated with his request for information that led to the placement of the border fence along the U.S.-Mexico border, specifically “contingency” or “buffer” miles of fencing. (Case Number 2012F13182).
- On March 19, 2012, **Amie Stepanovich**, National Security Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, appealed the denial by U.S. Customs and Border Protection (CBP) of her request for a fee waiver and expedited treatment associated with her request for records related to CBP’s authority to operate drone aircraft within the United States. The requester is also appealing CBP’s failure to make a timely determination regarding the request. (Case Number CBP 2012F13271).
- On March 23, 2012, **Susan Long** and **David Burnham**, Co-Directors with the **Transactional Records Access Clearinghouse at Syracuse University**, in Syracuse, New York, appealed the response by U.S. Customs and Border Protection (CBP) to their request for official statistics on the total number of individuals who are subject to arrest, detention, return and removal from the United States, including copies of anonymous alien-by-alien data covered by the Enforcement Case Tracking System (ENFORCE). In response to the initial request that was referred from U.S. Immigration and Customs Enforcement, CBP released one CD with Microsoft Access tables for each of the fiscal years 2005 through 2011. The requester is contesting the completeness of the information provided and the form and format in which the information was released. (Case Number CBP H211301).

#### V. FOIA Appeals Releases

- NSTR

#### VI. Lawsuits

- In the matter of *Rosenberg v. ICE, et al*, (D.D.C. 12-cv-452), Plaintiffs filed a complaint on March 23, 2012, seeking the release of records relating to a FOIA request that was received by ICE on October 3, 2011, and challenging ICE’s search for responsive records. The FOIA request, 2012FOIA00054, sought records relating to a Worksite Enforcement Operation conducted at Plaintiff’s client, Sholom Rubashkin’s, company, Agriprocessors, Inc., in May 2008, as well as information relating to other proposed enforcement operations, and records relating to the District Court’s Chief Judge. A large portion of the records requested were identical to records that were provided to Mr. Rubashkin’s previous attorney. Plaintiff filed an

administrative appeal for this request on March 16, 2012, one week before filing suit. ICE is currently preparing a motion to dismiss, as Plaintiff has not exhausted all of his administrative remedies.

- In the matter of *Liberty Guard v. Transportation Security Administration (TSA)*, (E.D. Va. 12-cv-289CMH-IDD), Plaintiff filed a complaint on March 15, 2012 claiming improper exemptions were applied to nine pages of responsive records withheld in full in response to a FOIA request, filed November 29, 2010, seeking any and all Administrative Directives or Memoranda pertaining to full-body screening of passengers. Plaintiff filed suit on March 15, 2012, in the U.S. District Court for the Eastern District of Virginia.

### **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 March 30 – April 6, 2012**

**Privacy Office**

**April 9, 2012**

**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 2, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the South Texas Detention Complex Compliance Inspection report to the ICE FOIA Library.
- On April 4, 2012, the Department of Homeland Security (DHS) posted 398 pages of records responsive to FOIA requests seeking information pertaining to Occupy Wall Street in the DHS FOIA Library.

**II. FOIA Requests**

- On March 30, 2012, **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to every person who has been removed/deported/returned from the United States as a result of all 287(g) programs nationwide. (Case Number ICE 2012FOIA10528).
- On April 2, 2012, **Laura Christensen**, with **Jackson, Gilmore, and Dobbs** in Baton Rouge, Louisiana, requested from the United States Coast Guard (USCG) all documents that reference, discuss, or evaluate whether there were sufficient resources available to respond during to the Deepwater Horizon oil spill. (Case Number USCG 2012FOIA1812).
- On April 2, 2012, **Paul Rogers**, a reporter with the *San Jose Mercury News* in San Jose, California, requested from the United States Coast Guard (USCG) records concerning the decision to deny the appeal of an individual for the renewal of their mariner's license. (Case Number USCG 2012FOIA1805).
- On March 20, 2012, **Scott MacFarlane**, a reporter with *Cox TV* in Washington, DC, requested from the Transportation Security Administration (TSA) any email from 2011 or 2012 sent by a DHS employee whose job title includes the terms "Assistant Secretary" or "Deputy Secretary" and includes either of the keywords "Mica," as in U.S. Representative John Mica (R-FL) or "Charlotte," as in Charlotte, North Carolina. (Case Number TSA 12-0445).
- On April 4, 2012, **John Donati**, a freelance writer in Epping, New Hampshire, requested from the United States Coast Guard (USCG) records concerning an incident on the Piscataqua River in the area of Portsmouth, New Hampshire on June 27, 2004. (Case Number USCG 2012FOIA1823).
- On April 5, 2012, **J. Keith Gates**, Senior Attorney with **Cause of Action** in Washington, DC, requested from the Department of Homeland Security (DHS) and the Office of Inspector General (OIG) records pertaining to the acquisition and use of

commemorative items. (Case Number DHS/OS/PRIV 12-0357 and OIG FOIA #2012-075).

### **Late requests**

- On March 8, 2012, **Kristen Rasmussen**, a reporter with *The News Media & the Law* in Arlington, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) records related to the U.S. Department of Justice's investigation of the Internet domain site Dajazl.com pursuant to the agency's authority to seize the Internet domain names of commercial websites accused of selling and distributing counterfeited goods and copyrighted material. (Case Number ICE 2012FOIA10541).
- On March 27, 2012, **Christine Hass**, a reporter with *NBC 7 San Diego* in San Diego, California, requested from the U.S. Immigration and Customs Enforcement (ICE) the current policy regarding sex hormones for transgendered detainees in ICE custody, the names of the sex hormone medications provided for transgendered detainees, and the quantity of medication issued to those detainees from January 2010 through the present. (Case Number ICE 2012FOIA10277).
- On March 27, 2012, the Department of Energy referred to the Department of Homeland Security (DHS) documents responsive to a request from **Meredith Fuchs**, General Counsel, with **The National Security Archive** in Washington, DC, seeking all documents including but not limited to memoranda, memoranda of conversation, transcripts, email, cables, recordings, speeches, policy statements, summaries, and briefing related in whole or in part to transition preparation, direction, and guidance for agencies, during the 2008-2009 presidential transition. (Case Number DHS/OS/PRIV 12-0351).
- On March 28, 2012, **Mark Whetstone**, President with the **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, and scores related to interviews and personal references in addition to all correspondence relating to Vacancy CIS-590617-VER. (Case Number USCIS COW2012000331).
- On March 28, 2012, **Lucy Dalglish**, Executive Director and Publisher with *The News Media & the Law* in Arlington, Virginia, requested from the Transportation Security Administration (TSA) a copy of TSA's two oldest open FOIA requests, as well as any communications between TSA and the requesters in those cases. (Case Number TSA 12-0439).
- On March 28, 2012, **Angela Greiling Keane**, a reporter with *Bloomberg News* in Washington, DC, requested from the Transportation Security Administration (TSA) any reports or other documents concerning the March 28, 2012 incident involving a named pilot for JetBlue Airways. (Case Number TSA 12-0440).
- On March 28, 2012, **Allan Parachini**, a media consultant in Pasadena, California, requested from the Transportation Security Administration (TSA) records pertaining to incidents in which airline flight deck personnel have been detained at TSA screening points or otherwise become the subject of a TSA investigation, inquiry, or action. (Case Number TSA 12-0441).

- On March 29, 2012, **Clare Pastore**, Professor of the Practice of Law and **Margaret B. Kwoka**, Assistant Professor with the **University of Southern California Gould School of Law** in Los Angeles, California, requested from the Department of Homeland Security (DHS) information about the federal government's policies and practices regarding the three specific exclusions in the FOIA: 5 U.S.C. §§ 552(c)(1), (c)(2), and (c)(3), including records from 1986 to the time through the present which were prepared, compiled, collected, received, transmitted, distributed and/or kept in custody by DHS and any of its subdivisions or offices. (Case Number DHS/OS/PRIV 12-0352).

### III. FOIA Releases

- On April 2, 2012, the United States Citizenship and Immigration Services (USCIS), released to **Sean Dunagan**, with **Judicial Watch** in Washington, D.C., 86 pages of material consisting of e-mails and inter/intra office communication responsive to his request seeking the following records: 1) any and all records regarding, concerning, or 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; and 2) any and all records of communication between any official, employee or representative of the Department of Homeland Security (DHS) and any official, employee, or representative of any other government agency, office or department (including, but not limited to, the Department of Justice, the Executive Office of the President, the City of Baltimore, and the City of Denver) regarding, concerning or related to the pilot program. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCIS COW2011001100 and DHS DHS/OS/PRIV 12-0099).
- On April 3, 2012, U.S. Immigration and Customs Enforcement (ICE), released to **Alina Das**, an attorney with **Washington Square Legal Services** in New York, New York, 100 pages of material consisting of email, policy documents and inter/intra office communication responsive to her request seeking: 1) materials used by the Newark Field Office in training ICE officers or attorneys with Newark ICE office of Chief Counsel on the exercise of prosecutorial discretion; 2) documents regarding the Newark Field Office protocols and procedures on the exercise of prosecutorial discretion; 3) correspondence or communications between the Newark Field Office Director, Newark Assistant Field Office Directors, and ICE officers regarding the exercise of prosecutorial discretion; 4) correspondence or communications between the Newark Field Office Director, Newark Assistant Field Office Directors, and the Newark ICE Office of Chief Counsel regarding the exercise of prosecutorial discretion; 6) the number of requests for prosecutorial discretion made to the Newark ICE Office of Chief Counsel aggregated by month; 7) the number of requests for prosecutorial discretion that were granted by Newark ICE Office of Chief Counsel aggregated by month; and 8) the number of requests for prosecutorial discretion that were denied by Newark ICE Office of the Chief Counsel aggregated by month. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number ICE 2012FOIA3695).

- On April 3, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jared Genser**, an attorney with **Perseus Strategies** in Washington DC, 285 pages consisting of A-File material and email correspondence responsive to his request for all records regarding the applications to adopt a named individual and any efforts to investigate the adoption. Portions of this response were withheld invoking FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number USCIS COW2011000916).
- On April 3, 2012, the United States Coast Guard (USCG) released to **Katie Sciortino**, a producer with **Towers Productions, LLC** in Chicago, Illinois, 21 pages of photographs responsive to her request for all photographs and video associated with the sinking of the *Margaret Ann* on March 31, 2005. These records were released in full. (USCG Case Number 2012FOIA1646).
- On April 3, 2012, the United States Coast Guard (USCG) released to **J. Warrens**, an attorney with the **Louisiana Workers' Compensation Corporation** in Shreveport, Louisiana, 26 pages of documents consisting of claim forms and letters. These records were released in full. (Case Number USCG 2012FOIA1769).
- On April 3, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Brad Heath**, a reporter with **USA Today** in McLean, Virginia, a 35-page sample of the General Counsel Electronic Management System (GEMS) database printouts responsive to his request for an electronic copy of the GEMS used by the ICE Office of the Principal Legal Advisor to track deportation and removal proceedings in immigration court. Portions of the documents were withheld under FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2012FOIA00002).
- On April 4, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with **The Center for Investigative Reporting** in Berkeley, California, a second interim response consisting of 528 pages of travel records. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number OIG #2012-066).
- On April 4, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with **MuckRock**, in Boston, Massachusetts, 42 pages of records consisting of email and documents responsive to his request seeking all records on, about, mentioning, or concerning FOIA request NRC2009051346, itself seeking records regarding the Administrative Site Visit and Verification Program (ASVVP) and Delegated Authorities of USCIS to combat benefit fraud. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCIS COW2011000925).
- On April 4, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Rachael Leven**, an editorial researcher with **The Hill** in Washington, DC, 49 pages of material consisting of documents from the A-file of Anthony Blankley responsive to her request seeking all records concerning the former press secretary to the former Speaker of the House, Newt Gingrich (R-GA). Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(E). (Case Number COW2011000043).

- On April 4, 2012, the United States Coast Guard (USCG) released to **Caren Caterina**, a reporter with *The Coast Star* in Manasquan, New Jersey, 25 pages of records consisting of the incident report, the search and rescue report, and a radio log responsive to her request seeking all documents involving the vessel *Gypsy Blood* concerning deaths and injuries in 2008, 2010, and 2012. These records were released in full. (Case Number USCG 2012FOIA1679).
- On April 5, 2012, the United States Citizenship and Immigration Services (USCIS), released to **Peter Duffy**, a reporter with *The New Republic* in Washington, DC, two pages of material consisting of a confidential abstract of a consolidated file responsive to his request for records regarding the Duquesne Spy Case, specifically Hans Walter Ritter's individual file. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Numbers USCIS COW2012000290 and FBI FOI/PA 1168012-000).
- On April 5, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Dr. Susan Long**, Co-Director with the **Transactional Records Access Clearinghouse** at Syracuse University in Syracuse, New York, 18 Microsoft Excel spreadsheets that contain data from the ENFORCE database for the 2008, 2009, and 2010 calendar years responsive to her request for copies of anonymous alien-by-alien data covered by the Enforcement Case Tracking System and related modules for individuals and events included in these statistics or on whom charging documents were issued. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number ICE 2010FOIA4313).
- On April 6, 2012, the Department of Homeland Security (DHS) released to **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, 12 pages of correspondence logs responsive to his request seeking correspondence logs pertaining to Senator Marco Rubio (R-FL) and his congressional staff from January 3, 2011 through March 29, 2012. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 12-0345).
- On April 6, 2012, U.S. Customs and Border Protection (CBP) released to **Jackie Kucinich**, a reporter with *USA TODAY*, four pages of records related to border security responsive to her request seeking the Department of Homeland Security (DHS) correspondence with Governor Rick Perry (R-TX) or the Texas Office of the Governor referenced in People's Record (Workflow number) 7095638. These records were released in full. (Case Number FOIA Number 2012F19800).

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- NSTR

#### VI. Lawsuits

- In the matter of *Electronic Privacy Information Center v. Department of Homeland Security (DHS)*, (12-cv-00333-GK), Plaintiffs filed a complaint March 1, 2012 claiming constructive denial in regard to a FOIA request submitted to the Department

of Homeland Security (DHS) on July 26, 2011 and subsequently referred to the National Protection and Programs Directorate (NPPD) seeking records related to a pilot program to monitor all traffic flowing through certain ISPs from Internet users to a select number of defense contractors.

### **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 April 13 – 19, 2012**  
**Privacy Office**  
**April 23, 2012**  
**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 19, 2012, the Department of Homeland Security (DHS) posted DHS Directive 026-07 entitled “Scientific Integrity” to the DHS FOIA Library.

**II. FOIA Requests**

- On April 13, 2012, **Jason Smathers**, a blogger with ***MuckRock*** in Boston, Massachusetts, requested from the United States Secret Service (USSS) all records or concerning Hackers on Planet Earth conferences. (Case Number USSS 4-16-12).
- On April 13, 2012, **Amie Stepanovich**, Associate Litigation Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) the following records: 1) all correspondence, communications, and records of meetings between New York state officials and the federal government relating to the development and implementation of the new terahertz technology to conduct electronically “frisk” individuals at a distance; 2) all unfiltered or obscured images captured using the new terahertz technology; 3) all contracts, statements of work, or related documents and appendices entered into related to the new terahertz technology, including contracts for hardware, software, training, or development, including but not limited to contract HSHQDC-04-C-00016; 4) all documents detailing technical specifications or capabilities of the new terahertz technology; and 5) all documents detailing plans to implement the new terahertz technology, including but not limited to New York City, New York. (Case Number S&T 12-010).
- On April 13, 2012, **Dianne Solis**, a reporter with ***The Dallas Morning News*** in Dallas, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the names of companies or consultants with contracts, subcontracts, or consulting agreements for ICE’s Dallas Field Office for Enforcement and Removal Operations beginning in Fiscal Year 2008 and continuing through April 13, 2012. (Case Number 2012FOIA11327).
- On April 16, 2012, **Courtney Mabeus**, a reporter with ***The Frederick News-Post*** in Frederick, Maryland, requested from the United States Secret Service (USSS) any and all after action security reports held by the USSS about President Bill Clinton's Camp David July 2000 peace summit held at Camp David. (Case Number USSS 4-17-12(1)).
- On April 16, 2012, **Andrew Becker**, staff reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records regarding the DHS-OIG forensic threat analysis unit. (Case Number OIG FOIA #2012-081).

- On April 16, 2012, **Andrew Becker**, staff reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records pertaining to the budget and overall estimated cost for the upcoming DHS-OIG Office of Investigations conference in Denver, Colorado. (Case Number OIG FOIA #2012-082).
- On April 16, 2012, **Andrew Becker**, staff reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) the number of DHS-OIG Office of Investigations agents who have received Giglio letters, including a breakdown by office, from FY 2002 through April 16, 2012. (Case Number OIG FOIA #2012-08). On April 16, 2012, **Larry Collins**, an anchor/reporter with **WCBD-TV 2** in Mt. Pleasant, South Carolina, requested from the United States Coast Guard (USCG) documents concerning the distress call from *Wild Blue Yonder* that caught fire and sank in Charleston Harbor on April 12, 2012. (Case Number 2012FOIA1917).
- On April 16, 2012, **Theo Karantsalis**, a freelance journalist in Miami Springs, Florida, requested from the United States Secret Service (USSS) access to and copies of the names and positions of the 11 Secret Service officials who allegedly brought prostitutes to a Colombian hotel before the presidential visit to the country in April 2012. (Case Number USSS 4-17-12(6)).
- On April 17, 2012, **Mara Verheyden-Hillard**, an attorney with the **Partnership for Civil Justice Fund** in Washington, DC, requested from the United States Secret Service (USSS) documents reflecting the use of taxpayer funds for expenditures incurred by the Secret Service personnel during their deployment to Colombia in advance of the recent Summit of the Americas, specifically those personnel who stayed at or used the facilities of the Hotel Caribe. (Case Number USSS 4-17-12(8)).
- On April 17, 2012, **David Perera**, a reporter with **Fierce Homeland Security** in Washington, DC, requested from the Department of Homeland Security (DHS) access to and copies of a report prepared at the direction of House Report 112-197, section 501, which required DHS to prepare a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by DHS along the international border between the United States and Mexico. (Case Number DHS/OS/PRIV 12-0382).
- On April 19, 2012, **Benjamin D. Wood**, Attorney with Patton Boggs, LLP, in Washington, DC, requested from the Department of Homeland Security (DHS) on behalf of their client Congressman Michael Grimm (R-NY-13) a copy of all materials and documents provided -previously or on any future date- as responsive to CREW's February 15, 2012 request. (Case Number DHS/OS/PRIV12-0384).
- On April 17, 2012, **Josh Margolin**, a reporter with **The New York Post** in New York, New York, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records pertaining to all DHS-OIG reports dealing with disciplinary or behavioral allegations regarding Secret Service personnel on assignment from January 1, 2008 through April 17, 2012. (Case Number OIG FOIA #2012-084).
- On April 17, 2012, **Jason Smathers**, a blogger with **MuckRock** in Boston, Massachusetts, requested from the United States Secret Service (USSS) any

- documents, such as bills, invoices, or expense reports, related to hotels and other accommodations used by members of the USSS in connection with President Barack Obama's trip to Europe in May 2011. (Case Number USSS 4-17-12(2)).
- On April 17, 2012, **Jason Smathers**, a blogger with **MuckRock** in Boston, Massachusetts, requested from the United States Secret Service (USSS) any documents, such as bills, invoices, or expense reports, related to hotels and other accommodations used by members of the Secret Service in connection with President Barack Obama's trip to South America in March 2011. (Case Number USSS 4-17-12(3)).
  - On April 17, 2012, **Jason Smathers**, a blogger with **MuckRock** in Boston, Massachusetts, requested from the United States Secret Service (USSS) any expense reports, receipts, or invoices submitted by members of the USSS involving their stay in Colombia in April 2012. (Case Number USSS 4 17-12(4)).
  - On April 17, 2012, **Jason Smathers**, a blogger with **MuckRock** in Boston, Massachusetts, requested from the United States Secret Service (USSS) any documents, such as bills, invoices, or expense reports, related to hotels and other accommodations used by members of the Secret Service related to President Barack Obama's Asia Pacific trip in November 2011. (Case Number USSS 4-17-12(5)).
  - On April 17, 2012, **Keith Gates**, Senior Attorney with **Cause of Action** in Washington, DC, requested from the United States Secret Service (USSS) all financial records of travel for Vice President Joseph Biden for trips originating, terminating, or stopping in the state of Delaware, including all records of expenses and costs to the federal government and any records of reimbursement by Vice President Biden for such expenses and costs for the time period of January 1, 2009 through April 17, 2012. (Case Number USSS 4-17-12(7)).
  - On April 17, 2012, **Jessica Karp**, staff attorney with **The National Day Laborer Organizing Network (NDLON)** in Los Angeles, California, on behalf of **NDLON**, **the Georgia Latino Alliance for Human Rights (GLAHR)**, and **The American Civil Liberties Union Foundation of Georgia (ACLU of Georgia)**, requested from U.S. Immigration and Customs Enforcement (ICE) information regarding individuals placed into removal proceedings as a result of contact with state and local law enforcement agencies in the state of Georgia, including copies of I-213 forms; data or statistics regarding individuals transferred to ICE following an arrest by state or local law enforcement officials in Georgia between February 13, 2007 and April 17, 2012; detainees; and communication relating to ICE activities in Georgia. (Case Number ICE 2012FOIA11435).
  - On April 17, 2012, **Matt Dickenson**, a doctoral student with Duke University in Durham, North Carolina, requested from the Transportation Security Administration (TSA) records concerning TSA wait time data collected on U.S. passengers, specifically, the monthly average, minimum, and maximum wait times in TSA screening procedures for all available dates. (Case Number TSA 12-0477).
  - On April 18, 2012, **Justin Cox**, staff attorney with **The American Civil Liberties Union (ACLU) Foundation Immigrant's Rights Project** in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to

ICE's issuance of detainers from January 1, 2011 through April 18, 2012. (Case Number 2012FOIA11436).

- On April 18, 2012, **Paloma Esquivel**, a reporter with *The Los Angeles Times*, in Los Angeles, California, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to people in the Los Angeles Sheriff's custody since 2009 who were either: a) ordered released but were not because of an ICE hold on them; or b) never charged but were held on an ICE hold. (Case Number ICE 2012FOIA11567).
- On April 18, 2012, **Stephen Reilly**, a metro reporter with the *Press and Sun Bulletin* in Binghamton, New York, requested from the Federal Emergency Management Administration (FEMA) a copy of the NEMIS database used to track FEMA assistance requests and awards associated with the remnants of Tropical Storm Lee in New York State, specifically records associated with all Individual Assistance and Public Assistance requests submitted to FEMA from September 7, 2011 through December 31, 2011, for all counties in New York affected by the storm. (Case Number FEMA 12-434).
- On March 21, 2012, **Steven Emerson**, President, **SAE Productions, Inc.**, in Washington, DC, requested from the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) all records related to the May 31, 2010 Gaza Flotilla Incident involving the boarding of six vessels by Israeli Defense Forces 72 nautical miles from land. (Case Number S&T 12-013).
- On April 18, 2012, **Steve Malcomb**, an individual in Lewisburg, West Virginia, requested from the Transportation Security Administration (TSA) information on Security Grants, in the name of the Greenbrier Valley, West Virginia Airport Authority, applied for, approved, and currently in effect, for 2011 and 2012. (Case Number TSA 12-0481).

#### Late requests

- On April 4, 2012, **Wilma Bast**, an individual in Cottage Grove, Minnesota, requested from the Transportation Security Administration (TSA) a copy of all federal investigations relating to the conduct of the TSA Assistant Federal Security Director for Mission Support at Minneapolis-Saint Paul International Airport from September 2002 through April 4, 2012. (Case Number TSA 12-0468).
- On April 5, 2012, **Justin Storch**, a student attorney with the **Immigrant Justice Clinic, American University, Washington College of Law** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records relating to formal or informal complaints of human trafficking received or otherwise recorded by ICE from April 5, 2010 through April 5, 2012, involving victims who are Mexican nationals. (Case Number ICE 2012FOIA11573).
- On April 11, 2012, **Abby Hancock**, a reporter with *KTUU Channel 2 News* in Anchorage, Alaska, requested from the United States Coast Guard (USCG) 1) documents concerning the cost of sinking the Japanese vessel *Ryou-Un Mara*; and 2) how much the USCG spent to exterminate the rats and manage the *Bangun Perkasa* while it was still at sea. (Case Number USCG 2012FOIA1920).
- On April 12, 2012, **Daniel Gonzalez**, a reporter with *The Arizona Republic* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE)

all records pertaining to the criminal investigation of a former special agent assigned to Homeland Security Investigations in Arizona. (Case Number ICE 2012FOIA11189)

### III. FOIA Releases

- On April 12, 2012, the Transportation Security Administration (TSA) issued to **Jon Clements**, a reporter with *ITV News* in the United Kingdom, a no records response pertaining to his request for correspondence between TSA officials and law enforcement agencies in the United Kingdom regarding the investigation of a named individual who pled guilty in federal court in March 2011 to charges of smuggling firearms from the Raleigh-Durham, North Carolina International Airport into the United Kingdom. (Case Number TSA 12-0037).
- On April 18, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jackie Stevens**, a professor with **Northwestern University**, in Evanston, Illinois, 1,084 pages of records consisting of correspondence, records, documents, photographs, email, notes, and other materials responsive to her request for information about or contained in (b) (6) N-600 applications and appeals, including his father's application on (b) (6) behalf for a Certificate of Citizenship in 1981 as well as correspondence, records, documents, photographs, email, notes, and any other materials referenced by USCIS agent (b) (6), Tucson, Arizona for the testimony he gave during the 2008 criminal trial of (b) (6). Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). In addition, portions of this response were referred to the Department of Justice (DOJ), Immigrations and Customs Enforcement (ICE), and United States Marshals Service. (Case Number USCIS COW2012000058).
- On April 18, 2012, the United States Citizenship and Immigration Services (USCIS), released to (b) (6), an individual in West Palm Beach, Florida, 603 pages of material consisting of email and assorted files responsive to her request for the following records: 1.) all documents of any form regarding her adoption of (b) (6) from Vietnam; and 2) all documents or other records of any form regarding adoptions from the Bac Lieu Province. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCIS COW2011000461).
- On April 18, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with **The Center for Investigative Reporting** in Berkeley, California, a 495-page PDF and an Excel spreadsheet responsive to his request for records regarding use of force and/or attempted use of force by DHS employees from 2003 to present; and reports of incidents involving firearms, certain and/or specified use of force events, and/or enforcement related officer safety issues, including unintentional discharge of a weapon. Portions of this interim response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(D). (Case Number OIG FOIA #2012-068).
- On April 19, 2012, the United States Coast Guard (USCG) released to **Jennifer Loren**, a reporter with *KQCW-TV* in Tulsa, Oklahoma, 5,072 pages of incident

- reports responsive to her request for documents related to reports made to the USCG National Response Center concerning spills or pollution in Oklahoma from January 1, 2007 through January 23, 2012. These records were released in full. (Case Number USCG 2012FOIA1094).
- On April 19, 2012, the United States Coast Guard (USCG) released to **Bruce S. Alpert**, a reporter with the *Times-Picayune* in Bethesda, Maryland, 37 pages of letters and memos responsive to his request for correspondence from Senators David Vitter (R-LA) and Mary Landrieu (D-LA) regarding shipbuilding and renovation contracts for Bollinger Shipyards from September 1, 2006 through December 31, 2010. These records were released in full. (Case Number USCG 2012FOIA0194).
  - On April 19, 2012, the United States Coast Guard (USCG) released to **Bryant Adams**, an individual in Washington, DC, five pages of letters responsive to his request for a log of correspondence between DHS and then Senator Barrack Obama (D-IL). Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCG 2011FOIA1638).
  - On April 19, 2012, the United States Coast Guard (USCG) issued to **Michael Wereschagin**, a reporter with the *Pittsburgh Tribune-Review* in Pittsburgh, Pennsylvania, a no records response pertaining to his request for copies of an accounting of legal expenses charged to the agency for services involving congressional testimony, hearings, investigations and inquiries from 2000 through the present. (Case Number USCG 2011FOIA1689).
  - On April 20, 2012, the United States Immigration and Customs Enforcement (USICE) released to **Maria Zamudio**, a journalist with the *Chicago Reporter* in Chicago, Illinois, a first interim release including 247 pages and 26 Excel spreadsheets consisting of data responsive to her request for information related to the number of Stipulated Orders of Removal signed by illegal aliens from 2007 through 2011. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number ICE 2012FOIA4418).

#### IV. FOIA Appeals

On April 11, 2012, **George Schulz**, a homeland security reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, appealed the decision by U.S. Customs and Border Protection (CBP) which partially denied his request for information concerning U.S. Border Patrol agent and contractor staffing on a monthly basis from 1992 to date including rank/title by area and sector. In response to the initial request, CBP advised that it was in the process of searching for information at the sector level and would not provide information at the station level. (CBP H214050).

#### V. FOIA Appeals Releases

- On April 16, 2012, U.S. Customs Border Protection (CBP) granted a fee waiver in response to an appeal filed by **Scott Nicol**, Conservation Committee co-chair of the **Lower Rio Grande Valley Sierra Club** in McAllen, Texas, associated with his request for information that led to the placement of the border fence along the U.S.-

Mexico border, specifically “contingency” or “buffer” miles of fencing. (Case Number CBP H211597).

- On April 16, 2012, U.S. Customs Border Protection (CBP) granted news media status to **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, associated with her request for information relating to “Lateral Repatriation Program- Evaluation” and Government Accountability Office reports on the Alien Transfer and Exit Program. (Case Number Case Number CBP H213016).
- On April 18, 2012, U.S. Customs and Border Protection (CBP) granted news media status to **Tia Ghose**, a homeland security researcher with the **Center for Investigative Reporting (CIR)**, in Berkeley, California, associated with her request for records for Land Border Security Plans from 2003 to March 1, 2012. (Case Number CBP H213143).
- On April 18, 2012, U.S. Customs and Border Protection (CBP) granted news media status to **Emily Willard**, a research associate with **The National Security Archives (NSA)** in Washington, DC, associated with her request for records related to the death of Anastacio Hernandez-Rojas. (CBP Case Number H212815).

## 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), Plaintiffs filed a complaint April 27, 2010, claiming constructive denial and that ICE improperly denied their fee waiver and request for expedited processing ICE FOIA 10-2674. On April 17, 2012, ICE issued the 14th and final release in response to Plaintiff’s final production list; the release included approximately 7,000 pages of responsive records.

## 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 April 20 – 26, 2012**  
**Privacy Office**  
**April 30, 2012**  
**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 26, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the 2010 Criminal Alien Population Projection Analysis (CAPPA) projected arrests and releases to the ICE FOIA Library.

**II. FOIA Requests**

- On April 20, 2012, **Andrew Becker**, staff reporter with *The Center for Investigative Reporting* in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records supplementing OIG's first interim release to his FOIA request #2012-068 seeking a breakdown of the complaints by the OIG investigative office, including DHS component involved, case number, status, date opened, date closed, type, action, allegation, and disposition. (Case Number OIG FOIA 2012-087).
- On April 20, 2012, **Doug Irving**, a reporter with *The Orange County Register* in Anaheim, California, requested from the Transportation Security Administration (TSA) records of all prisoners transported on aircraft in calendar years 2007 through 2012 under the provisions of 49 CFR 1544.221. (Case Number TSA 12-0485).
- On April 20, 2012, **Ginger McCall**, Director of the Open Government Project with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the United States Secret Service (USSS) the technical specifications of body scanner hardware deployed at USSS protective sites, including limitations on image capture and storage, as well as agency records concerning radiation and health testing of body scanner devices deployed at the sites. (Case Number USSS 4-20-12).
- On April 20, 2012, **Bonnie Stewart**, a journalist with *Oregon Public Broadcasting* in Portland, Oregon, requested from the United States Coast Guard (USCG) a copy of the memorandum signed by Admiral Papp authorizing USCG Sector Columbia River to remove and destroy the *Davy Crockett*. (Case Number USCG 2012FOIA1987).
- On April 21, 2012, **David Perera**, a journalist with *FierceHomelandSecurity* requested from U.S. Customs and Border Protection (CBP) access to and copies of the 2012-2016 Border Patrol National Strategy. (Case Number CBP 2012F20597).
- On April 23, 2012, **Jonathan Walczak**, a reporter with *Seattle Weekly* in Seattle, Washington, requested from the United States Coast Guard (USCG) documents concerning the disappearance of U.S. Representative Thomas Hale Boggs (D-LA) in 1972. (Case Number USCG 2012FOIA1993).
- On April 24, 2012, **Andrew Becker**, staff reporter with *The Center for Investigative Reporting* in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records regarding a Federal

Bureau of Investigation, and/or Department of Justice, and/or federal grand jury investigation of DHS-OIG and any related field office, including but not limited to Dallas and McAllen as well as records regarding misconduct and/or corruption allegations and/or investigations involving DHS employees conducted by DHS-OIG, and/or DHS front office/headquarters personnel, and/or the DHS Office of General Counsel, from February 2012 through April 24, 2012. (Case Number OIG FOIA 2012-092).

- On April 17, 2012, **Joe Augustine**, a reporter with **KRGV-TV** in Weslaco, Texas, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) email sent to OIG managers regarding a chief investigator and a deputy being placed on administrative leave March 29, 2012, and subpoenas sent to employees at DHS in McAllen, Texas. (Case Number OIG FOIA 2012-094).
- On April 24, 2012, **Kevin Vodak**, Litigation Director with the **Council on American-Islamic Relations** in Chicago, Illinois, requested from the Transportation Security Administration (TSA) all records concerning a named individual. (Case Number TSA 12-0493).
- On April 24, 2012, **Susan Long**, Co-Director with **The Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested a copy of all available versions of the ENFORCE Alien Removal Module EARM Data Dictionary in machine-readable form. (Case Number ICE 2012FOIA11894).
- On April 24, 2012, **Amy Taxis**, a reporter with **The Associated Press** in Tustin, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records pertaining to a February 16, 2012 shooting that took place in U.S. Immigration and Customs Enforcement (ICE) offices in Long Beach, California. (Case Number OIG FOIA 2012-090).
- On April 24, 2012, **Carol Wolf**, a reporter with **Bloomberg News** in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) a list of closed DHS investigations from January 1, 2010 through April 24, 2012. (Case Number OIG FOIA 2012-091).
- On April 25, 2012, **Andrew Becker**, staff reporter with **The Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) all underlying data related to arrests, indictments, and convictions reported in the DHS-OIG Semi-Annual Report to Congress from 2002 through 2012 and records related to all investigations declined for prosecution over that same time period. (Case Number OIG FOIA 2012-093).
- On April 25, 2012, **Charles J. McMahon**, a reporter with **Seacoast Media Group** in Portsmouth, New Hampshire, requested from the United States Coast Guard (USCG) documents concerning the investigation of a February 21, 2012 incident on the Piscataqua River involving the *Miss Stacy*. (Case Number USCG 2012FOIA2034).
- On April 25, 2012, **Andrew Becker**, staff reporter with **The Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) DHS-OIG annual reports to the Attorney General from 2002 to 2012 detailing the investigative and prosecutive activities of DHS-OIG. (Case Number OIG FOIA 2012-098).

### Late requests

- On April 19, 2012, **Melissa Arseniuk**, a reporter with *The Daily* in New York, New York, requested from the Department of Homeland Security (DHS) records relating to invoices, estimates, contracts, memos, meetings, conference calls, e-mails, or other correspondence or transactions between any DHS official, employee, or representative and any Location Solvers official, employee, or representative. (Case Number 12-0392).
- On April 19, 2012, **Betsi Fores**, a journalist with *The Daily Caller* in Washington, DC, requested from the Transportation Security Administration (TSA) the following records: 1) training materials for Transportation Security Officers (TSOs); 2) documents used for TSO performance reviews; 3) budgeting or other reports concerning TSO training; 4) reports, audits, or research aimed at comparing the effectiveness of federalized TSOs with private security contractors; and 5) correspondence or meeting notes related to the “status” of Muslim-Americans within the training materials. (Case Number TSA 12-0486).
- On April 19, 2012, **Jaclyn Shull-Gonzalez**, an immigration attorney with **Dolores Street Community Services** in San Francisco, California, requested from the Department of Homeland Security (DHS) records regarding the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) program related to Workplace Enforcement Audits and Raids. (Case Number DHS/OS/PRIV 12-0393).
- On April 19, 2012, **Geoff King**, an individual requested from the Department of Homeland Security (DHS) records pertaining to the DHS Social Media Monitoring and Situation Awareness Initiative, including 1) records referenced in *EPIC v. DHS* especially in relation to Occupy Oakland and Occupy San Francisco; 2) records maintained by the United States Secret Service (USSS), including video recordings and other reports during civil unrest in Oakland following the conviction of BART police officer Johannes Mehserle on July 8, 2010 (and possibly following his sentencing on November 5, 2010); and 3) records in any other DHS system of records (whether maintained by DHS or its component agencies) that reflect monitoring of the Mehserle conviction protests, the Mehserle sentencing protests, Occupy San Francisco, and the Occupy movement generally, including Twitter and/or Facebook. (Case Number DHS/OS/PRIV 12-0396).
- On April 19, 2012, **Molly Mathews**, a representative of *Fox News Channel* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of all documents containing the following information: the location, justification, and cost of each out of town convention/conference including the cost of hotel stays, transportation, meals, gift giveaways, rental fees for facilities, etc from January 15, 2009 to the present. (Case Number DHS/OS/PRIV 12-0391).
- On April 19, 2012, **Bonnie Stewart**, a journalist with *Oregon Public Broadcasting* in Portland, Oregon, requested from the United States Coast Guard (USCG) documents concerning the final disposition of an investigation of a USCG official accused of using government computers to view pornography. (Case Number USCG 2012FOIA1965).

- On April 19, 2012, **Tabassum Zakaria**, a correspondent with *Reuters* in Washington, DC, requested from the United States Secret Service (USSS) the following records: 1) a copy of each *Director's Update* newsletter produced from August 10, 2004 through April 19, 2012; 2) the USSS code of conduct for foreign travel; 3) reports or correspondence that reference the April 2012 Cartagena, Colombia trip; 4) reports or correspondence that reference USSS agents and uniformed division personnel placed on administrative leave in April 2012; and 5) information about Secret Service expenditures in Cartagena in April 2012. (Case Number USSS 4-20-12).

### III. FOIA Releases

- On April 20, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Alina Das**, an attorney with **Washington Square Legal Service, Inc.**, in New York, New York, 100 pages of records responsive to her request seeking information about the implementation of prosecutorial discretion in the ICE Newark (New Jersey) Field Office from June 17, 2011 through December 6, 2011. Portions of the release were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2012FOIA03695).
- On April 20, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Edith Brady Lunny**, a reporter with *The Pantagraph* in Bloomington, Illinois, one page of statistics concerning detainees issued at the McLean County jail. These records were released in full. (ICE FOIA Case Number 2012FOIA01329).
- On April 23, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Gregory Korte**, a reporter with *USA Today*, in Washington, DC, a list of congressional correspondence received at ICE from January 1, 2011 through March 22, 2012 responsive to his request seeking all correspondence between ICE and members of Congress. Portions of this release were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2012FOIA9646).
- On April 25, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **David Schneider**, a producer with *CBS News and 60 Minutes* in Pennngrove, California, three spreadsheets and 143 pages of investigative reports concerning ICE investigations into the sale of Mexican fuel condensate. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number ICE 2012FOIA00078).
- On April 25, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Penny Starr**, a journalist with *CNS News* in Alexandria Virginia, a two-page Excel spreadsheet responsive to her request for all OTMs from all countries for Fiscal Year 2011 to include book-in/book-out date, case status/case category, gender, and citizenship country, in addition to the country of origin, book-in numbers, removal, and convicted criminal removal numbers. The data was released in full. (Case Number ICE 2012FOIA6734).
- On April 26, 2012, the United States Coast Guard (USCG) issued to **John Donati**, a freelance writer in Epping, New Hampshire, a no records determination regarding his request seeking records concerning a June 27, 2004 incident on the Piscataqua River. (Case Number USCG 2012FOIA1823).

- On April 26, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, an attorney with the **American Civil Liberties Union (ACLU) National Prison Project** in Washington, DC, 1,761 pages of email, medical records, ICE investigative reports, and other documents pertaining to a named individual responsive to his request seeking all records regarding individuals who have died in ICE custody after December 3, 2009. Portions of this release were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2011FOIA2220).

#### **IV. FOIA Appeals**

- On April 20, 2012, **Tia Ghose**, a homeland security researcher with the *Center for Investigative Reporting*, in Berkeley, California, appealed the decision by U.S. Customs and Border Protection (CBP) in response to her request for records regarding the breakdown of drug seizures along the border since 2005 by station and port of entry including citizenship status of those apprehended. In response to the initial request, CBP released 30 pages of statistics with some information redacted pursuant to FOIA Exemption (b)(7)(E). The requester is appealing CBP's refusal to provide statistics at the station or port of entry level, arrest method, citizenship status and volume. (Case Number CBP H215200).

#### **V. FOIA Appeals Releases**

- NSTR

#### **VI. Lawsuits**

- In the matter of *Americans for Immigrant Justice v. ICE* (D.D.C. 12-cv-00038), suit was filed on January 10, 2012 seeking release of records relating to a FOIA request that was received by ICE on December 22, 2010. Plaintiffs claim that ICE improperly denied them a fee waiver and sought an injunction for the release of records. The FOIA request at issue sought records regarding ICE's resumed deportations of aliens to Haiti. On April 20, 2012, the Plaintiffs filed their Motion for Summary Judgment. On April 20, 2012, ICE filed its Memorandum in Opposition to Plaintiff's Motion for Summary Judgment, along with a Declaration in support of the Memorandum.

### **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 April 27 – May 3, 2012

### Privacy Office

May 7, 2012

### 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 30, 2012, U.S. Immigration and Customs Enforcement posted the Compliance Inspection Review for the El Paso Service Center, along with the Congressional Correspondence Log and the Office of Congressional Relations Call Log to the ICE FOIA Library.
- On May 2, 2012, U.S. Immigration and Customs Enforcement posted the Year to Date FY 2012 Secure Communities Nationwide Interoperability Statistics to the ICE FOIA Library.
- On May 3, 2012, the Department of Homeland Security (DHS) posted 335 pages of Occupy Wall Street records to the DHS FOIA Library.
- On May 3, 2012, the Department of Homeland Security (DHS) launched its new online [FOIA website](#), featuring an abundance of information in a more user-friendly format.

#### II. FOIA Requests

- On April 27, 2012, **Jim McElhatton**, a reporter with *The Washington Times* in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records pertaining to travel fraud and/or employee misconduct at the United States Secret Service (USSS) from January 1, 2008 through April 27, 2012. (Case Number OIG FOIA 2012-101).
- On May 3, 2012, **Alicia Caldwell**, a staff reporter with *The Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records of reports or requests for OIG investigations of wrongdoing, improper acts, or other concerns pertaining to United States Secret Service (USSS) employees. (Case Number OIG FOIA 2012-110).
- On April 27, 2012, **Melissa Arseniuk**, a reporter with *The Daily* in New York, New York, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) and the Federal Emergency Management Agency's (FEMA) records documenting any communications and/or transactions between DHS personnel and Location Solvers personnel. (Case Number OIG FOIA 2012-103, FEMA 12-457, FLETC 12-051).
- On April 27, 2012, **Kate Brumback**, a reporter with *The Associated Press* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) all records relating to I-9 audits of companies in Georgia since January 2009. (Case Number ICE 2012FOIA12074).

- On April 27, 2012, **Lisette Garcia**, Senior Investigator with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) all Standard Forms 50 in force and on file for any Secret Service employee earning \$225,000 or more, per year in total compensation from October 1, 2011 through April 27, 2012. (Case Number USSS 20120739).
- On April 27, 2012, **Gary Martin**, Washington correspondent with **The San Antonio Express** in San Antonio, Texas, requested from the Transportation Security Administration (TSA) reports filed on incidents from April 16, 2012 through April 22, 2012 at the San Antonio International Airport involving TSA agents and U.S. Representative Francisco Canseco (R-TX). (Case Number TSA 12-0502).
- On April 27, 2012, **Daniel Nasaw**, a reporter with **BBC News** in Washington, DC, requested from the Transportation Security Administration (TSA) seven procurement contracts, four of them with Lockheed Martin. (Case Number TSA 12-0507).
- On April 27, 2012, **Casey Nesselhauf**, a researcher with the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records relating to violations, citations or complaints regarding six companies: G. Miller Development; G. Miller Masonry; G. Miller Framing; Gill-Chabra Farms; Gill Farms; and Jabir Gill Family LP. (Case Number ICE 2012FOIA12071).
- On April 27, 2012, **William Perry Pendley**, President and Chief Operating Officer with **Mountain States Legal Foundation (MSLF)** in Lakewood, Colorado, requested from the Department of Homeland Security (DHS) the following records: 1) all contracts, proposals, and communications between the federal government and third parties that include provisions concerning the capability of social media monitoring technology to capture, store, and aggregate, analyze, and/or match personally-identifiable information; 2) all contracts, proposals, and communications between DHS and any States, localities, tribes, and territories and/or their agencies or subsidiaries, and/or any corporate entities regarding the implementation of any social media monitoring initiative; 3) all documents used by the DHS for internal training of staff and personnel regarding social media monitoring, including any correspondence and communications between the 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 obtained or generated as a result of social media monitoring as they relate in any way to MSLF, its supporters, whether contributors or not, clients, and correspondents, as well as MSLF's Directors, Board of Litigation members, Director Emeriti, officers, and staff. (Case Number DHS/OS/PRIV 12-0413).
- On April 27, 2012, **Lynn Walsh**, a producer with **WPTV** in West Palm Beach, Florida, requested from the United States Coast Guard (USCG) the most recent version of the AGE Surveillance Log for the *Ruby Princess* and the *Bahamas Celebration*. (Case Number USCG 2012FOIA2080).
- On April 30, 2012, **Melissa Arseniuk**, a reporter with **The Daily** in New York, New York, requested from the Department of Homeland Security (DHS) and the



- Transportation Security Administration (TSA) records discussing or documenting payments to Facebook, MySpace, Google/Gmail, Yahoo, MSN/Hotmail/Microsoft, and AOL in relation to requests for personal data and/or account information from 2009 through April 30, 2012. (Case Number DHS/OS/PRIV 12-0424 and TSA 12-0513).
- On April 30, 2012, **Andrew Becker**, staff reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) every Memorandum of Understanding and/or Memorandum of Agreement between the OIG and U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the United States Secret Service (USSS), the United States Citizenship and Immigration Services (USCIS), the Federal Emergency Management Agency (FEMA), the Transportation and Security Administration (TSA), and the United States Coast Guard (USCG) pertaining to investigations of employees. (Case Number OIG FOIA 2012-105).
  - On April 30, 2012, **Susan Carroll**, Immigration Reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records related to Ricardo Rojas Martinez who died on December 19, 2011. (Case Number ICE 2012FOIA12063).
  - On April 30, 2012, **Kate Farrish**, a contributing writer with the **Connecticut Health Investigative Team** in Tolland, Connecticut, requested from the United States Coast Guard (USCG) documents concerning marine casualty incidents in the ports of Bridgeport, New Haven and New London, Connecticut for 2009 and 2011. (Case Number 2012FOIA2086).
  - On April 30, 2012, **Lisette Garcia**, Senior Investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) all communications with Nancy-Ann DeParle, any other member of the Obama administration, or any third party regarding the development and implementation of “alternative administrative measures” to advance the president’s policy goals in circumvention of the legislative branch of the federal government. (Case Number DHS/OS/PRIV 12-0420).
  - On April 30, 2012, **Susan Long**, Co-Director with **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University, in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous case-by-case information on each case ICE has found provisionally amenable to the exercise of prosecutorial discretion for cases in Immigration Courts. (Case Number ICE 2012FOIA12122).
  - On April 30, 2012, **Kevin McNeill**, an individual in San Tan Valley, Arizona, requested from the United States Citizenship and Immigration Services (USCIS) records confirming the current enrollment of three Arizona-based organizations in E-Verify: Jeff Flake for U.S. Senate, Inc., Carmona for Arizona, and Wil Cardon for U.S. Senate, Inc. (Case Number COW2012000468).
  - On April 30, 2012, **Daniel Nasaw**, a reporter with *BBC News* in Washington, DC, requested from the Transportation Security Administration (TSA) records in TSA’s SPOT referral database pertaining to passengers arrested by Law Enforcement

- Officers after referral by TSA Behavior Detection Officers from May 29, 2004 through April 30, 2012. (Case Number TSA 12-0515).
- On May 1, 2012, **Damien Cave**, correspondent for Mexico, Central American and the Caribbean with *The New York Times* requested from U.S. Customs and Border Protection (CBP) the following records: 1) Interagency Agreements (IAs) for 2000 through May 1, 2012 between CBP and its components and their Mexican counterparts or any arm of the Mexican government, including IAs and supporting documentation for American agencies or contractors under the supervision of CBP; 2) all documents and/or database information tracking complaints against all CBP personnel deployed to the Southwest border year-by-year from 2000 through May 1, 2012; and 3) all payments made by CBP in civil lawsuits filed against CBP or its personnel and contractors, year to year, from 2000 through May 1, 2012. (Case Number CBP 2012F20900).
  - On May 1, 2012, **Melissa del Bosque**, a reporter with *Texas Observer Magazine* in Austin, Texas, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records relating to fatal and non-fatal shootings by the United States Border Patrol agents in the United States and Mexico from 2008 through 2012. (Case Number OIG FOIA 2012-107).
  - On May 1, 2012, **Amy Forliti**, a reporter with *The Associated Press* in Minneapolis, Minnesota, requested from the Transportation Security Administration (TSA) information about an incident involving airport evacuation that occurred April 27, 2012 at the Minneapolis-St. Paul International Airport. (Case Number TSA 12-0514).
  - On May 1, 2012, **Andrea Grant**, a partner with **DLA Piper, LLP** in Washington, DC, requested from the United States Coast Guard (USCG) communications in possession of the USCG to or from individuals, including members and/or staff, of the United States House of Representatives, the United States Senate, or any Committee relating to the *Pearl Mist* from December 1, 2011 through May 1, 2012. (Case Number USCG 2012FOIA2095).
  - On May 1, 2012, **Lisa Song**, a reporter with *Inside Climate News* in Somerville, Massachusetts, requested from the United States Coast Guard (USCG) written transcripts and audio recordings of phone calls placed to the National Response Center on July 26, 2010, regarding an oil pipeline spill in Marshall, Michigan. (Case Number USCG 2012FOIA2094).
  - On May 2, 2012, **Andrew Becker**, staff reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) travel records for the Deputy Assistant Inspector General of Investigations from Fiscal Year 2008 through May 2, 2012. (Case Number OIG FOIA 2012-109).
  - On May 2, 2012, **Jeffrey Zeitz**, a researcher with the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all records relating to violations, citations, or complaints regarding three companies: FMC Development, Inc.; FMC Partners, Ltd.; and Canseco Investments. (Case Number ICE 2012FOIA12226).

- On May 3, 2012, **Alicia Caldwell**, a staff reporter with *The Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records of reports or requests for OIG investigations of wrongdoing, improper acts, or other concerns pertaining to United States Secret Service (USSS) employees. (Case Number OIG FOIA 2012-110).

#### **Late requests**

- On April 2, 2012, **Steve Emerson**, President with **SAE Productions** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records related to the Saudi national arrested by ICE in January 2012 for threatening to blow up the White House and the Saudi Arabian Cultural Mission to the U.S. (Case Number ICE 2012FOIA12113).
- On April 16, 2012, **J. Keith Gates**, Senior Attorney with **Cause of Action** in Washington, DC, requested from the United States Secret Service (USSS) all financial records of travel for Vice President Joseph Biden for trips originating, terminating, or stopping in Delaware, including records of expenses and costs to the federal government and records of reimbursement by Vice President Biden for such expenses and costs. (Case Number USSS20120736).
- On April 19, 2012, **Molly Mathews**, a reporter with *FOX News* in Washington, DC, requested from the Department of Homeland Security (DHS) records documenting the location, justification, and cost of each out-of-town convention/conference, including the cost of hotels, transportation, meals, gift giveaways, and rental fees for facilities, etc., from January 1, 2012 through April 26, 2012. (Case Numbers DHS/OS/PRIV 12-0391, FEMA 12-459, FLETC, OIG FOIA 2012-102, and USCIS COW2012000455).
- On April 19, 2012, **Evan Perez**, a reporter with *The Wall Street Journal* in Washington, DC, requested from the United States Secret Service (USSS) copies of any USSS records related to an incident or incidents in June 2000 in Moscow, specifically seeking records related to conduct of the White House advance team, including the White House Communications Agency and the Secret Service, at a Moscow nightclub called The Hungry Duck before, during, or after President Bill Clinton's June 2000 visit to Russia. (Case Number USSS 20120-737-38).
- On April 24, 2012, **Andrew Becker**, a staff reporter with **Center for Investigative Reporting**, in Berkeley, California, requested from the Department of Homeland Security (DHS) a copy of the following documents: 1) any and all records, to include but not limited to email, memoranda, and/or any other written correspondence, electronic or otherwise, including deleted, saved and/or archived email, text messages, Blackberry messages and the like, regarding an FBI/U.S. Department of Justice investigation and/or federal grand jury of the DHS Office of Inspector General and any related field offices, including but not limited to Dallas and McAllen, between the Department of Homeland Security front office/headquarters personnel, including but not limited to Secretary Janet Napolitano, Deputy Secretary Jane Holl Lute, Chief of Staff Noah Kroloff, advisor John Sandweg, Amy Schlossman and/or a) the DHS Office of Inspector General and any of its employees, including but not limited to acting Inspector General Charles Edwards, Yvonne Mannino, Dorothy

- Balaban and/or counsel; and/or b) DHS Office of General Counsel, from February 2012 to April 24, 2011; and 2) any and all records, to include but not limited to email, memoranda, and/or any other written correspondence, electronic or otherwise, including deleted, saved and/or archived email, text messages, Blackberry messages and the like, regarding misconduct and/or corruption allegations and/or investigations involving DHS employees conducted by and/or related to the Department of Homeland Security Office of Inspector General, between the Department of Homeland Security front office/headquarters personnel, including but not limited to Secretary Janet Napolitano, Deputy Secretary Jane Holl Lute, Chief of Staff Noah Kroloff, advisor John Sandweg and/or Amy Schlossman, and/or a) the DHS Office of Inspector General and any of its employees, including but not limited to acting IG Charles Edwards, Yvonne Mannino, Dorothy Balaban and/or counsel, and/or b) DHS Office of General Counsel, from February 2012 to present. (Case Number DHS/OS/PRIV 12-0407).
- On April 24, 2012, **Whitney Ksiazek**, a reporter with ***Fox News Channel*** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of all documents containing the following information: any documents pertaining to cases or filings of sexual harassment charges and complaints that have occurred at DHS from January 1, 2009 - Present. (Case Number DHS/OS/PRIV 12-0409).
  - On April 24, 2012, **Scott MacFarlane**, a reporter with ***COX TV*** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all email from any DHS employee whose job title includes “Assistant Secretary” or “Deputy Secretary” and that includes the keyword “Mica,” as in US Representative John Mica (R-FL) or “Charlotte” (as in Charlotte, North Carolina ) in 2011 or 2012. (Case Number DHS/OS/PRIV 12-0406).
  - On April 25, 2012, **Jim Drummond**, a reporter with ***The Yorba Linda Star*** in Solana Beach, California, requested from the Transportation Security Administration (TSA) a list of all airports that have applied for the Screening Partnership Program (SPP) since November 2004; a list of airports that have been accepted into the SPP; a list of airports that have submitted an application and were denied approval; and a list of airports that have submitted an application and no decision has been made. (Case Number TSA 12-0495).
  - On April 25, 2012, **Doug Irving**, a reporter with ***The Orange County Register*** in Anaheim, California, requested from the Transportation Security Administration (TSA) utilization data for Advanced Imaging Technology units, sorted by airport and showing the percentage of days on which each unit was used for calendar years 2010 through 2012. (Case Number TSA 12-0496).
  - On April 25, 2012, **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 the review of events and responses associated with the October 2010 attempt to transport explosive devices via UPS and FedEx to locations in the United States. (Case Number DHS/OS/PRIV 12-0409).

- On April 26, 2012, **Peter Eisler**, a reporter with *USA Today* in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) and the United States Secret Service (USSS) records related to the conduct of USSS personnel in foreign countries, including any reports, memos and correspondence related to the behavior or conduct of USSS officers working abroad that reference allegations or investigations of misconduct or impropriety, official standards, or correspondence with other departments or agencies from January 1, 2000 through April 26, 2012. (Case Number OIG FPOA 2012-100 and USSS20120740).
- On April 26, 2012, **Jordan Beck**, an individual, requested from the Transportation Security Administration (TSA) information about the number and text of complaints received by TSA regarding pat down procedures. (Case Number TSA 12-0501).
- On April 26, 2012, **Jennifer Dixon**, a reporter with *The Detroit Free Press* requested from the Federal Emergency Management Agency (FEMA) a copy of all grants and cost share expenditure reports submitted by Michigan for its Homeland Security Grant Program/Urban Area Security Initiative (UASI) grants funds since the inception of the program and the Biannual Strategy Implementation Reports filed by the State of Michigan with FEMA since 2004. (Case Number FEMA 12-452).
- On April 26, 2012, **Susan Long**, Co-Director with **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous case-by-case information on each ICE removal (including returns) in April 2012. (Case Number ICE 2012FOIA11976).
- On April 26, 2012, **Steve Reilly**, a reporter with *Press & Sun-Bulletin* in Binghamton, New York, requested from the Federal Emergency Management Agency (FEMA) records regarding FEMA assistance requests and awards associated to DR-1650, "New York Severe Storms and Flooding." (Case Number FEMA 12-451).

### III. FOIA Releases

- On April 27, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Gregory Korte**, a reporter with *USA Today* in Washington, DC, 473 pages of records responsive to his request seeking correspondence from Members of Congress sent to the ICE Office of Congressional Relations or ICE Field Offices. Portions of this release were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2012FOIA09646).
- On April 27, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Atlanta, Georgia, one Excel spreadsheet responsive to his request seeking information relating to every person who had been removed/deported/returned as a result of the Secure Communities program. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number ICE 2012FOIA08984).
- On April 27, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Maria Sacchetti**, a reporter with *The Boston Globe* in Boston, Massachusetts, a spreadsheet consisting of arrest data, including A-File Numbers, Names, DOB,

- Nationality, FBI number, Last Known State, Criminal Charge and Criminal Category related to Operation Cross Check, announced on September 28, 2011. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2012FOIA2325).
- On April 27, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Penny Starr**, a staff writer with *CNS News* in Alexandria, Virginia, a spreadsheet with data related to “Other Than Mexican” removals during Fiscal Year 20122. (Case Number 2012FOIA06734).
  - On May 1, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Joseph Colligan**, an individual from Miami Beach, Florida, 153 pages of A-File material related to deceased entertainer David T. Jones, AKA, Davy Jones, responsive to his request seeking Jones’ immigration file. (Case Number USCIS COW2012000288).
  - On May 1, 2012, the Department of Homeland Security (DHS) released to **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, 12 pages of correspondence responsive to his request seeking correspondence between Governor Rick Perry (R-TX) and DHS. Portions of the release were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(E). (Case Number DHS/OS/PRIV 12-0082).
  - On May 1, 2012, the Department of Homeland Security (DHS) released to **Scott MacFarlane**, a reporter with *COX TV* in Washington, DC, 22 pages of correspondence responsive to his request for all written and electronic communication between Governor Rick Perry (R-TX) and the Secretary of Homeland Security. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number DHS/OS/PRIV 12-0256).
  - On May 1, 2012, the United States Citizenship and Immigration Services (USCIS), released to **Monty Ruiz Velasco**, Director of Legal Services with *National Immigration Justice Center* in Chicago, Illinois, 1,689 pages of material consisting of Policy Memorandum(s), inter and intra-agency e-mails, Standard Operating Procedures, etc., responsive to his request related to all cases where prosecutorial discretion has been considered, exercised, and/or requested, from January 1, 2010 to the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number USCIS COW2011000997).
  - On May 2, 2012, the Department of Homeland Security (DHS) Federal Law Enforcement Training Center (FLETC) issued to **Melissa Arseniuk**, a reporter with *The Daily* in New York, New York, a no records determination in response to her request for copies of any records (electronic, print, or otherwise) involving invoices, estimates, contracts, memos, meetings, conference calls, emails, or other correspondence or transactions between any DHS official, employee, or representative of any Location Solvers official, employee or representative. (Case Number FLETC FOIA 12-051).
  - On May 3, 2012, the United States Coast Guard (USCG) issued to **Emily Altmann**, a researcher with **m2 Pictures** in Hampton, Virginia, a no records determination in response to her request seeking documents concerning the death of an individual after

being pushed overboard from the Star Dancer on or about February 14, 1988. (Case Number USCG 2012FOIA0609).

- On May 3, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Sean Dunagan**, Senior Investigator with **Judicial Watch** in Washington, DC, one Excel spreadsheet responsive to his request seeking the number of immigration cases reviewed (for prosecutorial discretion) and the number of cases that were administratively closed during the pilot program conducted in Baltimore and Denver between December 4, 2011 and January 13, 2012. These records were released in full. (Case Number ICE 2012FOIA04940).
- On May 3, 2011, the Department of Homeland Security (DHS) released to **Christopher Cook**, an individual, 335 pages of records related to the “Occupy Wall Street” movement. 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 12-0147).
- On May 3, 2012, the Department of Homeland Security (DHS) released to **John Cook**, a senior writer with **Gawker Media** in Brooklyn, New York, 335 pages of email responsive to his request for records related to the “Occupy Wall Street” movement. 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 12-0084).
- On May 3, 2012, the Department of Homeland Security (DHS) released to **Sean Dunagan**, Senior Investigator with **Judicial Watch** in Washington, DC, 335 pages of email responsive to his request seeking records related to the “Occupy Wall Street” movement. 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 12-0068).
- On May 3, 2012, the Department of Homeland Security (DHS) released to **Mara Verheyden-Hilliard**, Executive Director with the **Partnership for Civil Justice Fund** in Washington, DC, 335 pages of email responsive to her request seeking records related to the “Occupy Wall Street” movement. Portions of this second interim release were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number DHS/OS/PRIV 12-0085).
- On May 3, 2012, the Department of Homeland Security (DHS) released to **Geoff King**, an attorney, 335 pages of records related to the “Occupy Wall Street” movement. 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 12-0104).
- On May 3, 2012, the Department of Homeland Security (DHS) released to **Jason Leopold**, an investigative reporter with **Truthout.org** in Los Angeles, California, 335 pages of email responsive to his request seeking records related to the “Occupy Wall Street” movement. 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 12-0048).
- On May 3, 2012, the Department of Homeland Security (DHS) released to **Grace Wyler**, a reporter with **Business Insider** in New York, New York, 335 pages of email responsive to her request for records related to the “Occupy Wall Street” movement. 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 12-0081).

- On May 3, 2012 the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) released to **Steven Emerson**, President with **SAE Productions**, in Washington, DC, 44 pages of email, press releases, and summaries responsive to his request seeking records related to the May 31, 2010 Israeli military operations that occurred in international waters in the Mediterranean Sea involving a six-boat flotilla headed to Gaza with humanitarian supplies, including the U.S. registered ‘Challenger I’ and the Comoros-registered “Mavi Marmara” which was intercepted by the Israeli Defense Forces, resulting in the death of nine passengers on board the Mavi Marmara including one U.S. citizen and the injury of many more. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (7)(E). (Case Number S&T 12-013).
- On May 3, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Robert Faturechi**, a reporter with *The Los Angeles Times* in Los Angeles, California, a no records determination in response to his request seeking documents relating to a 2002 investigation into allegations that dozens of bullet proof vests were purchased by the City of Gardena from Los Angeles County, then sold and shipped to Cambodia. (Case Number ICE 2012FOIA08249).
- On May 3, 2012, the Department of Homeland Security (DHS) released to **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, 24 pages responsive to his request seeking correspondence between DHS and the Office of Senator Marco Rubio (R-FL). (Case Number DHS/OS/PRIV 12-0376).
- On May 3, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jerry O’Neal**, an individual in Albany, New York, 1,291 pages of records consisting primarily of email, responsive to his request for records related to adoptions from the Bac Lieu Province in Vietnam. (Case Number USCIS COW2011000338).
- On May 3, 2012, the United States Coast Guard (USCG) issued to **Bonnie Stewart**, a reporter with *Oregon Public Broadcasting* in Portland, Oregon, a no records determination in response to her request seeking copies of the August 2008 USCG Inspection Report of the *Davy Crockett* as noted in the Shoreline Marine Services Barge Inspection Report dated April 2009.
- On May 3, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Beth Werlin**, Deputy Director with **The American Immigration Council** in Washington DC, 3,276 pages of correspondence, memoranda, drafts of documents and congressional correspondence responsive to his request seeking records which relate or refer to the adjudication of applications or petitions involving same sex-spouses and the Defense of Marriage Act (DOMA). Portions of this release were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(E). (Case Number USCIS COW2011000490).
- On May 3, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Les Zaitz**, a reporter for *The Oregonian*, in Portland, Oregon, 129 pages of records responsive to his request seeking the complete immigration file of [REDACTED] [REDACTED]. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number NRC2012012662).



#### **IV. FOIA Appeals**

- On April 25, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, appealed the response by U.S. Customs and Border Protection (CBP) to her request seeking information regarding the Consequence Delivery System. In response to the initial request, CBP released 42 pages with portions of the response withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number CBP H213016).

#### **V. FOIA Appeals Releases**

- On April 27, 2012, U.S. Customs and Border Protection (CBP) released 22 additional pages of information consisting of briefing papers and flight records to **Emily Willard**, a research associate with the **National Security Archive** in Washington, DC, in response to her appeal to her FOIA request seeking records concerning Operation Knock Down in El Paso, Texas. (Case Number CBP H210055).

#### **VI. Lawsuits**

- In the matter of *Iraqi Refugee Assistance Project (IRAP) v. United States Department of Homeland Security* (12 CIV 3461), the Plaintiff filed a complaint April 1, 2012, contesting the United States Citizenship and Immigration Services (USCIS) redactions and the schedule of future release dates pertaining to the several FOIA requests it submitted to USCIS seeking records relating to its overseas refugee adjudication program. The FOIA requests were consolidated and IRAP/USCIS have worked together to negotiate the scope of the searches, sample sets and timeframes.

### **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 4 – May 10, 2012**  
**Privacy Office**  
**May 14, 2012**  
**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 7, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the Compliance Inspection Reviews for the Etowah County Detention Center in Gadsden, Alabama, the Orleans Parish Prison in New Orleans, Louisiana, and the McHenry County Adult Correctional Facility in Woodstock, Illinois to the ICE FOIA Library.
- On May 4, 2012, U.S. Customs and Border Protection's (CBP) FOIA Division launched its new [CBP FOIA](#) website. The web pages describe the records available from CBP and provide tips for requestors designed to help CBP respond to FOIA requests with greater speed.

**II. FOIA Requests**

- On May 4, 2012, **Jack Gillum**, a reporter with *The Associated Press* in Nelsonville, Ohio, requested from the Department of Homeland Security (DHS) copies of correspondence logs pertaining to Governor Mitch Daniels' (R-IN) office, from January 10, 2005 to the present and Governor Bob McDonnell's (R- VA) office, from Jan. 16, 2010 to the present. (Case Number DHS/OS/PRIV 12-0431).
- On May 4, 2012, **Jack Gillum**, a reporter with *The Associated Press* in Nelsonville, Ohio, requested from the Department of Homeland Security (DHS) copies of correspondence logs pertaining to Senator Rob Portman (R-OH) or his staff from January 3, 2011 to the present. (Case Number DHS/OS/PRIV 12-0440).
- On May 4, 2012, **Steven Emerson**, President of SAE Productions in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) copies of any reports, memoranda, emails or other internal documents related to the Secretary of Homeland Security's April 18, 2012 meeting with New York Jewish community leaders ; 2) any documents identifying participants of that meeting and their organizational affiliation and any evaluation forms/reports executed by meeting 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 presented at or made during the meeting. (Case Number DHS/OS/PRIV 12-0433).
- On May 4, 2012, **Richard E. Wackrow**, an individual in Whitefish, Montana, requested from the Transportation Security Administration (TSA) records concerning the three types of full body imaging scanners (AITs): X-ray backscatter, active millimeter wave, and passive millimeter wave, specifically the manufacturer, cost per unit, number of units currently in use, number of units on order or planned for, current total costs, and projected total costs. (Case Number TSA 12-0535.)

- On May 4, 2012, **Kate Brumback**, a reporter with *The Associated Press* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) correspondence between ICE, the local police agency that arrested a named particular alien, and that alien's attorney. (Case number ICE 2012FOIA12769).
- On May 7, 2012, **Jacqueline Klimas**, a reporter with the *Navy Times* in Springfield, Virginia, requested from the United States Coast Guard (USCG) records concerning the relief of the commanding officer Captain of the cutter *Morgenthau*. (Case Number USCG 2012FOIA2168).
- On May 7, 2012, **Jacqueline Klimas**, a reporter with the *Navy Times* in Springfield, Virginia, requested from the United States Coast Guard (USCG) concerning the relief of the Chief Warrant Officer from the cutter *Frank Drew*. (Case Number USCG 2012FOIA2169).
- On May 7, 2012, **David Shapiro**, staff attorney, National Prison Project, with the **American Civil Liberties Union (ACLU)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to aliens held in isolated confinement while in ICE custody. (Case Number ICE 2012FOIA12771).
- On May 7, 2012, **Kevin Curran**, a reporter with *KPNX 12 News* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of all written reports, audio or video interview transcripts, and correspondence covering any interaction between ICE, a deceased Arizona resident, and/or his organization, "U.S. Border Guard." (Case Number ICE 2012FOIA12942).
- On May 7, 2012, **Alex Pappas**, a reporter with *The Daily Caller* in Washington, DC, requested from the United States Secret Service (USSS) records detailing the expenses and estimating the total costs for USSS protection of former presidential candidate Herman Cain. (Case Numbers USSS 20120790, 20120791).
- On May 7, 2012, **Alex Pappas**, a reporter with *The Daily Caller* in Washington, DC, requested from the United States Secret Service (USSS) records detailing the expenses and estimating the total and daily costs for USSS protection of Valerie Jarrett, a senior adviser to President Barack Obama. (Case Numbers USSS 20120792, 01220793).
- On May 7, 2012, **Terrence McDonald**, a reporter with *The Jersey Journal* in Jersey City, New Jersey, requested from the Federal Emergency Management Agency (FEMA) a copy of an audit FEMA conducted regarding possible questionable police overtime submitted for work Jersey City officers undertook at the World Trade Center site after the 9/11 terrorist attacks. (Case Number FEMA 12-473).
- On May 7, 2012, **Marnie Eisenstadt**, a reporter with *The Post-Standard* in Syracuse, New York, requested from the Federal Emergency Management Agency (FEMA) a copy of the 2011 Staffing for Adequate Fire and Emergency Response (SAFER) grant application awarded to the state of New York for recruitment and retention. (Case Number FEMA 12-475).
- On May 7, 2012, **John Sullivan**, a reporter with the *Times Herald Record* in Middletown, New York, requested from the Federal Emergency Management Agency (FEMA) copies of all correspondence, including memoranda, letters, and email to and from FEMA and the Village of Washingtonville, New York, regarding funding for

- flood relief and flood damage related to Hurricane Irene. (Case Number FEMA 12-486).
- On May 8, 2012, **Andrew Becker**, staff reporter with **The Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records pertaining to DHS-OIG's use of confidential informants. (Case Number OIG FOIA 2012-113).
  - On May 8, 2012, **Eva Cardenas**, outreach paralegal with the **Southern Poverty Law Center Immigrant Justice Project** in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to the possible enrollment of the Albertville Alabama Police Department into the 287(g) program. (Case Number ICE 2012FOIA12940).
  - On May 9, 2012, **Bonnie Stewart**, a journalist with **Oregon Public Broadcasting** in Portland, Oregon, requested from the United States Coast Guard (USCG) certificates of documentation for the vessel *Davy Crockett*. (Case Number USCG 2012FOIA2191).
  - On May 10, 2012, **Michael Morisy**, a blogger with **MuckRock** in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the requisition form or Request for Proposal (RFP) for the National Intellectual Property Rights Coordination Center logo/seal, as well as all draft submissions and alternative logos and/or seals by the designer made in fulfillment of that requisition or RFP, along with supporting documentation of the design that was submitted by the designer. (Case Number ICE 2012FOIA12938).

#### **Late requests**

- On April 27, 2012, **John Dingfelder**, an attorney with the **American Civil Liberties Union (ALCU) Foundation of Florida** in Tampa, Florida, requested from the United States Secret Service (USSS) records created from January 1, 2011 through April 27, 2012 by the Department of Homeland Security (DHS) or any of its components relating or referring to the following: 1) hard security perimeter, soft security perimeter, security barriers, security fencing, security walls, secure areas, public viewing area(s), parade route(s) and /or official parade route(s) as related to the 2012 Republican National Convention to be held in or around the Tampa Bay Times Forum in Tampa, Florida in August 2012; and 2) hard security perimeter, soft security perimeter, security barriers, security fencing, security walls, secure areas, public viewing area(s), parade route(s) and /or official parade route(s) as related to the 2012 Republican National Convention to be held in or around the Tropicana Field in St. Petersburg, Florida in August 2012. (Case Numbers USSS 20120778, 2012779, and DHS/OS/PRIV 12-0437).
- On April 27, 2012, **Jeffrey Zeitz**, a researcher with **The Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from the Transportation Security Administration (TSA) records related to disturbances at airport security checkpoints allegedly caused by a named individual. (Case Number TSA 12-0533).
- On April 30, 2012, **Audrey Singer**, Senior Fellow, Metropolitan Policy Program, with **The Brookings Institution** in Washington, DC, requested from United States

- Citizenship and Immigration Services (USCIS), USCIS designation letters for all 218 EB-5 (Immigrant Investor Program) Regional Centers. (Case Number USCIS COW2012000483).
- On May 2, 2012, **Michael Grabell**, a reporter with *ProPublica* in New York, New York, requested from the Transportation Security Administration (TSA) an electronic copy of TSA's customer complaint database, including all complaints received since January 1, 2012. (Case Number TSA 12-0524).

### III. FOIA Releases

- On May 3, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jerry O'Neal**, an individual from New Albany, Indiana, 1,291 pages of email responsive to his request for records related to adoptions from the Bac Lieu province in Vietnam. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number USCIS COW2011000338).
- On May 3, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with *The Center for Investigative Reporting* in Berkeley, California, 25 pages of Memoranda of Understanding pertaining to his request for such records regarding investigations of employees. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number OIG FOIA #2012-105).
- On May 4, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Penny Starr**, a reporter with *CNS News* in Alexandria, Virginia, two pages of statistical information relating to all OTMs (Other Than Mexicans) from all countries for Fiscal Year 2011. These records were released in full. (Case Number ICE 2012FOIA06734).
- On May 4, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Sean Dunagan**, Senior Investigator with *Judicial Watch* in Washington, DC, one document containing the number of immigration cases reviewed for prosecutorial discretion and the number of cases that were administratively closed during the pilot program conducted in Baltimore, Maryland, and Denver, Colorado, from December 4, 2011 through January 13, 2012. These records were released in full. (Case Number USCIS 2012FOIA04940).
- On May 4, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Kevin Lapp**, acting Assistant Professor at *New York University School of Law* in New York, New York, 7,675 pages of records consisting of N-4 forms responsive to his request seeking copies of all monthly reports received by USCIS, including District Directors, from 1992 through June 12, 2011, relating to naturalization applications. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCIS NRC2011063052).
- On May 7, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Sewell Chan**, a Deputy Op-Ed Editor with the *New York Times* in New York, New York, 81 pages of material consisting of the Alien File of a named individual. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number NRC2012003368).

- On May 7, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Sewell Chan**, a Deputy Op-Ed Editor with *The New York Times* in New York, New York, 89 pages of material consisting of the USCIS file of a named individual. Portions of this response were withheld pursuant to FOIA Exemptions (b)(7)(C) and (b)(7)(E). (Case Number USCIS COW2012000045).
- On May 8, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, 310 pages of records consisting of USCIS Bi-Annual SES Allocation Requests and attachments response to his FOIA request. These records were release in full. (Case Number USCIS COW2011000714).
- On May 8, 2012, the Department of Homeland Security (DHS) released to **Michael Kaufman**, an attorney with *The American Civil Liberties Union (ACLU) of Southern California* in Los Angeles, California, 17 pages of Privacy Office FOIA data related to fee waiver and fee category requests. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 12-0287).
- On May 9, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Emily Willard**, a research associate with the *National Security Archive* in Washington, DC, 100 pages of records consisting of Office of Professional Responsibility (OPR) complaint reports. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number USCIS 2012FOIA5436).
- On May 9, 2012, the United States Immigration and Customs Enforcement (USCIS) released to **Emily Willard**, a research associate with the *National Security Archive* in Washington, DC, 100 pages of email regarding the Consequence Delivery System as well as the U.S. Customs and Border Protection-ICE Enhanced Removal Operations (ERO) concept of operations. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number USCIS 2012FOIA5042).
- On May 9, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, 12 pages of material consisting of the SF-86 of a named individual responsive to his FOIA request. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number USCIS COW2011000455).
- On May 10, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Daniel Gonzalez**, a reporter with *The Arizona Republic*, in Phoenix, Arizona, a full denial for records pertaining to the criminal investigation of a former special agent assigned to Homeland Security Investigations in Arizona. These records were withheld pursuant to FOIA Exemption (7)(A). (Case Number ICE 2012FOIA11189).

#### IV. FOIA Appeals

- On April 13, 2012, **Melissa Crow**, the Director of the Legal Action Center at *The American Immigration Council* in Washington, DC, appealed the decision by U.S. Customs and Border Protection (CBP) in response to her request for the following records: 1) all policies and practices of the Department of Homeland Security (DHS) and/or CBP relating to admission, questioning, and/or detention of U.S. citizens, or

- relating to other interactions between DHS and/or CBP personnel and U.S. citizens;  
 2) all policies and practices of DHS and/or CBP relating to admission, questioning, detention and/or placement of minor children, whether of U.S. citizens or not, or relating to other interactions between DHS and/or CBP personnel and minor children;  
 3) all records relating to a named U.S. citizen minor and a named adult non-US citizen, who arrived in the United States on March 11, 2011; and 4) all records in the possession of DHS and/or CBP of other DHS or CBP interactions with U.S. citizen minors at U.S. ports of entry on occasions where such U.S. citizens were believed or determined to be traveling in the company of non-U.S. citizens. In response to the initial request, CBP released 42 pages of policy memorandum and travel records with some information redacted pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). CBP also denied her request for a fee waiver. The requester is appealing CBP's denial of her request for a fee waiver, the application of the exemptions, and the adequacy of the search. (Case Number CBP H216815).
- On April 25, 2012, **Emily Willard**, a research associate with *The National Security Archive* in Washington, DC, appealed the response by U.S. Customs and Border Protection (CBP) to her request for information regarding an individual who died from injuries sustained from the application of a stun gun and batons. In response to the initial request, CBP withheld an undisclosed number of pages pursuant to FOIA Exemption (b)(7)(A). (Case Number CBP H216415).
  - On May 9, 2012, **Bonnie Stewart**, a journalist with **Oregon Public Broadcasting** in Portland, Oregon, submitted an appeal to the United States Coast Guard (USCG) concerning the no records response to Case Number USCG 2012FOIA0635. (Case Number A2012-023).

## V. FOIA Appeals Releases

- On May 11, 2012, U.S. Customs and Border Protection (CBP) affirmed to **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, the previous decision to release forty-two (42) pages with redactions made pursuant to FOIA Exemptions (b)(6) and (b)(7)(C) related to her request for information regarding the Consequence Delivery System. (Case Number CBP H216075).

## VI. Lawsuits

- In the matter of *Judicial Watch, Inc. v. DHS* (D.D.C. 12-cv-00563), Plaintiff filed suit on April 11, 2012, claiming constructive denial of their FOIA request filed on September 2, 2011, seeking records relating to the arrest of Onyango Obama, who was arrested in Framingham, Massachusetts on August 25, 2011. (Case Number 2011FOIA14940).

## VII. 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 11 – 17, 2012

### Privacy Office

May 21, 2012

### 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 17, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the April 2012 FOIA Log to the ICE FOIA Library.

#### II. FOIA Requests

- On May 11, 2012, **Lisette Garcia**, Senior Investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records associated with the Financial Fraud Task Force: 1) staffing records including SF-50s and organizational charts of permanent, temporary, contractor, and detailed personnel; 2) directories, including listings of names, job titles, phone numbers, email addresses, mail stops, or office locations; 3) budget records, including receipts for office leasing, travel, lodging and per diem costs incurred by the Task Force to date; 4) calendars and agenda reflecting meetings of any Task Force member as it relates to the business of the Task Force; and 5) communications involving any Task Force member as it relates to the business of the Task Force or any of its elements. (Case Number DHS/OS/PRIV 12-0446).
- On May 11, 2012, **Randy Travis**, a reporter with **Fox5 News** in Atlanta, Georgia, requested from the United States Coast Guard (USCG) a copy of the final report on its investigation of a fatal parasailing accident that occurred on September 5, 2010 in Clearwater, Florida. (Case Number USCG 2012FOIA2214).
- On May 12, 2012, **Maxwell Hall**, an individual in Marine on St. Croix, Minnesota, requested from the Transportation Security Administration (TSA) all records pertaining to the Underwear Bomber. (Case Number TSA 12-0555).
- On May 12, 2012, **Maxwell Hall**, an individual in Marine on St. Croix, Minnesota, requested from the United States Secret Service (USSS) records related to the topic of Secret Service agents who participated in the recent scandal associated with a Presidential visit. (Case Number USSS 20120821).
- On May 14, 2012, **Gordon Li**, a Senior Research Analyst with **Forward Observer** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of the documents or materials provided for five FOIA requests involving the media. (Case Number DHS/OS/PRIV 12-0456).
- On May 15, 2012, **Nathan Anderson**, Senior Editor with **Ars Technica** in Wheaton, Illinois, requested from the United States Secret Service (USSS) email that contains the word “jotform” in addition to files and documents created by a named Special Agent that contain the word “jotform.” (Case Numbers USSS 2012-848 and 20120849).

- On May 15, 2012, **Marisa Kendall**, a reporter with *The News Press Media Group* in Fort Myers, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) arrest records for all detainees transferred from the custody of the Fort Myers Police Department, the Cape Coral Police Department, the Lee County Sheriff's Office, and/or the Collier County Sheriff's Office to ICE custody from March 1, 2012 through May 15, 2012. (Case Number ICE 2012FOIA13212).
- On May 15, 2012, **Alexa D. O'Brien**, an individual in Long Island City, New York, requested from the Department of Homeland Security (DHS) all correspondence including email, memos, processing notes, and search slips for her FOIA requests DHS /OS/PRIV 12-0360, 12-OPS-02B, and 12-OIA-0053. (Case Number DHS /OS/PRIV 12-0447).
- On May 15, 2012, **Wendy Victoria**, an editor with *Northwest Florida Daily News* in Fort Walton Beach, Florida, requested from the United States Coast Guard (USCG) records concerning the boarding of the *Fuelish Pleasure* on June 4, 2011. (Case Number USCG 2012FOIA2246).
- On May 15, 2012, **Amy Woodward**, a research assistant with the **Independence Institute** in Denver, Colorado, requested from the Department of Homeland Security (DHS) copies of all email sent to and received from (b) (6) from April 9, 2012 through April 11, 2012. (Case Number DHS/OS/PRIV 12-0455).
- On May 16, 2012, **Sean Dunagan**, Senior Investigator with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records of communication between any official, employee, or representative of ICE and any employee or representative of the National Immigration Law Center (NILC) between January 1, 2011 through May 16, 2012, particularly communications related to the NILC publication "The All-in-One Guide to Defeating ICE Hold Requests." (Case Number ICE 2012FOIA13216).
- On May 16, 2012, Dr. Paul Maas Risenhoover, with Robin Hood International Human Rights Legal Defense Fund in the island of Taiwan, West Pacific, USA, requested from the Department of Homeland Security (DHS) the following records: "1) Please release the redactions from Dorgan to Papoi Jan 15, 2010, 3:19 pm three paragraphs all redacted, b(5) asserted, in relation to DHS/OS/PRIV 10-0190; 2) Please release the keywords and combinations thereof, used in respect of the email which avers no responsive records found after searching the "IQ and the ESEC shared drive ... "; and 3) Any records, including emails among Sean Murtagh, Phil McNamara, Mark Dorgan, Audrey Anderson, Mary Ellen Callahan, Catherine Papoi, Vania Lockett, David J Palmer, Julia Fox, or Mia Day, relating to the decision to release the emails relating to FOIA request DHS/OS/PRIV 10-0190, released to the Associated Press under another FOIA to the Associated Press, and the actual FOIA request that the AP submitted to DHS." (Case Number DHS/OS/PRIV 12-0448).

#### **Late requests**

- On April 28, 2012, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Customs and Border Protection (CBP) records and/or reports regarding the "Consequence Delivery System" from 2009 through April 28, 2012. (Case Number CBP 2012F21825).

- On April 30, 2012, **Chris Halsne**, Investigative Reporter with **KIRO TV** in Seattle, Washington, requested from the United States Secret Service (USSS) any and all records regarding any reimbursed payment to an employee or credit card use at Entretenimientos Mundiales, S.A., in San Salvador, El Salvador. (Case Number USSS 2012822),
- On April 30, 2012, **Chris Halsne**, Investigative Reporter with **KIRO-TV** in Seattle, Washington, requested from the United States Secret Service (USSS) records including contracts, billing, reimbursements, descriptions of work etc., regarding a company called Linea Ejecutiva in El Salvador, specifically communications and contracts generated by the USSS for a Presidential visit to San Salvador in March 2011. (Case Number USSS 2012823).
- On May 3, 2012, **Melissa Crow**, Director with the **American Immigration Council Legal Action Center** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records issued or used by USCIS and/or the Department of Homeland Security (DHS) from January 2008 through May 3, 2012, to instruct, train, and/or guide Immigration Services Officers or Department of State employees, including Consular Officers on the adjudication of L-1B intra-company transferee petitions and the interpretation of the term “specialized knowledge.” (Case Number COW2012000517).
- On May 3, 2012, **Alejandro Martinez-Cabrera**, a reporter with **The El Paso Times** in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) videos recorded by CBP cameras with visibility of vehicle traffic moving through the southbound lanes and northbound lanes adjacent to the southbound lanes of the International Bridge of the Americas in El Paso, Texas from 11 a.m. through 7 p.m. on April 17, 2012. (Case Number CBP 2012F21901).
- On May 3, 2012, **Alicia Caldwell**, a reporter with **The Associated Press** in Washington, DC, requested from the United States Secret Service (USSS) all reports or complaints of wrongdoing involving USSS employees filed at the USSS Office of Professional Responsibility from January 1, 2005 through May 3, 2012. (Case Number USSS 20120830).
- On May 3, 2012, **Alicia Caldwell**, a reporter with **The Associated Press** in Washington, DC, requested from the United States Secret Service (USSS) all correspondence with members of the U.S. Senate or U.S. House of Representatives regarding the investigation of alleged wrongdoing by USSS employees in Cartagena, Colombia, on or about April 12, 2012, including correspondence and any other document received or generated by the USSS in reference to the incident and ensuing investigation in Colombia. (Case Number USSS 20120836).
- On May 7, 2012, **Nick Martin**, a reporter with **Talking Points Memo (TPM) in New York, New York**, requested from U.S. Customs and Border Protection (CBP) all records related to two Arizona residents, the groups known as the “U.S. Border Guard” and the “National Socialist Movement” (NSM), and the members of those groups, including any complaints or investigations into CBP interactions with these persons or groups. (Case Number CBP 2012F21900).
- On May 08, 2012, **Miriam Jordan**, a senior special writer with **The Wall Street Journal** in Beverly Hills, California, requested from the United States Citizenship

and Immigration Services (USCIS) data showing the number of name changes requested or completed each year during the naturalization process from 2002 through 2012. (Case Number COW2012000511).

- On May 8, 2012, **Renee Coover**, an attorney with **Thiersch & Associates** in Chicago, Illinois, requested from the Transportation Security Administration (TSA) documents pertaining to any instance of an unauthorized passenger without a valid boarding pass who was allowed on a Lufthansa plane bound for Germany in 2012. (Case Number TSA 12-0545).
- On May 9, 2012, **Alan Gomez**, a reporter with **USA Today** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) specific items and excerpts identified in ICE's Congressional Correspondence Log and Congressional Call Log provided in a previous FOIA. (Case number ICE 2012FOIA13013).

### III. FOIA Releases

- On May 11, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Peter D. Joseph**, Executive Director with **The Association to Invest in the USA** in Chicago, Illinois, 107 pages of records, including the Office of Policy and Strategy EB-5 Program study and the USCIS response to the study. Portions of the response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number USCIS NRC2012026771).
- On May 11, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Emily Aden**, a representative with the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, 36 pages of records related to Don Kelly Construction, Inc. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3) and (b)(6). (Case Number USCIS COW2012000306).
- On May 11, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Rachael Leven**, a researcher with **The Hill** in Washington, DC, 431 pages from the A-file for **(b) (6)**. Portions of the response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number USCIS COW2012000023).
- On May 11, 2012, the United States Coast Guard (USCG) released to **Kate Farrish**, a journalist with the **Connecticut Health Investigative Team** in Tolland, Connecticut, 521 pages of spreadsheets and a map related to marine casualty incidents in the ports of Bridgeport, New Haven, and New London, Connecticut for 2009 and 2011. These records were released in full. (USCG Case Number 2012-2086).
- On May 14, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Thomas Dinges**, a reporter with **The Star Ledger** in Newark, New Jersey, six pages of correspondence responsive to his request for communications among Governor Chris Christie's (R-NJ) staff and ICE's Office of Congressional Relations, Enforcement, and Removal Operations, the New Jersey Field Office, and the Office of Detention Policy and Planning. Portions of those pages were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number ICE 2012FOIA03489).

- On May 15, 2012, the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) released to **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, 14 pages of correspondence between Governor Rick Perry (R-TX) and DHS. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number S&T 12-018).
- On May 16, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Aubrey Singer**, a senior fellow with **The Brookings Institution** in Washington, DC, 1,435 pages of designation letters for all 218 USCIS EB-5 Regional Centers. (Case Number COW2012000483).
- On May 16, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, staff reporter with *The Center for Investigative Reporting* in Berkeley, California, one page of records responsive to his request seeking information about the repatriations/removals of criminal Mexican nationals, by U.S. Port of Entry for each Fiscal Year from 2003 through 2012. These records were released in full. (Case Number ICE 2012FOIA08435).
- On May 16, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Aubrey Singer**, a fellow with **The Brookings Institution** in Washington, DC, 1,435 pages of designation letters for all 287 USCIS EB-5 Regional Centers. These records were released in full. (Case Number USCIS COW2012000483).
- On May 17, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Woodstock, Georgia, an Excel spreadsheet containing statistics pertaining to the 287(g) Program. These records were released in full. (Case Number ICE 2012FOIA09515).
- On May 17, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with *The Center for Investigative Reporting* in Berkeley, California, 33 pages of email and other records pertaining to the launch/planning of a DHS-OIG training center. Portions of these records were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), (b)(6), and (b)(7)(E). (Case Number OIG FOIA #2012-066).
- On May 17, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with *The Center for Investigative Reporting* in Berkeley, California, an eight-page list of cases maintained by DHS-OIG's forensic threat analysis unit. These records were released in full. (Case Number OIG FOIA 2012-081).
- On May 17, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with *The Center for Investigative Reporting* in Berkeley, California, one page compiling travel information for the Deputy Assistant Inspector General of Investigations from Fiscal Year 2008 through May 2, 2012. These records were release in full. (Case Number OIG FOIA 2012-109).

#### IV. FOIA Appeals

- On April 30, 2012, **Diana Soular**, a reporter with *The Las Cruces Sun*, in Las Cruces, New Mexico, appealed the response by U.S. Customs and Border Protection

- (CBP) to her request for information regarding a named individual. CBP had requested a verification of identity and authorization for release from the individual and that the request be on letterhead and signed. (Case Number CBP H217587).
- On May 6, 2012, **Gordon Hanson**, Director, with the **Center on Emerging and Pacific Economies at the University of California, San Diego** in La Jolla California, appealed the response by U.S. Customs and Border Protection (CBP) to his request for apprehension and enforcement data from 1999 through the present. In response to the initial request, CBP released 12 pages of records. The requester alleges that he was provided with a smaller set of data than requested. (Case Number CBP H217579).

## **V. FOIA Appeals Releases**

- On May 14, 2012, U.S. Customs and Border Protection (CBP) released to **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, 91 pages of training materials, policy documents, and statistics in response to his appeal of CBP's initial response to his FOIA request, seeking records created from January 1, 2008 through May 10, 2011, discussing, concerning, or reflecting CBP's use of Cellebrite, or any similar data extraction tools. (Case Number CBP H189357).

## **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 May 18 – 24, 2012

Privacy Office

May 29, 2012

### 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 May 21, 2012, **Melissa Yeager**, a reporter with **WINK News** in Kansas City, Missouri, requested from the Transportation Security Administration (TSA) copies of all passenger complaints regarding screening at Kansas City International Airport in Kansas City, Missouri, from January 1, 2008 through May 21, 2012. (Case Number TSA 12-0574).
- On May 22, 2012, **Emily Dupuis**, a representative of **Public Record Strategies** in Washington, DC, requested from the Department of Homeland Security (DHS) records identifying Richard Carmona as a member of the U.S. Department of Homeland Security's Counter Narcotics and Terrorism Operational Medical Support (CONTOMS) Advisory Board since 1990. (Case Number DHS/OS/PRIV 12-0468).
- On May 22, 2012, **Shalin G. Gala**, a Laboratory Methods Specialist with the Laboratory Investigations Division of **People for the Ethical Treatment of Animals (PETA)** in Norfolk, Virginia, requested from the Department of Homeland Security (DHS) records related to the investigation conducted by DHS, the United States Coast Guard (USCG), and/or the U.S. Department of Defense (DoD) pursuant to PETA's April 19, 2012, letter addressed to DHS Secretary Janet A. Napolitano concerning the use of animals in a trauma training exercise, otherwise known as live tissue training and/or combat casualty training, that was offered to members of the USCG in Virginia Beach, Virginia, by private contractor Tier 1 Group. (Case Number DHS/OS/PRIV 12-0467).
- On May 22, 2012, **Nathaniel Gilman**, an individual in Alexandria, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) a log of all requests concerning U.S. Senator George Allen (R-VA), since January 3, 2001; 2) a log of all requests submitted concerning George Allen, as a private citizen of Virginia, since November 3, 1982; 3) a log of all requests concerning George Allen, as Governor of Virginia (January, 1994- January, 1998); 4) a log of all requests submitted concerning George Allen, as a member of the U.S. House of Representatives (November, 1991- January, 1993); and 5) a log of all requests submitted concerning George Allen, as a member of the Virginia House of Delegates (November, 1982- November, 1991). (Case Number DHS/OS/PRIV 12-0473).
- On May 22, 2012, **Reuben Heyman-Kantor**, producer with **60 Minutes/CBS News Corporation** in New York, New York, requested from the Department of Homeland Security (DHS) a copy of the following records: 1) all memoranda, reports or other

written or pictorial documentation related to the escape of Abu Yahya ai-Libi and 3 other inmates from the detention facility at Bagram air base, alternately referred to as the “Bagram Collection Point” (BCP) or “Bagram Theater Internment Facility” (BTIF). (Case Number DHS/OS/PRIV 12-0469).

- On May 22, 2012, **Jason Leopold**, Lead Reporter with **Truthout.org** in Beverly Hills, California, requested from the Department of Homeland Security (DHS) records relating to DHS Officials or so-called DHS “Specials Advisors” work with college campus police chiefs and/or college campus administrators and/or FBI personnel on confronting radical extremism and terrorism and “defense education” on University and college campuses throughout the country as well as the same documents pertaining to intelligence sharing arrangements between campus police chiefs, campus administrators and other officials. (Case Number DHS/OS/PRIV 12-0475).
- On May 22, 2012, **Josh Margolin**, a reporter with the **New York Post** in New York, New York, requested from the Transportation Security Administration (TSA) records concerning the review of the events and responses associated with the October 2010 attempt to transport explosive devices via UPS and FedEx to locations in the United States. (Case Number TSA 12-0572).
- On May 22, 2012, **Azadeh Shahshahani**, National Security/Immigrants’ Rights Project Director with the **American Civil Liberties Union (ACLU) Foundation of Georgia** requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) medical records pertaining to an ICE detainee at the Irwin County Detention Center in Ocilla, Georgia from January 9, 2012 through February 3, 2012. (Case Number 2012-123).
- On May 22, 2012, **John M. Simpson**, a consumer rights advocate with **Consumer Watchdog** in Santa Monica, California, requested from the Department of Homeland Security (DHS) a copy of all documents including calendars, lists of attendees, memos and communications, including emails and telephone logs, related to meetings occurring between January 1, 2010, and February 4, 2011, with individuals and representatives of entities outside NTIA in connection with the preparation of the green paper Commercial Data Privacy and Innovation in the Internet Economy: A Dynamic Policy Framework, or other meetings during that period that were about NTIA’s online privacy or commercial data privacy policies. (Case Number DHS/OS/PRIV 12-0477).
- On May 22, 2012, **Melissa Yeager**, a reporter with **WINK News** in Kansas City, Missouri, requested from the Transportation Security Administration (TSA) records pertaining to gate wait times at Kansas City International Airport in Kansas City, Missouri, from January 1, 2008 through May 22, 2012. (Case Number TSA 12-0571).
- On May 24, 2012, **Alex Pappas**, a reporter with **The Daily Caller** in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to the Fiscal Year 2011 cost of Secret Service protection of former Presidents and their wives, including Jimmy Carter, Rosalynn Carter, George H.W. Bush, Barbara Bush, George W. Bush, Laura Bush, Bill Clinton, Hillary Clinton, and Nancy Reagan. (Case Number USSS 20120883-20120891).

### Late requests

- On May 7, 2012, **Kevin Curran**, a reporter with **12 News/KPNX-TV** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) all written reports, written, aural or video interview transcripts, and correspondence covering any interaction between CBP and Jason Todd (“JT”) Ready, a deceased Arizona resident, and/or his organization, “U.S. Border Guard.” (Case Number CBP 2012F22424).
- On May 11, 2012, **A. Jane Johnston**, a reporter with *The Newburgh Advocate* in Newburg, New York, requested from the Federal Emergency Management Administration (FEMA) a copy of FEMA’s Building Assessment Team Report to the Orange County Government Center in Goshen, New York. (Case Number FEMA 12-499).
- On May 14, 2012, **John Sullivan**, a reporter with *The Times Herald-Record* in Middletown, New York, requested from the Federal Emergency Management Administration (FEMA) records pertaining to a named FEMA reservist. (Case Number FEMA 12-501).
- On May 16, 2012, **Michael Steinberg**, Legal Director with the **American Civil Liberties Union (ACLU) of Michigan** in Detroit, Michigan, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all detainers issued to Michigan law enforcement entities, records of communication between Michigan law enforcement agencies and ICE, and policies or guidance issued to Michigan Field Offices relating to detainers. (Case Number ICE 2012FOIA13430).
- On May 17, 2012, **Andrew Becker**, staff reporter with *The Center for Investigative Reporting* in Berkeley, California, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records pertaining to the DHS-OIG telework policy. (Case Number OIG 2012-123).

### **III. FOIA Releases**

- On May 24, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, staff attorney with the **American Civil Liberties Union (ACLU) National Prison Project** in Washington, DC, 374 pages of records responsive to his FOIA request seeking records regarding detainee sexual abuse from January 1, 2007 through February 18, 2011. Portions of these records were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number ICE 2011FOIA4893).
- On May 18, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Alicia Caldwell**, a reporter with *The Associated Press* in Washington, DC, one spreadsheet containing information from ICE travel databases, including the start and end dates of the travel, the departure city, the destination city, and a description of the reason for the travel, responsive to her request seeking records regarding ICE Director Morton’s official travel since May 2009. These records were released in full. (Case Number ICE 2012FOIA7681).
- On May 17, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with *The Center for*

*Investigative Reporting* in Berkeley, California, one-page spreadsheet containing travel records for the Deputy Assistant Inspector General of Investigations from Fiscal Year 2008 to the present. These records were released in full. (OIG FOIA #2012-109).

#### **IV. FOIA Appeals**

- On May 17, 2012, **Emily Willard**, a Research Associate with **The National Security Archive** in Washington, DC, filed an untimely appeal of the denial by U.S. Customs and Border Protection (CBP) of her request for news media status pertaining to her request for information relating to “border contact meetings” between U.S. border personnel and the Mexican military. (Case Number CBP H218291).

#### **V. FOIA Appeals Releases**

- On May 24, 2012, U.S. Customs and Border Patrol (CBP) released to **George Schulz**, a homeland security reporter with *The Center for Investigative Reporting* in Berkeley, California, 146 pages of staffing level data in response to his appeal of his FOIA request seeking information concerning U.S. Border Patrol agent and contractor staffing on a monthly basis from 1992 through March 23, 2012, including rank/title by area and sector. Portions of these records were withheld pursuant to FOIA Exemptions (b)(2), (b)(7)(E), and (b)(7)(F). (Case Number CBP H214296).

#### **VI. Lawsuits**

- In the matter of *ACLU of Southern California v.ICE*, (C.D. Cal. 11-cv-10148), Plaintiff filed a complaint December 7, 2011, challenged ICE’s denial of their fee waiver for a FOIA request filed January 19, 2011, seeking records related to worksite enforcement action conducted at Terra Universal in June 2010. On May 25, 2012, ICE released of 689 pages of responsive records.

## **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 25 – June 1, 2012

Privacy Office

June 4, 2012

### 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 30, 2012, U.S. Immigration and Customs Enforcement (ICE) posted a report on the ICE Director's official travel from May 2009 through February 2012 to the ICE FOIA Library.

#### II. FOIA Requests

- On May 25, 2012, **Brad Racino**, an investigative reporter with *Investigative NewsSource* in San Diego, California, requested from the United States Coast Guard (USCG) documents concerning arrest records from January 2008 through May 25, 2012, regarding waterborne drug or human trafficking in San Diego County, California. (Case Number USCG 2012FOIA2339).
- On May 25, 2012, **Richard Ruelas**, a reporter with *The Arizona Republic* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) documents pertaining to a U.S. Customs Service badge issued to the actor Steven F. Segal. (Case Number ICE 2012FOIA13675).
- On May 29, 2012, **Joel Millman**, a reporter with *The Wall Street Journal* in Portland, Oregon, requested from U.S. Immigration and Customs Enforcement (ICE) a list of all religious schools and their states and addresses as they pertain to students with F1 visas from China, South Korea, and Vietnam. (Case Number ICE 2012FOIA13672).
- On May 29, 2012, **Dane Schiller**, a reporter with the *Houston Chronicle* in Houston, Texas, requested from the United States Coast Guard (USCG) the dates, places, and amounts of narcotics found or seized since January 1, 2012, along the Texas Coast. (Case Number USCG 2012FOIA2360).
- On May 29, 2012, **Michael Tan**, a staff attorney with the **American Civil Liberties Union (ACLU) Immigrants' Rights Project** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) records and policies relating to claims of U.S. citizenship made by individuals encountered by ICE. (Case Number ICE 2012FOIA13686).
- On May 30, 2012, **Lisette Garcia**, Senior Investigator for **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) all communications pertaining to the legality of recovering improper payments disbursed via the Federal Emergency Management Agency's Food and Shelter Program. (Case Number OIG 2012-125).
- On May 30, 2012, **Lisette Garcia**, Senior Investigator with **Judicial Watch** in Washington, DC, requested from the Federal Emergency Management Administration (FEMA) records respecting the legality of collecting overpayments or

wrongful payments, including those disbursed through FEMA's Emergency Food and Shelter Program. (Case Number FEMA 12-532).

- On May 30, 2012, **Lisette Garcia**, Senior Investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all communications from, to, or about the following individuals or entities as these communications relate to the film "The Hurt Locker" under any title by which the project may have been known prior to release, including Kathryn Bigelow, Mark Boals, Sony, Inc., and Columbia Pictures; 2) all travel records as they relate to the film "The Hurt Locker" under any title by which the project may have been known prior to release; and 3) all expenses incurred as they relate to the film "The Hurt Locker" under any title by which the project may have been known prior to release. (Case Number DHS/OS/PRIV 12-0491).
- On May 30, 2012, **Lisette Garcia**, Senior Investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all communications from, to, or about the following individuals or entities as these communications relate to the film "Code Name: Geronimo" under any title by which the project heretofore may have been known, including Harvey Weinstein, Kendall Lampkin, Zev Foreman, John Stockwell, and Voltage Pictures; 2) all travel records as they relate to the film, "Code Name: Geronimo" under any title by which the project heretofore may have been known.; and 3) all expenses incurred as they relate to the film "Code Name: Geronimo" under any title by which the project heretofore may have been known. (Case Number DHS/OS/PRIV 12-0492).
- On May 30, 2012, **Michael Morisy**, a blogger with **MuckRock.com** in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) copies of any FOIA appeals letters contesting the categorization of the requester as other than a news media requester when the requester had asked for news media categorization, in addition to appeals of denials of fee waivers from January 1, 2001 through May 30, 2012. (Case Number ICE 2012FOIA13868).
- On May 30, 2012, **Jim Paulin**, a reporter with **Dutch Harbor Fisherman** in Dutch Harbor, Alaska, requested from the United States Coast Guard (USCG) documents concerning the grounding of the *Baranof* in January 2012 in Dutch Harbor, Alaska. (Case Number USCG 2012FOIA2369).
- On May 30, 2012, **Maria Zamudio**, a reporter with **The Chicago Reporter** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) statistical data reflecting the type of removal for each of the removals from the Chicago Field Office from 2009 through 2011. (Case Number ICE 2012FOIA13790).

#### **Late requests**

- On May 9, 2012, **Steven Emerson**, President with **SAE Productions, Inc.**, in Washington, DC, requested from U.S. Customs and Border Protection (CBP) and United States Citizenship and Immigration Services (USCIS) copies of any reports, memos, emails, or other internal CBP documents related to the Community Roundtable hosted by the Department of Homeland Security (DHS) Office for Civil

- Rights and Civil Liberties on May 8, 2012, including the following: 1) documents identifying participants of the roundtable and their organizational affiliations; 2) evaluation forms/reports executed by meeting participants; 3) attendee evaluation forms/documents that may have been prepared resulting from this roundtable; and 4) audio and/or video presentations/recordings used during the roundtable. (Case Numbers CBP 2012F23499; USCIS COW2012000552).
- On May 16, 2012, **Justin McCarthy**, Researcher with **Judicial Watch** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records and/or reports of Mexican Government incursions, encounters, and sightings on the U.S. and Mexico border for the time frame January 1, 2010 through May 16, 2012. (Case Number CBP 2012F23039).
  - On May 22, 2012, **Joe Yerardi**, Data Editor with the *San Antonio Express-News* in San Antonio, Texas, requested from U.S. Customs and Border Protection (CBP) a copy of a database or spreadsheet listing all contraband items seized by CBP personnel at San Antonio International Airport in San Antonio, Texas, during Calendar Years 2000 through 2011. (Case Number CBP 2012F23259).

### III. FOIA Releases

- On May 24, 2012, the Transportation Security Administration (TSA) released 369 pages of records to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, responsive to his request seeking administrative records associated with TSA's ten oldest open FOIA requests and two oldest open FOIA appeals. Portions of 306 of the pages were withheld pursuant to FOIA Exemptions (b)(2), (b)(5), and (b)(6); 63 pages were withheld in full pursuant to (b)(5). (Case Number TSA11-0277).
- On May 31, 2012, the United States Coast Guard (USCG) released to **Don Hopey**, a reporter with the *Pittsburgh Post-Gazette* in Pittsburgh, Pennsylvania, 88 pages of inspections records responsive to his request seeking documents concerning the *Miss Pittsburg* and the *Fantasy* from 1999 to 2012. No information was withheld. (Case Number USCG 2012FOIA2096).
- On May 31, 2012, the United States Coast Guard (USCG) released to **Wendy Victoria**, an editor with *Northwest Florida Daily News* in Fort Walton Beach, Florida, nine pages of documents consisting of a boarding activity report and an enforcement report responsive to her request for documents concerning the boarding of the *Fuelish Pleasure* on June 4, 2011. No information was withheld. (Case Number USCG 2012FOIA2246).
- On May 31, 2012, the United States Coast Guard (USCG) released to **Charles J. McMahon**, a reporter with **Seacoast Media Group** in Portsmouth, New Hampshire, 63 pages of records consisting of an incident report, witness statements, and photographs responsive to his request for documents concerning the *Miss Stacey* on or about February 21, 2012 on the Piscataqua River in New Hampshire. No information was withheld. (Case Number USCG 2012FOIA2034).
- On May 24, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with *The Center for Investigative Reporting* in Berkeley, California, two pages listing the number of OIG investigations for which prosecution was denied, and the number of OIG arrests,



indictments, and convictions. No redactions were made to this interim release. (Case Number OIG 2012-093).

#### IV. FOIA Appeals

- On May 18, 2012, **Emily Willard**, Research Associate with **The National Security Archive**, in Washington, DC, appealed the denial by U.S. Customs and Border Protection (CBP) of her request for a fee waiver and news media status associated with her FOIA request seeking information about the evaluation of the Lateral Repatriation Program. (Case Number CBP H219517).

#### V. FOIA Appeals Releases

- On May 30, 2012, U.S. Customs and Border Protection (CBP) released 16 pages of records consisting of Operation Order Reports in response to an appeal filed by **Kristin Sekerci** and **Emily Willard**, Research Associates with the **National Security Archive** in Washington, DC, regarding their FOIA request seeking records concerning boomerang helicopter operations conducted by Mexican officials from U.S. territory from 2008 through the present. Portions of the release were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F). (Case Number CBP H204435).
- On May 30, 2012, U.S. Customs and Border Protection (CBP) denied the untimely appeal filed by **Emily Willard**, a Research Associate with **The National Security Archive**, in Washington, DC, seeking news media status associated with her FOIA request seeking information relating to “border contact meetings” between U.S. border personnel and the Mexican military. (CBP H218291).
- On May 30, 2012, U.S. Customs and Border Protection (CBP) granted an appeal filed by **Emily Willard**, a Research Associate with **The National Security Archive**, in Washington, DC, seeking news media status associated with her request for information regarding the evaluation of the Lateral Repatriation Program. (Case Number CBP H218496).
- On May 30, 2012, U.S. Customs and Border Protection (CBP) issued an information letter to **Diana Soular**, a reporter with **The Las Cruces Sun** in Las Cruces, New Mexico, explaining the requirement for a verification of identity and authorization for release when a request is made for another individual’s records in response to her appeal contesting CBP’s response to her FOIA request. (Case Number CBP H217587).

#### VI. Lawsuits

- NSTR

#### FOIA Exemptions

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

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**Exemption 8:** information relating to the supervision of financial institutions

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of June 9–15, 2012**  
**Privacy Office**  
**June 18, 2012**  
**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 13, 2012, the Department of Homeland Security (DHS) Privacy Office posted FOIA logs for April and May 2012 to the DHS online FOIA Library.
- On June 13, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) posted to its online FOIA Library a redacted list of narratives of complaints received by the OIG Hotline from 2003 through the present pertaining to misconduct by Secret Service employees.

**II. FOIA Requests**

- On June 10, 2012, **David Perera**, editor with *FierceHomelandSecurity* in Washington, DC, requested from the Transportation Security Administration (TSA) a copy of an efficiency review of TSA components begun in 2011 at the direction of Administrator John Pistole. (Case Number TSA 12-0620.)
- On June 11, 2012, The Nuclear Regulatory Commission (NRC) referred to the Department of Homeland Security (DHS) for a determination on release records responsive to a FOIA request from **Dina Cappiello**, a reporter with *The Associated Press* in Washington, DC, seeking copies of all communications among the NRC, the Department of Energy (DOE), General Electric (GE) Energy, and Hitachi-GE Nuclear Energy pertaining to the Japanese nuclear incidents caused by the March 11, 2011, earthquake and tsunami, including the Fukushima Dai-ichi, Fukushima Daini, and Onagawa facilities. (Case Number DHS/OS/PRIV 12-0519.)
- On June 11, 2012, **Cornelius Frolik**, staff writer with the *Dayton Daily News* in Dayton, Ohio, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) records pertaining to DHS-OIG report number OIG-12-17, entitled “The State of Ohio’s Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Years 2007 through 2009.” (Case Number OIG 2012-129.)
- On June 11, 2012, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) all records concerning use of Government funds to provide security and/or any other services to First Lady Michelle Obama, Malia Obama, Sasha Obama, and any companions on their May 2012 trip to Atlantic City, New Jersey. (Case Number USSS 20121018.)
- On June 11, 2012, **Genevieve Judge**, a reporter with *WINK News* in Fort Myers, Florida, requested from the Transportation Security Administration (TSA) the salaries of screeners, supervisors, and Federal Security Director Robert Cohen at Southwest Florida International Airport in Ft. Myers, Florida. (Case Number TSA 12-0622.)

- On June 11, 2012, **Coulter Jones**, a journalist with *California Watch* in Berkeley, California, requested from the Transportation Security Administration (TSA) all available data in TSA's Airport Crime Statistics Database. (Case Number TSA 12-0624.)
- On June 11, 2012, **Susan Long**, Co-Director with the **Transactional Records Access Clearinghouse (TRAC)**, Syracuse University, in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous case-by-case information on each case that ICE has found provisionally amenable to the exercise of prosecutorial discretion for cases in the Immigration Courts. (Case Number ICE 2012FOIA14611.)
- On June 13, 2012, **Susan Long**, Co-Director with **Transactional Records Access Clearinghouse (TRAC)**, Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous case-by-case information on all Notices to Appear (NTAs) filed in the Immigration Courts during the first four months of Fiscal Year 2012. (Case Number ICE 2012FOIA14731.)
- On June 13, 2012, **Kimberly Koopman**, Internet Public Interest Opportunities Program (IPIOP) Clerk and **Ginger McCall**, Director of the EPIC Open Government Project with the **Electronic Privacy Information Center (EPIC)**, in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) legal analyses, legal memoranda, final decisions, images, and related records regarding the National License Plate Reader (LPR) initiative in its current or previous forms; (2) documentation, including but not limited to guidelines, data retention policies, and training manuals, relating to the data collection process, usage, and storage of information gathered by the LPR initiative; (3) privacy impact assessments, privacy impact statements, and protocols performed, both past and present, for the Drug Enforcement Agency (DEA) Internet Connectivity Endeavor (DICE) program and the LPR initiative; and (4) Memoranda of Understanding between DHS, the Department of Justice, or any other federal, state, or local level government agencies, sub-agencies, or task forces in regard to the LPR initiative. (Case Number DHS/OS/PRIV 12-0522.)
- On June 13, 2012, **Jeff Bliss**, a reporter with *Bloomberg News* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of Secretary Napolitano's travel records, specifically: (1) documents that reflect or list trips taken out of town for Fiscal Year 2011; (2) documents that indicate date(s), destination(s), mode of transport, funding source(s), purpose of the trip, and costs; and (3) documents that indicate a breakdown of costs, including in-kind costs and incidental expenses submitted in the name of Secretary Napolitano. (Case Number DHS/OS/PRIV 12-0523.)
- On June 14, 2012, **Jason Cherkis**, a reporter with *Huffington Post* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all visitor logs for the ICE Director's Office from January 1, 2009, through June 14, 2012. (Case Number ICE 2012FOIA14869.)
- On June 14, 2012, **Jason Cherkis**, a reporter with *Huffington Post* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) information relating to the number of legal permanent residents deported, along with how many

legal permanent residents were detained, what crime level (if any) they were assigned and for what arrests/charges during the period 2009 through 2011. (Case Number ICE 2012FOIA14875.)

#### **Late requests**

- On April 13, 2012, **David L. Montgomery**, an individual in Montclair, Virginia, requested from United States Citizenship and Immigration Services (USCIS), documents related to the Manassas [Virginia] Ballet Theater's petition for nonimmigrant worker status for a foreign national, including all correspondence between USCIS and Congressman Frank Wolf (R-VA) related to the Manassas Ballet Theater. (Case Number USCIS COW2012000567.)
- On May 15, 2012, **Martha Mendoza**, a reporter with *The Associated Press* in Santa Cruz, California, requested from United States Citizenship and Immigration Services (USCIS) annual financial reports submitted to USCIS by all EB-5 (Immigrant Investor Program) regional centers from 2005 through the present. (Case Number USCIS COW2012000585.)
- On May 21, 2012, **Juan Carlos Llorca**, El Paso correspondent with *The Associated Press (AP)* requested from U.S. Customs and Border Protection (CBP) a copy of any video recordings of the moments leading up to, during, and after the shooting of a named individual on June 7, 2010, in addition to the work history, history of firearm use, and history of disciplinary action for the Border Patrol Agent involved and the report the agent subsequently filed. (Case Number CBP 2012F23950.)
- On May 25, 2012, **Brad Racino**, a reporter with *Investigative NewsSource*, requested from U.S. Customs and Border Protection (CBP) copies of incident and/or arrest records from January 2008 through May 25, 2012 pertaining to waterborne drug or human trafficking within San Diego County, California. (Case Number CBP 2012F23526.)
- On May 31, 2012, **Melissa Crow**, Director of the Legal Action Center with **The American Immigration Council (AIC)** requested from U.S. Customs and Border Protection (CBP) records prepared, received, transmitted, collected and/or maintained by CBP and/or the Department of Homeland Security (DHS) that describe, refer, or relate to the participation of CBP personnel, including U.S. Border Patrol agents, in 9-1-1 dispatch activities from January 2009 through May 31, 2012. (Case Number CBP 2012F23932.)
- On June 5, 2012, **Maria Zamudio**, a journalist with *The Chicago Reporter* in Chicago, Illinois, requested from United States Citizenship and Immigration Services (USCIS) the complete Alien File of a named individual. (Case Number USCIS COW2012000563.)
- On June 5, 2012, **Kelly Yamanouchi**, a reporter with *The Atlanta Journal-Constitution* in Atlanta, Georgia, requested from the Transportation Security Administration (TSA) all data held in TSA's Correspondence Control Management System on customer complaints pertaining to Atlanta Hartsfield-Jackson International Airport in Atlanta, Georgia, from January 2010 through May 2012. (Case Number TSA 12-0612.)

- On June 6, 2012, **William Petroski**, a reporter with the *Des Moines Register* in Des Moines, Iowa, requested from the Transportation Security Administration (TSA) copies of all customer complaints regarding TSA at Des Moines [Iowa] International Airport from June 1, 2011, through May 31, 2012. (Case Number TSA 12-0613.)
- On June 6, 2012, **Lori Jane Gliha**, a reporter with *KNXV-TV* in Phoenix, Arizona, requested from the Transportation Security Administration (TSA) logs and photographs of all items considered lost by TSA at the Phoenix-Sky Harbor International Airport (PHX), in addition to a copy of TSA's policy for "lost and found" items, data showing which of these lost items were claimed by passengers, and records from 2009 through 2012 showing the amount TSA earned from auctioning these items. (Case Number TSA 12-0615.)
- On June 7, 2012, **Joe Fries**, a reporter with *Penticton Western News* requested from U.S. Customs and Border Protection (CBP) summaries of complaints and disciplinary measures taken against CBP Officers stationed at the Osoyoos-Oroville [Canada] border crossing and of items seized by CBP Officers stationed there. (Case Number CBP 2012F23940.)
- On June 7, 2012, **Raul Pinto**, Racial Justice Attorney with the **American Civil Liberties Union (ACLU)** of North Carolina Legal Foundation in Raleigh, North Carolina, requested from U.S. Immigration and Customs Enforcement (ICE) information regarding all checkpoint operations conducted by ICE in North Carolina over the past five years. (Case Number ICE 2012FOIA14724.)
- On June 7, 2012, **Tony Romm**, Technology Reporter with *POLITICO* in Arlington, Virginia, requested from the Department of Homeland Security (DHS) digital copies of DHS congressional correspondence logs. (Case Number DHS/OS/PRIV 12-0515.)
- On June 8, 2012, **Susan Long**, Co-Director with the **Transactional Records Access Clearinghouse (TRAC)**, Syracuse University, in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous case-by-case information on each ICE removal (including returns) during May 2012. (Case number ICE 2012FOIA14432.)
- On June 8, 2012, **G. W. Schulz**, a journalist with *The Center for Investigative Reporting*, in Austin, Texas, requested from the Transportation Security Administration (TSA) all information in TSA's Correspondence Control Management System database for the last five years pertaining to airports in the state of California. (Case Number TSA 12-0619.)

### III. FOIA Releases

- On June 13, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Josh Margolin**, a reporter with *The New York Post* in New York, New York; **Peter Eisler**, a reporter with *USA Today* in Washington, DC; **Alicia Caldwell**, a staff reporter with *The Associated Press (AP)* in Washington, DC; and **Jim McElhatton**, a reporter with *The Washington Times* in Washington, DC, 229 pages of narratives of complaints received by OIG pertaining to disciplinary or behavioral allegations against Secret Service personnel. Portions of the material were withheld pursuant to FOIA Exemptions 6, 7(A), and 7(C.) (Case Numbers OIG 2012-084, 2012-100, 2012-101, and 2012-110.)

- On June 13, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Melissa del Bosque**, a reporter with *The Texas Observer Magazine* in Austin, Texas, 27 pages consisting of tracking sheets from DHS-OIG's investigative database and a list of complaint narratives all pertaining to shootings by U.S. Border Patrol agents. Portions of the response were withheld pursuant to FOIA Exemptions 6, 7(A), and 7(C.) (Case Number OIG 2012-107.)
- On June 15, 2012, United States Citizenship and Immigration Services (USCIS), released to **Matthew Long**, an individual from Merrit Island, Florida, 1,001 pages of records consisting primarily of emails responsive to his request for information about adoptions from the Bac Lieu Province in Vietnam. Portions of this response were withheld pursuant to FOIA Exemptions 5, 6, and 7(E.) (Case Number CBP COW2011000340.)
- On June 13, 2012, the Transportation Security Administration (TSA) released to **Daniel Krauth**, a reporter with *WPTV-5* in West Palm Beach, Florida, three pages of data related to companies that have assisted TSA with screening for explosives in various Florida locations.
- On June 17, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Paloma Esquivel**, a reporter with *The Los Angeles Times* in Los Angeles, California, a no-records response pertaining to her request seeking records related to individuals in the Los Angeles Sheriff's custody from 2009 who were either ordered released but were not because of an ICE hold, or never charged but held on an ICE hold. (Case Number ICE 2012FOIA11567.)
- On June 13, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, 1,972 pages of records responsive to her request seeking statistical data reflecting the type of removal for each of the removals from the Chicago Field Office from 2009 through 2011. Portions of the response were withheld pursuant to FOIA Exemptions 6 and 7(C.) (Case Number ICE 2012FOIA13790.)
- On June 14, 2012, the United States Coast Guard (USCG) issued to **Carolyn Adolph**, a reporter with *KUOW Puget Sound Public Radio* in Seattle, Washington, a no-records response pertaining to her request seeking all records on the collision of the U.S. Navy vessel LST-306 with the *Santa Maria* on March 10, 1955. (Case Number USCG 2012FOIA1763.)

#### IV. FOIA Appeals

- On June 7, 2012, **Emily Willard**, Research Associate with **The National Security Archive** in Washington, DC, appealed the denial by U.S. Customs and Border Protection (CBP) of her request for a fee waiver and news media status associated with her request for all documents created or used in preparation for, or as a result of, a meeting on February 27, 2012, between Homeland Security Secretary Janet Napolitano and Mexican representatives in Mexico City, Mexico. (Case Number CBP H220681.)

#### V. FOIA Appeals Releases

- NSTR

## **VI. Lawsuits**

- In the matter of *American Immigration Council v. DHS* (D.D.C. 12-cv-00856) Plaintiffs filed suit on May 31, 2012, claiming constructive denial with regard to a March 14, 2011, FOIA request seeking records pertaining to an alien's right to have counsel present during interactions with U.S. Immigration and Customs Enforcement (ICE).

## **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 16 – 22, 2012

Privacy Office

June 25, 2012

### 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 18, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) posted to its FOIA library logs of Congressional correspondence received by DHS-OIG from 2010 to the present.

#### II. FOIA Requests

- On June 18, 2012, **Josh Gerstein**, a reporter with *POLITICO* in Arlington, Virginia, requested from the United States Secret Service (USSS) records pertaining to allegations that uninvited guests attended a White House State Dinner on November 24, 2009. (Case Number USSS 20121032.)
- On June 18, 2012, **Courtney Mabeus**, a reporter with *The Frederick News-Post* in Frederick, Maryland, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) all DHS-OIG reports from 2008 through June 18, 2012, pertaining to the National Biodefense Analysis and Countermeasures Center in Fort Detrick, Maryland. (Case Number OIG 2012-132.)
- On June 18, 2012, **Jason Cherkis**, a reporter with *Huffington Post* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) any email sent from the ICE Director's office to three named individuals from June 14, 2012, through June 15, 2012. (Case Number ICE 2012FOIA14992.)
- On June 19, 2012, James Nani, a reporter with *The Times Herald-Record* in Middletown, New York, requested from the Federal Emergency Management Administration (FEMA) records pertaining to all requests made by the Town of Deerpark in Orange County, New York, for reimbursement from damages as a result of Hurricane Irene and Tropical Storm Lee. (Case Number FEMA 12-567.)
- On June 19, 2012, **Manuel de La Rosa**, a reporter with **KRGV-TV** in Laguna Vista, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the addresses of Gulf Cartel and Zeta members living in the Rio Grande Valley. (Case Number ICE 2012FOIA15101.)
- On June 19, 2012, **Chris Kirkham**, a reporter with *Huffington Post* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) all inspection reports on ICE-owned or -contracted detention facilities from ICE's Detention Facilities Inspection Group from January 1, 2008, through June 19, 2012. (Case Number ICE 2012FOIA15223.)
- On June 19, 2012, **Chris Kirkham**, a reporter with *Huffington Post* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) all email correspondence among ICE officials and Corrections Corporation of America

- and among ICE and members of Congress and/or their staffs concerning the Crete, Illinois, detention center. (Case Number ICE 2012FOIA15224.)
- On June 19, 2012, **Chris Kirkham**, a reporter with the *Huffington Post* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) email correspondence among ICE officials and Corrections Corporation of America and among ICE and members of Congress and/or their staffs concerning the Southwest Ranches, Florida, detention center. (Case Number ICE 2012FOIA15288)
  - On June 19, 2012, **Chris Kirkham**, a reporter with the *Huffington Post* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all ICE Congressional Correspondence Logs and Office of Congressional Relations call logs dating back to 2003. (Case Number 2012FOIA15296)
  - On June 19, 2012, **Chris Kirkham**, a reporter with *Huffington Post* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) documentation of disciplinary actions involving ICE contractors and contractor staff for its detention facilities from January 1, 2007, through June 19, 2012. (Case Number ICE 2012FOIA15302.)
  - On June 19, 2012, **Ginger McCall**, Director, Open Government Project, with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) documents concerning the development and deployment of facial recognition technology for “drones” (or “unmanned aerial vehicles” or “UAV”). (Case Number DHS/OS/PRIV 12-0537.)
  - On June 19, 2012, **Russell Carollo**, a journalist in Pueblo, Colorado, requested from the Department of Homeland Security (DHS), information related to drones (a.k.a. Unmanned Aerial Vehicles or UAVs) and unmanned submersibles. (DHS/OS/PRIV 12-0528.)
  - On June 20, 2012, **Rebecca Lindstrom**, a reporter with **WXIA-TV** in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) contracts between ICE and privately-run detention facilities in Georgia. (Case Number ICE 2012FOIA15222.)

#### Late requests

- On May 31, 2012, **Melissa Crow**, Director of the Legal Action Center with **The American Immigration Council (AIC)** in Washington, DC, on behalf of **AIC**, the **Michigan Organizing Project/Alliance for Immigrant and Reform Michigan (AIR)**, **Migrant Justice**, the **New York Immigration Coalition (NYIC)**, the **Northwest Immigrant Rights Project (NWIRP)**, and **OneAmerica**, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to the participation of U.S. Customs and Border Protection (CBP) personnel in 9-1-1 dispatch activities from January 2009 through June 18, 2012. (Case Number OIG 2012-135.)
- On June 1, 2012, **Juan Carlos Llorca**, El Paso Correspondent with *The Associated Press* in El Paso, Texas, requested records related to the number of arrests made by the Border Patrol as a result of assistance to other law enforcement agencies for San Diego and El Centro, California; Yuma and Tucson, Arizona; and the El Paso,

Marfa, Del Rio, Laredo and Rio Grande sectors in Texas. (Case Number CBP 2012F24096.)

- On June 15, 2012, **Liam Dillon**, a staff writer for *Voice of San Diego* in San Diego, California, requested from the United States Coast Guard (USCG) documents concerning contracts HSCGG806FAGA097, HSCGG805PHLA189, and HSCG7905PTCP001. (Case Number USCG 2012FOIA2503.)

### III. FOIA Releases

- On June 12, 2012, the Transportation Security Administration (TSA) released to **Brad Cooper**, a reporter with *The Kansas City Star* in Olathe, Kansas, seven pages of records responsive to his request for complaints lodged against TSA screeners at the Kansas City International Airport from December 26, 2010, through May 31, 2011. Portions of six pages were withheld pursuant to FOIA Exemption 6. One page was released in its entirety. (Case Number TSA 11-0645.)
- On June 18, 2012, the United States Coast Guard (USCG) released to **Lisa Song**, a reporter with *InsideClimate News* in Somerville, Massachusetts, 109 pages of documents consisting of email, photos, and a case report responsive to his FOIA request seeking written transcripts and audio recordings of phone calls placed to the National Response Center on July 26, 2010, regarding an oil pipeline spill in Marshall, Michigan. The material was released in full. (Case Number USCG 2012FOIA2094.)
- On June 18, 2012, United States Citizenship and Immigration Services (USCIS) released to **Laura Wides-Munoz**, a reporter with *The Associated Press*, in Miami, Florida, five pages of material consisting of a list of Cubans requesting entry into the United States through the 2006 Medical Professional Parole, including the country in which the individual had worked most recently, responsive to her request for records related to data for name changes at the time individuals became naturalized citizens of the United States over the past 10 years. The records were released in full. (Case Number USCIS NRC2011077330.)
- On June 18, 2012, United States Citizenship and Immigration Services (USCIS) released to **Miriam Jordan**, a senior special writer with *The Wall Street Journal* in Beverly Hills, California, one page of material consisting of statistical data responsive to her FOIA request seeking records related to name changes for naturalized citizens over the last ten years. The records were released in full. (Case Number USCIS COW2012000511.)
- On June 18, 2012, the Transportation Security Administration (TSA) released to **Michael Grabell**, a journalist with *ProPublica* in New York, New York, 14 pages of administrative injury claim files regarding backscatter and millimeter wave scanners. Portions of this response were withheld pursuant to FOIA Exemptions 2 and 6. (Case Number TSA 11-0653.)
- On June 19, 2012, United States Citizenship and Immigration Services (USCIS) released to **Antonio Olivo**, a reporter with *The Chicago Tribune* in Chicago, Illinois, 378 pages of material consisting of requested forms and supporting documentation responsive to his request for all I-924 applications, I-526, and I-829 petitions with supporting documentation submitted to USCIS by six approved Immigrant Investor

Regional Centers under the EB-5 Visa program (Immigrant Investor Program). Portions of this response were withheld pursuant to FOIA Exemptions 3, 4, and 6. (Case Number USCIS COW2012000194.)

#### **IV. FOIA Appeals**

- On May 24, 2012, **Scott Amey**, General Counsel with the **Project on Government Oversight (POGO)**, in Washington, DC, appealed the U.S. Customs and Border Protection's (CBP) denial of a fee waiver and no records response to his FOIA request seeking 14 categories of information on policies related to the award of service contracts. CBP's initial response indicated that the first ten categories of information fell under the Department of Homeland Security (DHS) Management Directorate; two categories were withdrawn; and no responsive records were found for another. (Case Number CBP H222136.)

#### **V. FOIA Appeals Releases**

- On June 19, 2012, U.S. Customs and Border Protection (CBP) rejected an untimely appeal filed by **Emily Willard**, a Research Associate with **The National Security Archive**, in Washington, DC, with regard to her request for news media status in association with her FOIA request seeking documents created or used in preparation for, or as a result, of a meeting on February 27, 2012, between Homeland Security Secretary Janet Napolitano and Mexican representatives in Mexico City. (Case Number CBP H220681.)

#### **VI. Lawsuits**

- In the matter of *ACLU of Southern California v. ICE* (C.D. Cal. 11-cv-10148), in which plaintiffs challenged U.S. Immigration and Custom Enforcement (ICE) denial of a fee waiver for a January 19, 2011, FOIA request seeking records related to a worksite enforcement action conducted at Terra Universal in June 2010, ICE issued its final release of approximately 1,500 pages of responsive records.

### **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 23 – 29, 2012

### Privacy Office

July 2, 2012

### 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 28, 2012, U.S. Immigration and Customs Enforcement (ICE) posted 154 pages of records consisting of seven detention facility compliance inspection reports to its online FOIA Library.
- On June 28, 2012, U.S. Immigration and Customs Enforcement (ICE) posted updated year-to-date Secure Communities Nationwide Interoperability Statistics to its online FOIA Library.

#### II. FOIA Requests

- On June 25, 2012, **Kate Connelly**, a research assistant with **Berkley for Senate** in Las Vegas, Nevada, requested from the Department of Homeland Security (DHS) correspondence from Congresswoman Rochelle “Shelley” Berkley (R-NV) and/or her office from January 1, 1999, through June 24, 2012. (Case Number DHS/OS/PRIV 12-0553.)
- On June 25, 2012, **Jayette Bolinski**, a reporter with the *Illinois Statehouse News* in Springfield, Illinois, requested from the United States Secret Service (USSS) the following records pertaining to the 2012 NATO summit in Chicago, Illinois: 1) a list of all police agencies that supplied law enforcement officers, security services, and/or equipment; 2) an accounting of all costs, estimated and/or actual, for police agencies that supplied law enforcement officers, security services, and/or equipment; and 3) copies of all cost reimbursement requests from police agencies that supplied law enforcement officers, security services and/or equipment. (Case Number USSS 20121073-20121075.)
- On June 25, 2012, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) all records concerning use of Government funds to provide security and/or any other services to President and Mrs. Obama and any companions on their June 13, 2012, trip to New York, New York. (Case Number USSS 2012078.)
- On June 26, 2012, **Beau Hodai**, a reporter with the **Center for Media and Democracy (CMD)** and *In These Times* in Elfrida, Arizona, requested from the Department of Homeland Security (DHS) records from October 2011 through June 26, 2012, pertaining to “Occupy Phoenix.” (DHS/OS/PRIV 12-0554.)
- On June 26, 2012, **Beau Hodai**, a journalist with *The Center for Media and Democracy (CMD)* and *In These Times* in Elfrida, Arizona, requested from the Department of Homeland Security (DHS) records pertaining to demonstrations held in protest of the American Legislative Exchange Council (ALEC), or events held by ALEC in various locations. (Case Number DHS/OS/PRIV 12-0555.)

- On June 26, 2012, **Diala Shamas**, Liman Fellow with the **Creating Law Enforcement Accountability and Responsibility (CLEAR) Project**, **City University of New York** in Long Island City, New York, requested from the Transportation Security Administration (TSA) records related to the Federal Bureau of Investigation from 2002 through June 26, 2012, pertaining to a named individual. (Case Number TSA 12-0648.)
- On June 26, 2012, **Phillip O'Connor**, a reporter with *The Daily Oklahoman* in Oklahoma City, Oklahoma, requested from the Transportation Security Administration (TSA) complaints filed against TSA and its agents at Will Rogers World Airport in Oklahoma City for the past five years. (Case Number 12-0650.)
- On June 27, 2012, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) all records concerning use of Government funds to provide security and/or any other services to President and Mrs. Obama and any companions on their December 2010 and December 2011 trips to Hawaii. (Case Number USSS 20121086.)
- On June 27, 2012, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records concerning use of Government funds to provide security and/or any other services to President and Mrs. Obama and any companions on their June 15, 2012, through June 17, 2012, visit to Chicago, Illinois. (Case Number USSS 20121095.)
- On June 27, 2012, the Nuclear Regulatory Commission (NRC) referred to the Federal Emergency Management Agency (FEMA) documents responsive to requests from **Dina Cappiello**, a journalist with *The Associated Press* in Washington, DC; **Dianne Curran**, an attorney with **Harmon, Curran, Spielberg and Eisenberg** in Washington, DC; **Bill Dedman**, an investigative reporter with **MSNBC.com** in New York, New York; **Jim Riccio**, Nuclear Policy Analyst with **Greenpeace** in Washington, DC; **Takeshie Yamashina**, a reporter with *Mainichi Newspapers* in New York, New York; **Jules Zacher**, Special Counsel with the **Lawyers Committee for Nuclear Policy (LCNP)** in Philadelphia, Pennsylvania; **Brad Heath**, a reporter with *USA Today* in Washington, DC; **Geoffrey Fettus**, Senior Project Attorney with the **Natural Resources Defense Council, Inc. (NRDC)**, in Washington, DC; **Roberta Rampton**, a journalist with *Reuters* in Washington, DC; **Hannah Northey**, a journalist with *Greenwire* in Washington, DC; **Rebecca Smith**, a staff reporter with *The Wall Street Journal* in San Francisco, California; **Tetsuro Yamada**, a journalist with *Yomiuri Shimbun*, in Washington, DC; and **Deborah Solomon**, a journalist with *The Wall Street Journal* in Washington, DC, seeking records related to Japan's Fukushima Dai-ichi incident. (Case Numbers FEMA 12-592 through 12-610.)
- On June 28, 2012, **Emily Aden**, Research Coordinator with the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records in the Worksite Enforcement Activity Record and Index (LYNX) referring to Mullin Plumbing, Inc, in Moore, Oklahoma. (Case Number ICE 2012FOIA15705.)
- On June 28, 2012, **Matthew Kownacki**, a researcher with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) records concerning the DHS decision to exercise prosecutorial discretion with respect

to individuals who came to the United States as children, as outlined in a June 15, 2012, memorandum by Secretary Napolitano. (DHS/OS/PRIV 12-0559.)

### **Late requests**

- On June 13, 2012, **Molly Mathews**, a journalist with **Fox News** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) requisition forms of all rounds and ammunitions, including weapons purchased from January 1, 2010, through June 13, 2012; and (2) any audits that show the current location of all unused rounds of ammunition or unassigned weapons. (Case Number DHS/OS/PRIV 12-0526.)
- On June 14, 2012, **Michael Morisy**, a blogger with **MuckRock News**, in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) the 18 U.S.C. § 2703 Orders of Electronic Information Preservation requested by DHS during the period November 1, 2011, through June 14, 2012 and sent by DHS to Twitter, Google, Yahoo, Facebook, Microsoft, AT&T, and Verizon Communications. (Case Number DHS/OS/PRIV 12-0524.)
- On June 15, 2012, **Russell Carollo**, a journalist, in Pueblo, Colorado, requested from the Department of Homeland Security (DHS) records relating to drones, Unmanned Aerial Vehicles (UAVs), and unmanned submersibles. (Case Number DHS/OS/PRIV 12-0528.)
- On June 15, 2012, **Kimberly Koopman**, a law clerk with **The Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) the following records pertaining to the National License Plate Reader (LPR) initiative: (1) legal analysis and final decisions regarding the national LPR initiative; (2) guidelines, data retention policies, and training manuals related to data collection processing, use, and storage of information gathered through the LPR initiative; (3) Privacy Impact Assessments (PIAs) and protocols for the Drug Enforcement Agency (DEA) Internet Connectivity Endeavor and LPR; and (5) Memoranda of Understanding among the Department of Homeland Security (DHS), the Department of Justice (DOJ) and/or any other federal, state, or local government agencies, sub-agencies, or task forces involving the LPR initiative. (Case Number CBP 2012F24299.)
- On June 19, 2012, **Ginger McCall**, Director, Open Government Project, with **The Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) documents concerning the development and deployment of facial recognition technology for “drones,” or “UAVs,” or “unmanned aerial vehicles. (Case Number DHS/OS/PRIV 12-0537.)
- On June 14, 2012 and June 18, 2012, respectively, **Melissa Crow**, Director, Legal Action Center with the **American Immigration Council (AIC)** in Washington, DC, on behalf of AIC, the **Michigan Organizing Project/Alliance for Immigrant and Reform Michigan**, in Dearborn, Michigan; **Migrant Justice**, in Burlington, Vermont; the **New York Immigration Coalition**, in New York, New York; and the **Northwest Immigrant Rights Project** and **One America**, in Seattle, Washington, requested from the Department of Homeland Security (DHS) and the DHS Office of Inspector General (OIG) records pertaining to U.S. Customs and Border Protection



- (CBP) personnel providing translation and/or interpretation services to other law enforcement entities from 2009 through June 18, 2012. (Case Number OIG 2012-139.)
- On June 20, 2012, **Diana Monterio**, a journalist with **Bloomberg UTV** in Mumbai, India, requested from the United States Citizenship and Immigration Services (USCIS) the most recent figures regarding the rejection rate of L1-B (Specialized Knowledge Worker) visas for Indian Information Technology (IT) companies. (Case Number USCIS COW2012000598.)
  - On June 21, 2012, **Elizabeth Billingsley**, a reporter with **NBC-2/ABC-7** in Fort Myers, Florida, requested from the Transportation Security Administration (TSA) documents concerning an internal investigation conducted by TSA into alleged security screening breaches at Southwest Florida International Airport. (Case Number TSA 12-0643.)
  - On June 21, 2012, **Khaliah Barnes**, Open Government Fellow with **The Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Transportation Security Administration (TSA) the following records: (1) a list of all databases or watch lists used by Secure Flight; (2) criteria and guidelines for inclusion in, and/or removal from databases or watch lists used by Secure Flight; (3) memoranda of understanding, information sharing agreements, or any other documents between TSA, the Centers for Disease Control (CDC), U.S. Customs Border Protection (CBP), or other federal agencies concerning the exchange of data about individuals on Secure Flight program watch lists; and (4) all documents relating to the current number of individuals on each Secure Flight program watch list. (Case Number TSA 12-0642.)
  - On June 21, 2012, **Mark Flatten**, an investigative reporter with **The Washington Examiner** in Washington, DC, requested from the Department of Homeland Security (DHS) letters, phone records, and other communications from members of Congress seeking to designate DHS spending in a manner beyond the normal budget and appropriations process since January 1, 2011. (Case Number DHS/OS/PRIV 12-0543.)
  - On June 21, 2012, **Randy Herschaft**, a journalist with **The Associated Press** in New York, New York, requested from the Department of Homeland Security (DHS) correspondence from January 24, 2003, through June 21, 2012 between DHS and 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; Basin & Co.; Bain Capital Ventures; Brookside Capital; Sankaty Advisors; Marriott International, Inc.; Tyler Charitable Foundation; and/or the Ann D. and W. Mitt Romney Charitable Foundation. (Case Number DHS/OS/PRIV 12-0544.)
  - On June 22, 2012, **Scott McGee**, a reporter with **WPSD-TV** in Paducah, Kentucky, requested from the United States Coast Guard (USCG) documents concerning the Eggner's Ferry Bridge project in Trigg and Marshall Counties, Kentucky, for the month of January 2012. (Case Number USCG 2012FOIA2591.)

### III. FOIA Releases

- On June 22, 2012, the United States Coast Guard (USCG) released to **Cindy Zipf**, Director, **Clean Ocean Action** in Highlands, New Jersey, three pages of email records responsive to her FOIA request seeking documents pertaining to the Deepwater Port Act (DWPA) applications of Liberty Liquefied Natural Gas (LNG) from December 1, 2011, through the present. The records were released in full. (Case Number USCG 2012FOIA1592.)
- On June 27, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Michael Evans**, an analyst with **The National Security Archive** in Washington, DC, a total denial of his FOIA request seeking records from 1998 through October 14, 2011, pertaining to the illegal activities, extradition, prosecution, and voluntary depositions of **(b) (6)**, a top leader of the Autodefensas Unidas de Colombia (AUC). These pages were withheld in full pursuant to FOIA Exemption 7(A). (Case Number ICE 2012FOIA00726.)
- On June 27, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Maria Sacchetti**, a reporter with **The Boston Globe** in Boston, Massachusetts, 7,066 pages of records responsive to her FOIA request seeking the names, states of residence, and criminal status, if applicable, of all fugitive aliens with outstanding warrants for arrest. Portions of this release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA02309.)
- On June 27, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Tan**, a staff attorney with **The American Civil Liberties Union (ACLU)** in San Francisco, California, one Excel spreadsheet containing data responsive to his FOIA request seeking records indicating the number of individuals in ICE custody under INA 236(c) [individuals subject to mandatory detention under the Immigration and Nationality Act] on the first day of each month of Fiscal Years 2010 and 2011 for each detention facility in California. Portions of this release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA08174.)
- On June 25, 2012, the Transportation Security Administration (TSA) released to **Jaclyn Allen**, a reporter with **KMGH-7** in Denver, Colorado, seven pages of data related to an investigation into a Great Lakes Aviation Flight attendant who tried to pass through Denver International Airport security with two guns in May 2009. Portions of this response were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number TSA 10-0038.)
- On June 25, 2012, the Transportation Security Administration (TSA) released to **Jonathan Corbett**, a blogger in Grandville, Michigan, 32 pages of records consisting of TSA incident reports. Portions of this response were withheld pursuant to FOIA Exemptions 2, 3, 5, 6, and 7(C). (Case Number TSA 11-0859.)
- On June 27, 2012, the Transportation Security Administration (TSA) released to **Jilda Unruh**, a reporter with **WFOR-TV CBS4** in Miami, Florida, six pages of data related to the number (amount) and types of weapons surrendered by travelers at all Florida airports where TSA provides security from December 2007 through August 2010. (Case Number TSA 12-0463.)
- On June 27, 2012, the Transportation Security Administration (TSA) released to **Kevin Bogardus**, a staff writer with **The Hill** in Washington, DC, 10 pages of data

responsive to his request seeking correspondence and attachments sent to TSA from members of Congress during the period January 1, 2009, through November 24, 2010, that mention the following companies: American Science & Engineering; Brijot Imaging Systems; L-3 Communications; OSI Systems, Inc.; Rapiscan Systems, Inc.; ThruVision Ltd.; Trex Enterprises Corporation; Sago Systems; and Smiths Detection. Portions of this response were withheld pursuant to FOIA Exemptions 2 and 6. (Case Number TSA 11-0201.)

- On June 27, 2012, the Transportation Security Administration (TSA) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 201 pages of data responsive to his request seeking letters received by TSA complaining about its new pat-down airline security procedures from October 1, 2010, through the present. Portions of this response were withheld pursuant to FOIA Exemptions 3 and 6. (Case Number TSA 11-0350.)
- On June 27, 2012, the Transportation Security Administration (TSA) released to **John Crumley**, a reporter with **KMBC-TV** in Kansas City, Missouri, 13 pages of data responsive to his request for video footage and all written reports pertaining to the security breach at Kansas City International Airport on Thursday, June 9, 2011. Portions of this response were withheld pursuant to Exemptions 3 and 6. (Case Number 11-0350.)

#### **IV. FOIA Appeals**

- NSTR

#### **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. 11-cv-3235), Plaintiff filed a complaint on May 12, 2011, claiming constructive denial and contested its fee waiver denial pertaining to its December 17, 2009, FOIA request. Plaintiff's FOIA request sought records related to facilitating the return to the United States of individuals who prevail in their immigration cases. The Court ruled against U.S. Immigration and Customs Enforcement (ICE). ICE must re-process and re-release approximately 6,000 pages of records without using Exemption 5 and release the remaining 16,000 pages of records by August 31, 2012.

### **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 30—July 6, 2012**  
**Privacy Office**  
**July 9, 2012**  
**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 July 2, 2012, **Josh Margolin**, a reporter with *The New York Post* in New York, New York, requested from the United States Secret Service (USSS) records concerning all reports dealing with disciplinary or behavioral allegations regarding Secret Service personnel on assignment from January 1, 2007, through July 2, 2012. (Case Number USSS 20121107.)
- On July 3, 2012, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records regarding 12 specific OIG investigations pertaining to the United States Secret Service (USSS). (Case Number OIG 2012-141.)
- On July 3, 2012, **Rich Jones**, a blogger with *MuckRock News* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records mentioning Z Backscatter Vans or “ZBVs,” produced by American Science & Engineering in Billerica, Massachusetts. (Case number DHS/OS/PRIV 12-0570.)
- On July 5, 2012, **Emily Willard**, Research Associate with the **National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding the trial of former border patrol agents and brothers [REDACTED] (b) (6). (Case Number ICE 2012FOIA16185.)
- On July 5, 2012, **Paola Bichara**, a researcher with the **National Security Archive** in Washington, DC, requested from the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) records regarding the July 13, 2009, meeting in Mexico among the ICE Assistant Secretary, the ICE Chief of Staff, and Mexican Government Cabinet members. (Case Numbers DHS/OS/PRIV 12-0571 and ICE 2012FOIA16192.)

**Late requests**

- On June 27, 2012, **Jason Leopold**, Lead Investigative Reporter with Truthout.org in Beverly Hills, California, requested from the Department of Homeland Security (DHS) records pertaining to the handling of dissident and protest activities in the United States and the handling of violent extremism in the United States. (Case number DHS/OS/PRIV 12-0561.)

- On June 27, 2012, **Jennifer Lynch**, a Staff Attorney with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from the Department of Homeland Security (DHS) records discussing, concerning, or reflecting the 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” 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, bids, requests for proposals, 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 the FBI and the 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 System of Records Notices (SORNs) related to USCIS’s DNA collection, storage and sharing. (Case number DHS/OS/PRIV 12-0562.)
- On June 27, 2012, **Joseph Pleasant**, a reporter with **WKRN News 2** in Nashville, Tennessee, requested from the Transportation Security Administration (TSA) copies of complaints made regarding TSA at the Nashville International Airport from January 1, 2010, through June 27, 2012. (Case Number TSA 12-0653.)
- On June 28, 2012, **Melissa Correa**, a reporter with **KRGV-TV** in Weslaco, Texas, requested the number of Cuban nationals allowed to cross into the United States by way of the international bridges in Brownsville, Texas, including totals nationwide and in Brownsville from 2007 through June 28, 2012. (Case Number CBP 2012F24912.)

### III. FOIA Releases

- On July 5, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Tony Hernandez**, a reporter with the **Northwest Arkansas Times** in Fayetteville, Arkansas, five pages of records responsive to his FOIA request seeking a list of the names, charges filed, and case numbers of all arrests through investigation conducted by ICE and 287(g) law enforcement agencies from the Washington County (Arkansas) Sheriff’s Office; the Springdale (Arkansas) Police Department; the Rogers (Arkansas) Police Department; and the Benton County (Arkansas) Sheriff’s Department for the years 2007 through 2011. Portions of the response were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number ICE 2012FOIA8991.)
- On July 6, 2012, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **Amie Stepanovich**, **Electronic Privacy Information Center (EPIC)** in Washington, DC, 103 pages of records pertaining to EPIC’s request for the following: (1) all correspondence, communications, and records of meetings between New York state officials and the federal government relating to the development and implementation of the new terahertz technology to electronically “frisk” individuals at a distance; (2) all unfiltered or obscured images captured using the new terahertz technology; (3) all contracts, statements of work, or

related documents and appendices entered into related to the new terahertz technology, including contracts for hardware, software, training, or development, including but not limited to contract HSHQDC-07-C-00016; (4) all documents detailing technical specifications or capabilities of the new terahertz technology; and (5) all documents detailing plans to implement the new terahertz technology, including but not limited to New York City. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3) and (b)(6).

#### IV. FOIA Appeals

- On June 26, 2012, **Andrea Callan**, an attorney with the **New York Civil Liberties Union (NYCLU)** in Washington, DC, appealed the U.S. Customs and Border Protection's (CBP) response to her request for records on a named individual. The requester is contesting the redactions on 52 pages of records made pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H224515.)
- On June 26, 2012, **Lisette Garcia**, Senior Investigator with **Judicial Watch** in Washington, DC, appealed the no records response by the Department of Homeland Security (DHS) to her request seeking all communications with Nancy-Ann DeParle, any other member of the Obama administration, or any third party regarding the development and implementation of "alternative administrative measures" to advance the president's policy goals in circumvention of the legislative branch of the federal government. (Case Number A-12-0097).

#### V. FOIA Appeals Releases

- NSTR

#### VI. Lawsuits

- In the matter of *Gonzalez & Gonzalez v. Department of Homeland Security*, (D. Cal. S.F. Div. 4-11-CV-2267) in which Plaintiffs seek records regarding a list of individuals for whom the Plaintiffs have acted as bond obligors, Plaintiffs have filed multiple requests alleged to be FOIA requests, which DHS contests are subject to the Privacy Act Routine Use provisions pursuant to A-file SORN Routine Use V. On June 28, 2012, the Assistant U.S. Attorney informed the ICE FOIA Office that it should prepare responses to these requests through counsel, in order to avoid broader, Court-ordered discovery. On July 5, 2012, ICE FOIA provided to the Office of the Principal Legal Advisor (OPLA) draft responses to the proposed discovery requests.
- In the matter of *ACLU of Southern California v. ICE* (C.D. Cal. 11-cv-10148), in which plaintiffs challenged ICE's denial of ACLU's fee waiver for a FOIA request filed January 19, 2011, seeking records related to a worksite enforcement action conducted at Terra Universal in June 2010, plaintiffs filed suit on December 7, 2011. On June 28, 2012, ICE issued its final release of 1,424 pages of responsive records, with portions withheld pursuant to Exemptions 5, 6, 7(C), and 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 7 – July 13, 2012

Privacy Office

July 16, 2012

### 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 July 10, 2012, **Bruce Schreiner**, a reporter with *The Associated Press* in Louisville, Kentucky, requested from the Transportation Security Administration (TSA) a copy of the security tape of the TSA checkpoint at the Louisville International Airport in Louisville, Kentucky, on July 7, 2012 or July 8, 2012, involving TSA workers and a deaf passenger. (Case Number TSA 12-0673.)
- On July 10, 2012, **Tessa Stuart**, a journalist with *The L.A. Weekly* in Culver City, California, requested from the Transportation Security Administration (TSA) personnel records, records of employment, and records of discipline concerning four former TSA employees at the Los Angeles International Airport. (Case Number TSA 12-0676.)
- On July 11, 2012, **Brad Racino**, investigative reporter with *Investigative Newsource* in San Diego, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to incidents submitted within the last five years to DHS-OIG by U.S. Customs and Border Protection (CBP). (Case Number OIG 2012-144.)
- On July 11, 2012, **Melissa del Bosque**, investigative reporter with *Texas Observer Magazine* in Austin, Texas, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) documents pertaining to eight specified DHS-OIG investigations. (OIG Case Number 2012-145.)
- On July 11, 2012, **Justin McCarthy**, a researcher with *Judicial Watch* in Washington, DC, requested from the United States Secret Service (USSS) records concerning use of Government funds to provide security and/or any other services to President Obama and any companions on a June 26, 2012 trip to Boston, Massachusetts. (Case Number USSS 20121120.)

#### Late requests

- On June 15, 2012, **Jeremy Young**, a journalist with *Al-Jazeera English Fault Lines*, in Washington, DC, requested access to video filmed in the Moskitia region of Honduras during a May 11, 2012 operation along with any accompanying paper work. (Case Number CBP 2012F24900.)
- On June 28, 2012, **Kim Smith**, a reporter with *The Arizona Daily Star* in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) records pertaining to: (1) the number of drug-related cases submitted for possible prosecution

- to the U.S. Attorney's Office for the District of Arizona in Tucson by the Border Patrol and the Department of Homeland Security (DHS) between Fiscal Years 2005 through 2006 and 2010 through 2011; (2) the number of drug-related cases submitted by the Border Patrol and DHS that resulted in a criminal case being filed; and (3) a breakdown of cases submitted and filed by type of case/statute. (Case Number CBP 2012F24893.)
- On June 28, 2012, **Anthony Olivieri**, an independent journalist in San Diego, California, requested from U.S. Customs and Border Protection (CBP) electronic correspondence from January 1, 2010 through June, 12, 2012, between the CBP Director of Air Operations in San Diego, California, and the CBP Director of the Southwest Border Region of Operations containing any of 36 specified terms in either the subject line or body of the message. (Case Number CBP 2012F24996.)
  - On June 29, 2012, **Daniela Royes**, a journalist with from **WABC-TV** in New York, New York, requested from U.S. Customs and Border Protection (CBP) a listing of contraband items seized at John F. Kennedy International Airport in New York, New York, and Newark Liberty International Airport in Newark, New Jersey for the period of January 1, 2009 through June 29, 2012. (Case Number CBP 2012F24923.)
  - On July 3, 2012, **Valerie O'Driscoll**, Clerk, **Amie Stepanovich**, Associate Litigation Counsel, and **Ginger McCall**, Assistant Director, Open Government Project with the **Electronic Privacy Information Center (EPIC)**, in Washington DC, requested from U.S. Customs and Border Protection (CBP) records concerning CBP's use of drones within the United States, including the following records: (1) technical specifications, contracts and statements of work for drones purchased by CBP including but not limited to contracts with General Atomics, Honeywell, Raytheon and Aerovironment; (2) instructions, policies, and procedures concerning the use of drones to collect, obscure, degrade, store, transmit, reproduce, retain, or delete images and sound; (3) documents detailing the technical specifications of surveillance hardware on drones, including any limitations on image capture, storage, or copying; (4) images obtained by over flights of private property by drones; (5) contracts and statements of work entered into by CBP for [drone] hardware, software, or training that concerns the ability for drones to collect, obscure, degrade, store, transmit, reproduce, retain, or delete images or sounds; and 6) contracts, partnership agreements, and communications between CBP and government agencies regarding the use of CBP drones. (Case Number CBP 2012F24997.)
  - On July 3, 2012, **Lewis Kamb**, a reporter with *The News Tribune* in Tacoma, Washington, requested from U.S. Immigration and Customs Enforcement (ICE) detention center statistics nationwide and for the Northwest Detention Center specifically. (Case Number ICE 2012FOIA16372.)
  - On July 5, 2012, Linda Lye, staff attorney with the **American Civil Liberties Union (ACLU)** of Northern California requested from the National Protection and Programs Directorate (NPPD) records pertaining to the use of Standard Operating Procedure 303 to shut down cellular service during emergencies. (Case Number NPPD 20120705.)
  - On July 6 and July 9, 2012, respectively, **Grace Meng**, Researcher, U.S. Program, with **Human Rights Watch** in New York, New York, requested from U.S. Customs

and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) individual record data for all non-citizens referred by ICE or U.S. Customs and Border Protection (CBP) for criminal prosecution under 8 U.S.C. § 1.325 for “Improper Entry by Alien,” and/or under 8 U.S.C. § 1326 for “Reentry of Removed Aliens,” from Fiscal Year 2004 through July 6, 2012. (Case Numbers CBP 2012F25221 and ICE 2012FOIA16373.)

### III. FOIA Releases

- On July 10, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with the *Center for Investigative Reporting* in Berkeley, California, 26 pages of narratives of complaints from September 1, 2012, through the present responsive to his FOIA request seeking records regarding use of force by all DHS employees from 2003 through 2012. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(A), and 7(C). (Case Number OIG 2012-068.)
- On July 10, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Maria Sacchetti**, a reporter with *The Boston Globe* in Boston, Massachusetts, 325 pages of email and correspondence responsive to her FOIA request seeking information concerning Onyango Obama. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number ICE 2012FOIA00105.)
- On July 10, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting*, in Berkeley, California, seven pages of records responsive to his FOIA request seeking documents relating to ICE Director’s domestic and overseas travel, including the purpose of the travel and all related costs for the Director and the people who traveled with him that were submitted for reimbursement and/or at government expense, for each trip from his confirmation to the present. The records were released in full. (Case Number ICE 2012FOIA08445.)
- On July 12, 2012, the Department of Homeland Security (DHS) Office of Intelligence and Analysis (I&A) released to **Josh Margolin**, a reporter with *The New York Post*, 25 pages of records, including open source intelligence reports and a PowerPoint presentation, related to the review of events associated with the October 2010 attempt to transport explosive devices via UPS and FedEx to locations in the United States. Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number I&A 12-OIA-0072.)

### IV. FOIA Appeals

- On July 6, 2012, **Tia Ghose**, Homeland Security Reporter with the *Center for Investigative Reporting (CIR)*, in Berkeley, California, appealed the no records determination issued by U.S. Customs and Border Protection (CBP) with regard to her FOIA request seeking National Land Border Security Plans. (Case Number CBP H225215.)

## V. FOIA Appeals Releases

- On July 10, 2012, U.S. Customs and Border Protection (CBP) granted a fee waiver to **Scott Amey**, General Counsel, **Project on Government Oversight (POGO)**, in Washington, DC, pertaining to his FOIA request seeking information on policies related to the award of service contracts. A clarification letter was submitted with respect to certain categories of requested information and is being processed as an initial request. (Case Number CBP H222136.)
- On July 11, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Robert P. Deasy**, Director, **American Immigration Lawyers Association (AILA)** in Washington, DC, 961 additional pages of material responsive to his FOIA request seeking guidance, including but not limited to 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 behalf of an individual who entered the United States on the Visa Waiver Program. Deasy had appealed the adequacy of the search for responsive records. Portions of this release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number USCIS PPO2012000019.)
- On July 13, 2012, U.S. Customs and Border Protection (CBP) released to **Gordon Hanson**, Director, **Center on Emerging and Pacific Economies, the University of California, San Diego (UCSD)**, in La Jolla, California, a Microsoft Access database containing additional information responsive to his request for apprehension and enforcement data from 1999 to present. The requester alleged that he had received a smaller set of data than he had requested. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number CBP H217579.)

## VI. Lawsuits

- In the matter of *American Immigration Council v. DHS* (CV-00932-EGS), plaintiff filed suit on June 7, 2012, challenging U.S. Customs and Border Protection's (CBP) failure to conduct an adequate search in response to plaintiff's FOIA request seeking 14 broad categories of records related 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.
- In the matter of *National Immigrant Justice Center v. DHS* (N.D. Ill. 12-cv-05358), in which plaintiff filed a FOIA request on April 27, 2011, seeking copies of all Intergovernmental Service Agreements (IGSAs) between ICE and any state, municipal, or county entity regarding the housing of immigrant detainees, plaintiff filed suit on July 9, 2012, claiming constructive denial of his FOIA request. (Case Number ICE 2012FOIA03030.)
- In the matter of *Judicial Watch, Inc. v. DHS* (D.D.C. 12-cv-00563), in which plaintiff filed a FOIA request on September 2, 2011, seeking records relating to the arrest of Onyango Obama, plaintiff filed suit on April 11, 2012, claiming constructive denial of his FOIA request. On July 10, 2012, ICE released 325 pages of email and correspondence, portions of which were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number ICE 2011FOIA14940.)

## **FOIA Exemptions**

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

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**Exemption 8:** information relating to the supervision of financial institutions

**Exemption 9:** geological information on wells

## FOIA Activity for the Week of July 14 – 20, 2012

Privacy Office

July 23, 2012

### 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 July 16, 2012, **Daniel Gonzalez**, a reporter with *The Arizona Republic* in Phoenix, Arizona, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) the names of all personnel from U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and the Transportation Security Administration (TSA) who were arrested, indicted, and convicted of corruption charges during Fiscal Years 2004 through 2012. (Case Number OIG 2012-147.)
- On July 16, 2012, **Malia Litman**, a blogger in Dallas, Texas, requested from the United States Secret Service (USSS) records pertaining to a named Secret Service agent allegedly involved in the Colombia prostitution scandal. (Case Number USSS 20121153-20121174.)
- On July 17, 2012, **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records associated with Workflow #939418. (Case Number 2012FOIA17284.)
- On July 17, 2012, **Jennifer L Peebles**, a reporter with *The Washington Examiner* in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) records indicating the name of the computer and/or database program/application/software used by the Department of Homeland Security to manage and/or store its “log” of correspondence that comes in from members of Congress, federal officials, other federal agencies and/or the general public; (2) records indicating the manufacturer of the above-mentioned computer and/or database program/application/software and/or the contractor/vendor who supplied the program/application/software; (3) records indicating the version of the program/application/software in question; and (4) records indicating how much the government paid for the program/application/software in question. (Case Number DHS/OS/PRIV 12-0596.)
- On July 18, 2012, **John Crewdson**, an Investigator with **Project On Government Oversight (POGO)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) copies of all documents related in any way to travel undertaken by all individuals serving as DHS Military Advisor since January 1, 2001, beginning with their date of nomination and continuing until the end of their tenure, including whether such travel is for official or unofficial purposes; (2) all materials which reflect or relate to travel undertaken by any U.S.

- government employee accompany Military Advisor or whose travel is otherwise consequent to theirs including but not limited to administrative aides and security personnel; (3) in cases where transportation has been furnished by government-operated aircraft, ship, limousine, helicopter or other vehicle, you request the equivalent cost of commercial transportation as calculated by the department or agency for budgetary purposes; (4) records of all drafts and final expense reports filed by the Military Advisors; and (5) copies of any and all materials which reflect the intent and purpose of each trip, such as invitations to speak or receive an award, or the need to perform an official government function. (Case Number DHS/OS/PRIV 12-0589).
- On July 18, 2012, **Amie L. Stepanovich**, Associate Litigation Counsel, and **John J. Sadlik**, an IPIOP Clerk with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records related to the March 9, 2006 National Communication System Standard Operating Procedure (SOP) 303, specifically seeking the following three (3) categories of records from DHS: (1) the full text of Standard Operating Procedure 303; (2) the full text of the pre-determined “series of questions” that determines if a shutdown is necessary; and (3) any executing protocols or guidelines related to the implementation of Standard Operating Procedure 303, distributed to DHS, other federal agencies, or private companies, including protocols related to oversight of shutdown determinations. (Case Number DHS/OS/PRIV 12-0598).

#### **Late requests**

- On April 20, 2012, **Scott Hodes**, an attorney with **Information Privacy Law** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) records related to the deceased mother of the Egyptian presidential candidate Sheik Hazem Salah Abu Ismail. (Case Number USCIS NRC2012065556.)
- On July 10, 2012, **Catherine Tobin**, Director of Policy with the **Heartland Alliance-National Immigrant Justice Center** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records related from the segregation survey in the possession or control of DHS, including ICE, from January 2012 through July 10, 2012. (Case Number 2012FOIA17198.)
- On July 10, 2012, **Laura Kerr**, a law clerk with **Northwest Environmental Defense Center (NEDC)** in Portland, Oregon, requested from the Federal Emergency Management Administration (FEMA) records pertaining to FEMA’s revisions to effective National Flood Insurance Program maps within Oregon since January 1, 2009. (Case Number FEMA 12-639.)
- On July 11, 2012, **Steven Emerson**, President of **SAE Productions** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records related to the daylong conference, titled “The Muslim Community and Law Enforcement”: (1) copies of any reports, memos, emails or other internal Department of Homeland Security documents related to the conference; (2) any documents identifying participants of the conference and their organizational affiliation and any evaluation forms/reports executed by conference 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 presented at or made during the conference. (Case Number DHS/OS/PRIV 12-0597.)
- On July 12, 2012, **Paula Bichara**, a researcher with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the results of the committee established in 2008 by the U.S. Embassy to evaluate human trafficking issues. (Case Number ICE 2012FOIA16897.)
  - On July 12, 2012, **Lisa Song**, a writer with *Inside Climate Change* in Somerville, Massachusetts, requested from the United States Coast Guard (USCG) email from the USCG Ninth District, the National Pollution Funds Center, and the Marine Casualty Office concerning the Enbridge 6B pipeline failure in Marshall, Michigan, from July 25, 2012, through October 31, 2010. (Case Number 2012FOIA2801).
  - On July 13, 2012, **Daniel Espo**, a researcher, and **John Richard**, Executive Director with **Essential Information** in Washington, DC, requested from the Federal Emergency Management Administration (FEMA) communications between FEMA and the U.S. Postal Service concerning natural disasters, national emergencies, national security threats, or events related to the safety and security of the US and our citizens. (Case Number FEMA 12-640.)
  - On July 13, 2012, **Daire Brian Irwin**, an Attorney in Buffalo, New York, requested from the Department of Homeland Security (DHS) records pertaining to Occupy Buffalo, including but not limited to files and documents captioned in, or whose captions include Occupy Buffalo in the title. (Case Number DHS/OS/PRIV 12-0583.)
  - On July 13, 2012, **Jeff Martin**, a reporter with *The Associated Press* in Atlanta, Georgia, requested from the United States Coast Guard (USCG) records concerning an individual who was last seen on June 16, 2012, boarding a ferry in the area of Key West, Florida. (Case Number USCG 2012FOIA2752.)
  - On July 13, 2012, **Mike Sherwin**, Managing Editor with *St. Louis Jewish Light* in St. Louis, Missouri, requested from the Federal Emergency Management Administration (FEMA) lists of organizations awarded funds through the Fiscal Year 2012 Nonprofit Security Grant Program, including the amounts allocated to each. (Case Number FEMA 12-042.)

### III. FOIA Releases

- On July 12, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with the *Center for Investigative Reporting* in Berkeley, California, an Excel spreadsheet of complaints received by DHS-OIG from 2003 through 2010. (Case Number OIG 2012-087.)
- On July 16, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Kevin Curran**, a reporter with *KPNX 12 News* in Phoenix, Arizona, one page of records responsive to his FOIA request seeking written reports, audio or video interview transcripts, and correspondence covering any interaction between ICE and Jason Todd (“TJ”) Ready, deceased, and/or his organization “U.S. Border Guard.”



Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2012FOIA12942.)

- On July 18, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Christine Hass**, a reporter with *NBC 7 San Diego* in San Diego, California, two pages of records responsive to her FOIA request seeking the policy regarding sex hormones for transgendered detainees in ICE custody, the names of the sex hormone medications provided for transgendered detainees, and the quantity issued to those detainees from January 2010 through April 2012. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA10277.)
- On July 19, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Andrew Becker**, staff reporter with the *Center for Investigative Reporting* in Berkeley, California, 472 pages of travel vouchers, itineraries, justifications, email and spreadsheets responsive to his FOIA request seeking records pertaining to the cost of the DHS-OIG Office of Investigations conference in Denver, Colorado. Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, 6, and 7(E). (Case Number OIG 2012-082.)
- On July 19, 2012, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Keith Gates**, Senior Attorney with *Cause of Action* in Washington, DC, 25 pages of records including narratives of whistleblower complaints that were investigated, a list of FOIA requests pertaining to whistleblowers, and other records pertaining to personnel actions. Portions of the records were withheld pursuant to Exemptions 5, 6, and 7(C). (Case Number OIG 2012-078.)
- On July 19, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting* in Berkeley, California, two pages of records responsive to his FOIA request seeking the number of aliens with final orders of removal awaiting and/or unable to obtain travel documents. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2012FOIA02652.)

#### IV. FOIA Appeals

- On July 17, 2012, **G.W. Schultz**, a homeland security reporter with the *Center for Investigative Reporting (CIR)* in Austin, Texas, appealed the decision by U.S. Customs and Border Protection (CBP) regarding his FOIA request seeking autopsy reports, death investigations, internal investigation and fact-finding reports, and assessments or reviews that examine the reasons for CBP employee/contractor suicides and strategies for addressing the issue since January 1, 2002. The initial response released 10 pages of records composed primarily of statistics. (Case Number CBP H226598.)

#### V. FOIA Appeals Releases

- On July 16, 2012, U.S. Customs and Border Protection (CBP) denied an untimely appeal filed by **Emily Willard**, a Research Associate with *The National Security Archive*, in Washington, DC, requesting news media status. At the same time, CBP

- affirmed the previous finding that no responsive records could be located in the five specified categories of information related to Operation Streamline. (Case Number CBP H219517.)
- On July 18, 2012, the United States Coast Guard (USCG) upheld its initial finding regarding an appeal filed by Henri Andre Fourroux who requested all permits, including special permits and permits with exceptions, made for use of all types of the dispersant COREXIT since July 17, 2010. The Coast Guard denied his request for a subsequent search for records. (USCG FOIA Appeal A2011-038).

## **VI. Lawsuits**

- In the matter of *Carrier v. ICE* (D. Mass. 12-cv-11244), Plaintiff filed a complaint on July 12, 2012, challenging ICE's denial of records pursuant to FOIA Exemption 7(A) pertaining to its February 8, 2012, FOIA request seeking records related to statements made by the children who were sexually abused by Douglas Perlitz at his school in Cap-Haitien, Haiti, statements made by a Haitian radio personality who played a role in bringing the allegations against Perlitz to light, and records relating to the disbursement of restitution funds to his victims. (Case Number ICE 2012FOIA07039.)

## **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 20 – 26, 2012

Privacy Office

July 30, 2012

### 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 23, 2012, U.S. Immigration and Customs Enforcement replaced the outdated online FOIA request submission form with a new version of the form that provides ICE with a formatted email response, and the user with a confirmation screen that notifies the requestor when the form has been successfully submitted.
- On July 24, 2012, U.S. Immigration and Customs Enforcement posted to the ICE FOIA Library a copy of the 6-page June 17, 2011 memorandum entitled “Exercising Prosecutorial Discretion Consistent with the Civil Immigration Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens.”
- On July 24, 2012, U.S. Immigration and Customs Enforcement posted to the ICE FOIA Library 4 Office of Detention Oversight Compliance Inspection reports, totaling 63 pages.

#### II. FOIA Requests

- On July 20, 2012, **Sean Dunagan**, Senior Investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of the following records: (1) any and all records regarding, concerning or related to the June 2012 unmanned aerial vehicle (UAV) “spoofing” test conducted by University of Texas researchers at the White Sands Missile Range; and (2) any and all records of communication between any official, employee or representative of DHS and any official, employee or representative of the Department of Defense, the Federal Aviation Administration, and/or the U.S. House of Representatives Committee on the Homeland Security regarding, concerning or related to the “Spoofing” of unmanned aerial vehicles (UAVs). (Case Number 12-0604.)
- On July 21, 2012, **Cimaron Neugebauer**, a reporter with **The Salt Lake Tribune** in Salt Lake City, Utah, requested from the Transportation Security Administration (TSA) copies of reports or audits concerning security matters at the new St. George Municipal Airport. (Case Number 12-0700.)
- On July 24, 2012, **Andrew Becker**, investigative reporter for the **Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) correspondence regarding searches for records in response to OIG Freedom of Information Act request number 2012-082 which sought records pertaining to the cost of the DHS-OIG Office of Investigations conference in Denver, Colorado. (OIG FOIA Case Number 2012-152.)
- On July 24, 2012, **Dan Mihalopoulos**, a Staff Reporter with the *Chicago Sun-Times* in Chicago, Illinois, requested from the Department of Homeland Security (DHS)

copies of the following documents: (1) records regarding J [REDACTED] (b) (6) [REDACTED]; (2) records regarding the North Atlantic Treaty Organization (NATO) summit meeting held in Chicago in May 2012, including any correspondences between department officials and the Chicago Police Department. (Case Number 12-0616.)

- On July 25, 2012, **Andrew Becker**, investigative reporter for the **Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to DHS-OIG investigation number 04-USSS-SFO-02800, which dealt with an allegation of inappropriate use of funds involving the U.S. Secret Service's Electronic Crimes Task Force. (OIG FOIA Case Number 2012-153.)
- On July 25, 2012, **Andrew Becker**, investigative reporter for the **Center for Investigative Reporting** in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records relating to the budget and overall cost of DHS-OIG conferences and training. (OIG FOIA Case Number 2012-154.)
- On July 24, 2012, **Lynn Walsh**, a reporter with **WPTV** in West Palm Beach, Florida, requested from the Transportation Security Administration (TSA) a list of people who have submitted a request for flight training as required under the, "Alien Flight Student Program" from January 1, 2009 to the present day. (Case Number 12-0709.)
- On July 25, 2012, **Emily Willard**, a research associate with **The National Security Archives** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents pertaining to U.S. Citizenship and Immigration Services, ICE, and Customs and Border Protection interference with and restrictions on non-citizens' access to legal counsel in benefits interviews, interrogations, and other types of administrative proceedings outside of Immigration Court, as well as information pertaining to the lawsuit filed by the American Immigration Council's Legal Action against ICE and the Department of Homeland Security. (Case Number 2012FOIA18606.)
- On July 26, 2012, **Kevin Rothstein**, a reporter with **WFXT Fox 25** in Dedham, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to Secure Communities' use of IDENT/IAFIS interoperability in Massachusetts, broken down by individual law enforcement agency or by Originating Agency Identifier. (Case Number 2012FOIA18641.)
- On July 26, 12, **Anjan Mukherjee**, a research associate with the **Democratic Senatorial Campaign Committee** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of records pertaining to any investigations conducted by ICE in Jamestown, North Dakota, between March 2007 and December 31, 2007. (Case Number 2012FOIA18749.)

#### Late requests

- On July 10, 2012, **Emily Willard**, a research associate with **The National Security Archives** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) information about an incident in which U.S. border patrol agents shot and killed a Mexican citizen on July 7, 2012 along the Rio Grande across Brownsville,

Texas, specifically seeking the following records: (1) the 2010 killing of a 15-year-old Mexican boy, Sergio Adrian Hernandez Guereca, across the Rio Grande in Ciudad Juarez by Border Patrol agents in El Paso; and (2) an incident that occurred in the Summer of 2011 in which Border Patrol agents and Rangers with the Texas Department of Public Safety exchanged gunfire with suspected drug smugglers. (Case Number 2012F26840.)

- On July 10, 2012, **Emily Willard**, a research associate with **The National Security Archives** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records related to Mexican human rights activists who have gone into exile in the United States. (Case Number 2012F26838.)
- On July 18, 2012, **Ginger McCall**, Director of the Open Government Program with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Transportation Security Administration (TSA) records relating to the TSA's Notice of Proposed Rulemaking on the agency's decision to deploy body scanners as the primary screening technique in U.S. airports. (Case Number 12-0693.)
- On July 18, 2012, **Emily Willard**, a research associate with **The National Security Archives** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records related to Central American migrants from Honduras, Guatemala, and El Salvador coming through Mexico to the United States, who are sold by Mexican migration officials to the Zeta drug cartel. (Case Number 2012F28836.)
- On July 19, 2012, **Michael Miller**, an editor with the **Huntington Beach Independent** in Huntington Beach, California, requested from the United States Coast Guard (USCG) records related to the disappearance of a Huntington Beach resident on August 3, 2011. (Case Number 2012FOIA2873.)

### III. FOIA Releases

- On July 23, 2012, the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) released to **Amie Stepanovich**, National Security Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, 437 pages of records consisting of explosive detection research reports from third parties. Portions of this release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number S&T 12-010.)
- On July 25, 2012, the Office of Intelligence and Analysis (I&A) released to **Brian Hill**, Head Reporter and Founder, *USWGO Alternative News*, 177 pages of both open source and DHS reports. Portions of this response were withheld pursuant to exemptions 6, 7(B), 7(C), and 7(E). (Case Number 11-OIA-HILL.)
- On July 25, 2012, the Department of Homeland Security (DHS) released to **Michelle Jeung**, an individual in Washington, DC, 470 pages of congressional correspondence between Congresswoman Shelly Berkley and DHS. Portions of this response were withheld pursuant to FOIA exemptions 5, 6, and 7(C). (Case Number DHS/OS/PRIV 12-0066.)

### IV. FOIA Appeals

- NSTR

## V. FOIA Appeals Releases

- On July 23, 2012, U.S. Customs and Border Protection (CBP) issued a full denial to **Ginger McCall**, Staff Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, related to her appeal for request seeking records regarding the surveillance of individuals who have demonstrated support for interest in WikiLeaks, as well as any documents relating to records obtained from Internet and financial services companies regarding these individuals. After conducting a new search, CBP withheld 113 pages of travel-related records in full pursuant to FOIA Exemptions 6, 7(A), 7(C) and 7(E). (Case Number CBP H185815.)

## VI. Lawsuits

- In the matter of *Americans for Immigrant Justice v. ICE*, (D.D.C. 12-cv-00038), in which plaintiffs filed suit on January 10, 2012 seeking release of records relating to a December 22, 2010, FOIA request seeking records regarding ICE's resumption of deportations to Haiti. Plaintiffs claimed that ICE improperly denied them a fee waiver, and sought an injunction for the release of records. On July 26, 2012, ICE issued its second interim release, containing 68 pages of responsive records.

## **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 27 – August 2, 2012**  
**Privacy Office**  
**August 6, 2012**  
**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 26, 2012, the United States Citizenship and Immigration Services (USCIS) launched its online Multilingual Resource Center, a new feature on [www.uscis.gov](http://www.uscis.gov). The Center provides a central location for USCIS resources in a variety of languages, including Haitian Creole, Polish, and Vietnamese. Offering certain immigration application information in other languages helps ensure USCIS communicates across many cultures and reaches a broader audience, while also ensuring that customers obtain information directly from USCIS, and not from unofficial—and possibly unscrupulous—sources. Materials are available in up to 22 languages, covering information on USCIS application processes as well as frequently asked questions. The Multilingual Resource Center can be found at [www.uscis.gov/multilingual](http://www.uscis.gov/multilingual).
- On August 3, 2012, U.S. Immigration and Customs Enforcement (ICE) created a new category of records in the ICE FOIA Library, titled “Prosecutorial Discretion,” and posted four memoranda related to ICE’s prosecutorial discretion policy.

**II. FOIA Requests**

- On July 27, 2012, **Alex Pappas**, a political reporter with *The Daily Caller* in Washington, DC, requested from the Transportation Security Administration (TSA) all traveler compliments or suggestions received by TSA between January 1, 2011, and the present. (Case Number TSA 12-0715.)
- On July 27, 2012, **Jennifer Savio**, Special Projects Producer with *WHDH-TV 7* in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) any incident reports and documentation from incidents that may or may not have resulted in civil penalties in which passengers interfered with TSA screening procedures or were unruly or abusive at security checkpoints at Boston-Logan International Airport during calendar years 2011 and 2012. (Case Number TSA 12-0716.)
- On July 27, 2012, **Molly Matthews**, Assistant Producer with *Fox News Channel* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of requisition forms for all rounds of ammunition, including weapons, purchased from January 1, 2010, to the present, as well as any audits that show the current location of all unused rounds of ammunition or unassigned weapons. (Case Number ICE 2012FOIA19068 and Case Number TSA 12-0728.)
- On July 30, 2012, **Claire Brownell**, a reporter with *The Windsor Star* in Ontario, Canada, requested from U.S. Customs and Border Protection (CBP) a copy of records of complaints about CBP officers at the Ambassador Bridge and Windsor-

Detroit Tunnel from January 1, 2010, to June 30, 2012. (Case Number CBP 2012F27443.)

- On July 31, 2012, **Michael Doyle**, a member of **The National Press Club** in Washington, DC, requested from the United States Coast Guard (USCG) documents concerning a collision involving a Falmouth Police Boat with a submerged object between June 1 and July 25, 2012. (Case Number USCG 2012FOIA2987.)
- On July 31, 2012, **Catherine Crump**, a staff attorney with the **American Civil Liberties Union (ACLU)** in New York, New York, requested from the U.S. Immigration and Customs Enforcement (ICE) and the Transportation Security Administration (TSA) records regarding their policies, practices, and procedures for procuring and using automatic license plate readers (ALPRs). (Case Number ICE 2012FOIA19286 and Case Number TSA12-0730.)
- On July 31, 2012, **Thomas Shea**, Director of Training and Technical Assistance with the **New York Immigration Coalition** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding cases for New York State reviewed by ICE under the “case review” program in which ICE granted or denied prosecutorial discretion, and records relating to grants and denials of requests for stays of removals. (Case Number ICE 2012FOIA19419.)
- On July 31, 2012, **Dan Mihalopoulos**, a staff reporter with **The Chicago Sun-Times** in Chicago, Illinois, requested from the Department of Homeland Security (DHS) copies of the following documents: (1) records regarding **(b) (6)**; and (2) records regarding the North Atlantic Treaty Organization (NATO) summit meeting held in May 2012, including any correspondences between department officials and the Chicago Police Department. (Case Number ICE 2012FOIA19433, Case Number TSA 12-0721 and Case Numbers USSS 201206-2012-09.)
- On August 1, 2012, **Emily Willard**, a research associate with the **National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records pertaining to the deportation case of **(b) (6)**. (Case Number ICE 2012FOIA19887.)
- On August 1, 2012, **Rabya Khan**, a staff attorney with the **Council on American-Islamic Relations (CAIR) of Chicago** in Chicago, Illinois, requested from the Department of Homeland Security (DHS) records regarding **(b) (6)**. Case Number TSA 12-0731.)
- On August 1, 2012, **Ed Quinton**, an individual, requested from the Transportation Security Administration (TSA) a copy of the executive summary of the new TSA union contract as well as the names of the government negotiators. (Case Number TSA 12-0732.)
- On August 2, 2012, **Susan Long**, Co-director, with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) case-by-case information on each ICE removal for the months of June and July 2012. (Case Number ICE 2012FOIA19754.)

### Late requests

- On July 25, 2012, **Will Campbell**, a freelance journalist in Ontario, Canada, requested from U.S. Customs and Border Protection (CBP) a copy of all documents, including incident reports relating in whole or in part to “Occupy Toronto” protests in Toronto, Ontario, Canada. (Case Number CBP 2012F27186.)
- On July 26, 2012, **Alex Pappas**, a political reporter with *The Daily Caller* in Washington, DC, requested from the Transportation Security Administration (TSA) all traveler complaints made specifically to TSA's Office of Civil Rights & Liberties, Ombudsman, and Travel Engagement Multicultural Division between January 1, 2011, and the present. (Case Number TSA 12-0711.)

### **III. FOIA Releases**

- On July 30, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Craig Cheatham**, an investigative reporter with *KMOV-TV* in Saint Louis, Missouri, a one-page memorandum coordinating OIG's response to a Congressional letter from Mississippi Governor Haley Barbour. These records were released in full. (Case Number OIG 2012-155.)
- On July 30, 2012, the United States Citizenship and Immigration Services (USCIS), released to **Steven Miller**, a reporter with the *New York Post* in Washington, DC, 7,725 pages of record consisting of letters and e-mails responsive to his FOIA request seeking all correspondence between New York members of Congress and USCIS. Portions of the release were withheld pursuant to FOIA Exemptions 3, 4, 5, 6, 7(C) and (7)(E). (Case Number USCIS COW2011000675.)
- On July 31, 2012, the United States Coast Guard (USCG) released to **Jeff Martin**, a reporter with *The Associated Press* in Atlanta, Georgia, 153 pages of documents consisting of a case report, law enforcement reports and communication logs responsive to his request seeking information concerning an individual who was last seen boarding a ferry in the Key West, Florida area bound for Fort Meyers, Florida on June 16, 2012. These records were released in full. (Case Number USCG 2012FOIA2752.)
- On July 31, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **J. Keith Gates**, Senior Attorney with **Cause of Action** in Washington, DC, 27 pages of documents pertaining to awards given to eligible employees. Portions of the release were made pursuant to FOIA Exemption 6. (Case Number OIG Number 2012-075.)
- On July 31, 2012, United States Citizenship and Immigration Services (USCIS) released to **Jennifer Lynch**, a staff attorney with **Electronic Frontier Foundation (EFF)** in San Francisco, California, 3,012 pages of records consisting of emails, correspondence, PowerPoint presentations and meeting notes responsive to her FOIA request seeking all agency records from 2008 to the present discussing, concerning, or reflecting USCIS's plans to collect, sample, analyze and store DNA. Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, and 6. (Case Number USCIS COW2011000740.)

- On July 31, 2012, the Department of Homeland Security (DHS) released to **Grace Wyler**, a reporter with **Business Insider** in New York, New York, 642 pages of records dated September 15, 2011 to November 16, 2011 related to the “Occupy Wall Street” movement. Portions of this response were withheld pursuant to FOIA Exemptions 5, 6, 7(C) and 7(E). (Case Number DHS/OS/PRIV 12-0081.)
- On July 31, 2012, the Department of Homeland Security (DHS) released to **Sean Dunagan**, an investigator with **Judicial Watch** in Washington, DC, 642 pages of records related to the “Occupy Wall Street” movement. Portions of this response were withheld pursuant to FOIA Exemptions 5, 6, 7(C) and 7(E). (Case Number DHS/OS/PRIV 12-0068.)
- On July 31, 2012, the Department of Homeland Security (DHS) released to **Mara Verheyden-Hilliard**, Executive Director with the **Partnership for Civil Justice Fund** in Washington, DC, 642 pages of records related to the “Occupy Wall Street” movement. Portions of this response were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number DHS/OS/PRIV 12-0085.)
- On July 31, 2012, the Department of Homeland Security (DHS) released to **Geoff King**, an attorney, 642 pages of records related to the “Occupy Wall Street” movement. Portions of this response were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number DHS/OS/PRIV 12-0104.)
- On July 31, 2012, the Department of Homeland Security (DHS) released to **Christopher Cook**, an individual, 642 pages of records related to the “Occupy Wall Street” movement. Portions of this response were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number DHS/OS/PRIV 12-0147.)
- On August 1, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, 29 pages of documents pertaining to planning and costs of DHS OIG conferences and training in fiscal year 2012. Portions of this response were withheld pursuant to FOIA Exemptions 4, 5 and 6. (Case Number OIG 2012-154.)
- On August 2, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting** in Berkeley, California, 76 pages of documents on DHS OIG policies, handling and funding of confidential informants by DHS OIG, from fiscal year 2003 to the present. Portions of this response were withheld pursuant to FOIA Exemptions 6, 7(C), 7(D) and 7(E). (Case Number OIG 2012-113.)
- On August 2, 2012, the Transportation Security Administration (TSA) released to **Joel Chow**, Investigator Producer with **WBNS-TV** in Columbus, Ohio, 15 pages of records consisting of records of customer complaints regarding full-body scanners. Portions of this response were withheld pursuant to FOIA Exemptions 3, 6, and 7(C). (Case Number TSA11-0194.)
- On August 2, 2012, the Transportation Security Administration (TSA) released to **Mark Vinson**, EEO Specialist/Attorney with **American Federation of Government Employees** in Washington, DC, 771 pages of records in full related to TSA’s Vacancy Announcements for all non-Federal Security Director and non-Transportation Security Officer positions announced in Pennsylvania,

Connecticut, New York, and New Jersey from November 1, 2010, through November 1, 2011. (Case Number TSA 12-0609.)

- On August 3, 2012, the Department of Homeland Security (DHS) released to **Julia Angwin**, an editor for *The Wall Street Journal* in New York, New York, 496 pages of records concerning proposed changes to the unclassified “Memorandum of Agreement between the Attorney General and the Director of National Intelligence on Guidelines for Access, Retention, Use and Dissemination by the National Counterterrorism Center of Terrorism Information Contained with Datasets Identified as Including Non-Terrorism Information and Information Pertaining Exclusively to Domestic Terrorism”, which took effect November 4, 2008. Portions of this release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number DHS/OS/PRIV 12-0328.)

#### IV. FOIA Appeals

- On July 31, 2012, the United States Coast Guard (USCG) released to **Matt Jenkins**, a reporter with *High Country News* in Berkley, California, 13 pages of documents consisting of a case report responsive to his appeal of the partial denial of Case Number USCG 2009FOIA 0344. Portions of this response were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number USCG 2011FOIA3185).
- On July 31, 2012, **Tia Ghose**, a Homeland Security Reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, appealed the decision by U.S. Customs and Border Protection (CBP) with regard to her FOIA request seeking performance assessments of contractors performing background investigations for CBP from 2003 to present. The requester is contesting the adequacy of the search and redactions on 173 pages of records made pursuant to FOIA Exemptions 2 and 7(E). (Case Number CBP H229080.)
- On August 1, 2012, **Kimberly Koopman**, an Internet Public Interest Opportunities Clerk and **Ginger McCall**, Open Government Project Director, with **Electronic Privacy Information Center (EPIC)** in Washington, DC, appealed the lack of response by U.S. Customs and Border Protection (CBP) to their request for records related to the use, data collection and data storage of information amassed by License Plate Recognition (LPR) systems used by CBP. (Case Number CBP 229075.)

#### V. FOIA Appeals Releases

- On August 3, 2012, U.S. Customs and Border Protection (CBP) released to **Tia Ghose**, a Homeland Security Researcher with the **Center for Investigative Reporting (CIR)** in Berkeley, California, one page and one disk containing a large amount of information on drug seizures broken down on an individual incident basis in response to her request seeking records regarding the breakdown of drug seizures along the border since 2005 by station and port of entry including citizenship status of those apprehended. (Case Number CBP H216076.)
- On August 3, 2012, U.S. Customs and Border Protection (CBP) released to **Emily Willard**, a Research Associate with **The National Security Archive** in Washington, DC, 30 pages consisting of an autopsy report and a medical

examiner report pertaining to Anastacio Hernandez-Rojas, eight pages consisting of excerpts and attachments to investigative reports and withheld 431 pages consisting of investigative reports pursuant to FOIA Exemptions 6, 7(A), 7(C), 7(E) and 7(F). (Case Number CBP H216415.)

## **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 Weeks of August 3 - 16, 2012**  
**Privacy Office**  
**August 20, 2012**  
**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 13, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the year-to-date Secure Communities Nationwide Interoperability Statistics to the ICE FOIA Library.
- On August 15, 2012, the United States Citizenship and Immigration Services (USCIS) announced that it is accepting requests, effective immediately, for consideration of deferred action for childhood arrivals. On June 15, 2012, Secretary of Homeland Security Janet Napolitano announced that certain people who came to the United States as children and meet other key guidelines might request, on a case-by-case basis, consideration of deferred action.

**II. FOIA Requests**

- On August 6, 2012, **Andrew Becker**, an investigative reporter with the ***Center for Investigative Reporting (CIR)*** in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) a copy of the OIG report of investigation pertaining to the shooting death of Sergio Hernandez-Guereca along the El Paso, Texas border. (Case Number OIG 2012-156.)
- On August 6, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records related to interference and restrictions on noncitizens' access to legal counsel in benefits interviews, interrogations, and other types of administrative proceedings outside of immigration court. (Case Number USCIS COW2012000782.)
- On August 6, 2012, **Meredith Stewart and Katie Schwartzmann**, attorneys with the **Southern Poverty Law Center** in New Orleans, Louisiana, requested from U.S. Immigration and Customs Enforcement (ICE) all records related to all detainers issued by ICE to any Louisiana state or local law enforcement entity on or after January 1, 2009 and related communication between the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), and/or ICE. (Case Number ICE 2012FOIA20325.)
- On August 6, 2012, **Mark Flatten**, an investigative reporter with ***The Washington Examiner*** in Washington, DC, requested from the Transportation Security Administration (TSA) records concerning: (1) the agency's response to Office of Management and Budget (OMB) directives in memoranda M-12-12 and M-11-35; (2) spending on conferences over the past 5 years; and (3) any investigative report from the past 5 years examining the issue of conference costs incurred. (Case Number TSA12-0736.)



- On August 6, 2012, **Jennifer Peebles**, Data Editor with *The Washington Examiner* in Washington, DC, requested from the Department of Homeland Security (DHS) records regarding the Senate-confirmed Presidential appointees, Senior Executive Service and equivalent employees, and Schedule C employees who began work on or after January 20, 2009. (Case Number DHS/OS/PRIV 12-0640.)
- On August 7, 2012, **Alexander Abdo**, a staff attorney with the **American Civil Liberties Union Foundation** and **American Civil Liberties Union (ACLU)** in New York, New York, requested from the Department of Homeland Security (DHS) records created since November 1, 2008, including final memoranda, policies, procedures, directives, guidance, reports, legal analysis, inter and intra-agency correspondence including e-mails, opinions from the Office of Legal Counsel, and training materials pertaining to the Director of National Intelligence's determination to amend the National Counterterrorism Center (NCTC) guidelines. (Case Number DHS/OS/PRIV 12-0644.)
- On August 8, 2012, **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) information on the 2004 management review report by the Joint Assessment Team (JAT) assigned to investigate the conduct of ICE and Drug Enforcement Administration (DEA) personnel during an investigation; the management and handling of an ICE informant; and the relationship among federal law enforcement agencies in the El Paso, Texas and Ciudad Juarez, Chihuahua areas. (Case Number ICE 2012FOIA20707.)
- On August 8, 2012, **Kimberly Koopman**, an Internet Public Interest Opportunities Clerk, and **Ginger McCall**, Open Government Project Director, with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) documents concerning the use, data collection, and data storage of information amassed by License Plate Recognition (LPR) systems used by the Department of Homeland Security (DHS). (Case Number ICE 2012FOIA20811.)
- On August 8, 2012, **Alex Pappas**, a political reporter with *The Daily Caller* in Washington, DC, requested from the United States Secret Service (USSS) all records detailing the expenses of USSS protection for former 2012 Republican presidential candidates Newt Gingrich and Rick Santorum during the 2012 Republican primary. (Case Numbers USSS 20121255-20121256.)
- On August 08, 2012, **Stephen Hudak**, a reporter with *The Orlando Sentinel* in Orlando, Florida, requested from the United States Citizenship and Immigration Services (USCIS) copies of the recent notices dispatched to the Lake Buena Vista Regional Center regarding the Regional Center's status and the appeals correspondence from the Regional Center. (Case Number USCIS COW2012000791.)
- On August 10, 2012, **Linda Lye**, a staff attorney with the **American Civil Liberties Union of Northern California (ACLU-NC)** in San Francisco, California, requested from the Department of Homeland Security (DHS) records created, received, gathered or maintained by the National Communications System (NCS) since March 9, 2006, pertaining to any actual or requested

disruptions of cellular service under Standard Operating Procedure (SOP) 303. (Case Number DHS/OS/PRIV 12-0655.)

- On August 10, 2012, **Susan Long**, Co-Director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, case-by-case information on each removal and return for FY 2012 to date covered by the Secure Communities Nationwide Interoperability Reports. (Case Number ICE 2012FOIA21017.)
- On August 10, 2012, **Steven Dahlman**, a reporter with *Marina City Online* and *Loop North News* in Chicago, Illinois, requested from the United States Coast Guard (USCG) documents concerning a Wendella vessel collision with a dock on or about August 6, 2012, on the Chicago River. (Case Number USCG 2012FOIA3089.)
- On August 13, 2012, **Jennifer Peebles**, Data Editor with *The Washington Examiner* in Washington, DC, requested from the Department of Homeland Security (DHS) records concerning and detailing all travel by the agency's employees paid for by a private source from January 1, 2011, through the present. (Case Numbers DHS/OS/PRIV 12-0658 and NPPD 12F365.)
- On August 13, 2012, **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of correspondence to or from Representative Paul Ryan (R-WI) or his staff from January 3, 1999 through the present. (Case Numbers DHS/OS/PRIV 12-0657, CRCL FOIA 12-050, FLETC FOIA 12-091, USCG 2012FOIA3091, ICE 2012FOIA21323, OPS 12-OPS-058, NPPD 12F366, and USCIS COW2012000802.)
- On August 14, 2012, **Melanie Mason**, a reporter with the *Los Angeles Times/Chicago Tribune* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of any correspondence, including e-mails, between the agency and Representative Paul Ryan (R-WI) or his office from January 3, 1999 through the present. (Case Number DHS/OS/PRIV 12-0663.)
- On August 15, 2012, **Abraham Payton**, Due Diligence Manager with the **American Bridge 21st Century** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of correspondence between Representative Paul Ryan (R-WI) and/or his staffers and the Secretary of the Department of Homeland Security and/or staffers from the office from 2002 through 2012. (Case Number DHS/OS/PRIV 12-0668.)
- On August 13, 2012, **Eileen Sullivan**, a counterterrorism reporter with *The Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) all documents responsive to request PRIV 12-0433, filed on May 4, 2012. (Case Number DHS/OS/PRIV 12-0662.)
- On August 13, 2012, **Brandon Sherman**, a staff attorney with **Cause of Action** in Washington, DC, requested from the Transportation Security Administration (TSA) records related to grants made under the American Recovery and Reinvestment Act (ARRA) in Fiscal Years 2009, 2010, and 2011. (Case Number TSA12-0749.)

- On August 13, 2012, **Brian New**, an investigative reporter with **KENS-5** in San Antonio, Texas, requested from the Transportation Security Administration (TSA) copies of all civil rights and civil liberties complaints filed by travelers from January 2010 through August 2012 related to incidents at San Antonio International Airport. (Case Number TSA12-0750.)
- On August 13, 2012, **Tia Ghose**, a Homeland Security reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) records regarding all underground border tunnels discovered since 1990. (Case Number CBP 2012F28347.)
- On August 13, 2012, **Christopher Sherman**, a reporter with **The Associated Press** in McAllen, Texas, requested from U.S. Customs and Border Protection (CBP) records regarding Southwest border fence construction progress including the number of miles of fencing planned and completed, the earned value and costs, the status of real estate parcels, acquisition, rights of entry and the names of landowners. (Case Number CBP 2012F28346.)
- On August 14, 2012, **Joel Millman**, a reporter with **The Wall Street Journal** in Portland, Oregon, requested from U.S. Immigration and Customs Enforcement (ICE) information pertaining to the average daily population of Department of Homeland Security (DHS) detainees housed in U.S. county jails, chiefly in Western States, since 2009. (Case Number ICE 2012FOIA21380.)
- On August 15, 2012, **Victor Michel**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) any and all information relating to Mexican military and police incursions on U.S. territory during Fiscal Years 2006 through 2012. (Case Number DHS/OS/PRIV 12-0665.)
- On August 15, 2012, **Meghan Hoyer**, a journalist with **USA Today** in McLean, Virginia, requested from the United States Coast Guard (USCG) copies of all inspections performed by the USCG on commercial cruise ships under the Certificate of Compliance program from January 1, 2010, through the present. (Case Number USCG 2012FOIA3125.)
- On August 15, 2012, **Megan Wilson**, a reporter with **The Hill** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of any and all logs of correspondence that include letters from members of Congress from July 1, 2012, through the present to DHS. (Case Number DHS/OS/PRIV 12-0661.)
- On August 16, 2012, **G.W. Schulz**, a homeland security reporter with the **Center for Investigative Reporting (CIR)** in Austin, Texas, requested from U.S. Customs and Border Protection (CBP) a copy of all contracting documents related to CBP's roughly \$250 million program involving the acquisition of unmanned aircraft systems, operational components and related services from General Atomics Aeronautical Systems Inc. (Case Number CBP 2012F28743.)

#### Late Requests

- On August 1, 2012, **Susan Ferriss**, a reporter with the **Center for Public Integrity** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) records related to rejected applications for legal

residency by foreign spouses of U.S. citizens or permanent legal residents, related Congressional correspondence, and I-601 data. (Case Number USCIS COW2012000777.)

- On August 1, 2012, **Jason Leopold**, Lead Investigative Reporter with **Truthout.org** in Beverly Hills, California, requested from the Department of Homeland Security (DHS) all copies, draft and final, of “Occupy Guidance” and/or “Protest Activity Guidance,” which were sent to unnamed DHS officials in the Civil Rights and Civil Liberties (CRCL) division on November 9, 2011, possibly by officials from DHS’ Federal Protective Service (FPS) and any return responses and reports. (Case Number DHS/OS/PRIV 12-0633.)
- On August 2, 2012, **James Arruebarrena**, an attorney in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) documents concerning the designated communications between BP America, Inc. and/or BP American Production Company and the USCG from September 25, 2011 through December 31, 2011. (Case Number USCG 2012FOIA3077.)

### III. FOIA Releases

- On August 7, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Maria Ines Zamudio**, a reporter with **The Chicago Reporter** in Chicago, Illinois, 135 pages of a named individual’s A-file. Portions of the release were withheld pursuant to FOIA Exemptions 3, 5, 6, 7(C), and 7(E). (Case Number USCIS COW2012000563.)
- On August 8, 2012, the United States Citizenship and Immigration Services (USCIS) issued to **Justin McCarthy**, a researcher with **Judicial Watch** in Washington DC, a full denial in response to his FOIA request seeking records pertaining to (b) (6). The records were withheld pursuant to FOIA Exemption 7(A). (Case Number USCIS NRC2012072376.)
- On August 9, 2012, the United States Citizenship and Immigration Services (USCIS), issued to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, a full denial in response to his FOIA request seeking records pertaining to Mohamed Atta. The records were withheld pursuant to FOIA Exemption 7(A). (Case Number USCIS COW2012000781.)
- On August 9, 2012, the United States Citizenship and Immigration Services (USCIS) issued a no records determination to **Dan Mihalopoulos**, a reporter with the **Chicago Sun Times** in Chicago, Illinois, in response to his FOIA request seeking records pertaining to (b) (6) and the North Atlantic Treaty Organization Summit. (Case Number USCIS COW2012000773.)
- On August 9, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, an 11-page report of investigation pertaining to a former Secret Service employee. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number OIG 2012-153.)
- On August 9, 2012, the United States Coast Guard (USCG) released to **Linda Trischitta**, a reporter with **The Sun Sentinel** in Fort Lauderdale, Florida, 160

pages of records consisting of a case report, radio logs, maps, and weather reports related to a missing boater whose vessel washed up on Fort Lauderdale Beach on June 20, 2012. These records were released in full. (Case Number USCG 2012FOIA2651.)

- On August 9, 2012, the United States Coast Guard (USCG) released to **Claudette Juska**, a researcher with **Greenpeace** in Washington, DC, 246 pages of records consisting of Navigation and Inspection Circulars, memoranda, and the Foreign Tank Vessel Examination Book related to violations of the Port of Operation Manual by the Louisiana Offshore Oil Port (LOOP) and all inspections of the LOOP. Portions of the release were withheld pursuant to FOIA Exemptions 3, 4, and 5. (Case Number USCG 2010FOIA3004.)
- On August 9, 2012, the United States Coast Guard (USCG) released to **Ian Urbina**, a reporter with **The New York Times** in Washington, DC, 246 pages of records consisting of Navigation and Inspection Circulars, memos, and the Foreign Tank Vessel Examination Book. Portions of the release were withheld pursuant to FOIA Exemptions 3, 4, and 5. (Case Number USCG 2010FOIA3313.)
- On August 9, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-Director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 88 pages of records consisting of all available versions of the ENFORCE Alien Removal Module (EARM) Data Dictionary. Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number ICE 2012FOIA11894.)
- On August 9, 2012, the Department of Homeland Security (DHS), Office of Policy (PLCY) released to **Craig Cheatham**, an investigative reporter with **KMOV-TV** in St. Louis, Missouri, a three-page document responsive to his FOIA request regarding previously released documents to a previously processed FOIA request from David Barr. These records were released in full. (Case Numbers DHS/OS/PLCY 12-2034 and DHS/OS/PRIV 12-0381.)
- On August 13, 2012, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **Craig Cheatham**, an investigative reporter with **KMOV-TV** in St. Louis, Missouri, 20 pages of records consisting of Congressional and stakeholder correspondence and talking points regarding the National Bio Argo Defense Facility. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0335.)
- On August 13, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, 24 pages of its annual reports to the Attorney General from 2003 to the present. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number OIG 2012-098.)
- On August 14, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, one page of travel costs associated with the DHS-OIG Office of Investigations conference in

Denver, Colorado. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number OIG 2012-082.)

- On August 15, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Emily Willard**, a research associate with the **National Security Archive** in Washington, DC, two pages of records responsive to her FOIA request regarding the arrest of 49 Central American immigrants from a house on Hiram Clark Road in Houston, Texas on March 23, 2012. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2012FOIA09880.)
- On August 15, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Justin Storch**, a law student at the **American University Immigrant Justice Center** in Washington, DC, available statistics concerning reports of human trafficking received at ICE from 2007 through the present. The record was released in full. (Case Number ICE 2012FOIA11573.)
- On August 15, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jason Cherkis**, a reporter with the **Huffington Post** in Washington, DC, one document and one excel spreadsheet containing the number of illegal immigrants who were hospitalized while in custody during 2011 and the number of illegal immigrants who were placed in solitary confinement during 2011. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA14876.)
- On August 16, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Janet Sosa**, a paralegal with the **Southern Law Poverty Center** in Atlanta, Georgia, eight pages of records responsive to her FOIA request regarding ICE cooperation with the City of Pearl Police Department in Mississippi. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2012FOIA03273.)
- On August 16, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Dianne Solis**, a reporter with the **Dallas Morning News** in Dallas, Texas, a one-page document containing the names of companies that contracted with ICE for transportation and removal programs at ICE's Dallas Field Office for Enforcement and Removal Operations. The record was released in full. (Case Number ICE 2012FOIA11327.)
- On August 16, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Rich Jones**, a reporter with **MuckRock News** in Boston, Massachusetts, 11 pages of records consisting of documents mentioning Samir ibn Zafar Khan. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number USCIS NRC2012047847.)
- On August 16, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Cornelius Frolik**, a staff writer with the **Dayton Daily News** in Dayton, Ohio, eight pages of records including a list of sub-grantees and agencies in Ohio who received grants, how much they received, and how long they waited to receive funds. These records were released in full. (Case Number OIG 2012-129.)
- On August 16, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Melissa Crow**, Director of the Legal Action

Center with the **American Immigration Council (AIC)** in Washington, DC, two pages of narratives of complaints received by OIG responsive to her FOIA request seeking records pertaining to U.S. Customs and Border Protection (CBP) personnel in 9-1-1 dispatch activities from January 2009 through the present. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(A) and 7(C). (Case Number OIG 2012-135.)

#### **IV. FOIA Appeals**

- NSTR

##### **Late Appeals**

- On July 23, 2012, **Andrea Callan**, an attorney with the **New York Civil Liberties Union (NYCLU)** in New York, New York, appealed the U.S. Customs and Border Protection's (CBP) response to her request for all records relating to the stop and detention of an individual on April 16, 2010, near Sodus, New York. The requester is contesting the redactions on 10 pages of records made pursuant to FOIA Exemptions 6, 7(C) and 7(E). (Case Number CBP H230150.)
- On August 2, 2012, **Melissa Crow**, Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington, DC, appealed the decision by U.S. Customs and Border Protection (CBP) to deny her request for a fee waiver related to her request for records concerning the participation of CBP personnel in 9-1-1 dispatch activities from January 2009 through the present. (Case Number CBP H229997.)
- On August 2, 2012, **Melissa Crow**, Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington, DC, appealed the decision by U.S. Customs and Border Protection (CBP) to deny her request for a fee waiver related to her request for records concerning the use of CBP personnel to provide interpretation and/or translation services to local, state, or other federal law enforcement agencies from January 2009 through the present. (Case Number CBP H230383.)

#### **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

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**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 Weeks of August 17 - 30, 2012**  
**Privacy Office**  
**September 4, 2012**  
**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 22, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the year-to-date Secure Communities Nationwide Interoperability Statistics (52 pages) to the ICE FOIA Library.
- On August 22, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the ICE Employee Code of Conduct (seven pages) to the ICE FOIA Library.
- On August 22, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the ICE Sexual Abuse and Assault Prevention and Intervention Policy (16 pages) to the ICE FOIA Library.
- On August 22, 2012, U.S. Immigration and Customs Enforcement (ICE) posted six Office of Detention Oversight Compliance Inspection forms (149 pages) to the ICE FOIA Library.
- On August 29, 2012, U.S. Immigration and Customs Enforcement (ICE) posted 3 local arrangements for the repatriation of Mexican Nationals, totaling 85 pages, to the ICE FOIA Library, and created a new tab for Repatriation Agreements.

**II. FOIA Requests**

- On August 17, 2012, **Stephanie Nielsen**, a researcher with the **Democratic Senatorial Campaign Committee** in Washington, DC, requested from the Department of Homeland Security (DHS) all correspondence between DHS and former Department of Health and Human Services (HHS) Secretary and Governor Tommy G. Thompson (R-WI) regarding anthrax and anthrax response efforts from February 2005 through the present and correspondence between DHS and any representatives of PharmAthene. (Case Number DHS/OS/PRIV 12-0685.)
- On August 17, 2012, **Alissa Bohling**, Assistant Editor and reporter with **Truthout** in Portland, Oregon, requested from the Transportation Security Administration (TSA) documents pertaining to complaints lodged by individuals who identified themselves as ‘transgender’ and have filed complaints due to questions about their gender identity raised by TSA staff at airports, train stations, subways and other mass transit, as well as documents pertaining to incidents involving traveling individuals whose gender presentation was called into question by TSA security personnel, or whose gender presentation raised suspicions. (Case Number TSA 12-0774.)
- On August 17, 2012, **Russ Ptacek**, a reporter with **WUSA 9 News** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) all notes, e-mails and correspondence regarding agent Ezequiel Garcia’s (deceased) EEO complaints, or his comments, interactions, or anything in regard to a hostile work place, stress in the work place, or threats of removal or demotion; and (2) any audio tapes, transcripts, e-mails, video

recordings, digital files, reports or correspondence regarding (b) (6), (b) (7)(C) comments at the 2012 WAFA conference, or any comments purported to (b) (6) sing derogatory or questionable verbiage in reference to females. (Case Number ICE 2012FOIA21822.)

- On August 20, 2012, **Wendy Ruderman**, a reporter with *The New York Times* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) grant documents regarding a facial-recognition program pilot to be launched by the New York Metropolitan Transportation Authority in conjunction with the New York City Police Department on subway turnstiles at the 42<sup>nd</sup> Street and 34<sup>th</sup> Street stops. (Case Number FEMA 12-694.)
- On August 21, 2012, **Russ Ptacek**, a reporter with *WUSA 9 News* in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) copies of all e-mails from January 1, 2010 through the present from or to (b) (6) regarding Staffing for Adequate Fire and Emergency Response (SAFER) Grants and the International Association of Firefighters (IAFF). (Case Number FEMA 12-695.)
- On August 21, 2012, **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all communications via text messages and Blackberry Communicator to or from Suzanne Barr's government-issued cell phone. (Case Number ICE 2012FOIA22103.)
- On August 21, 2012, **Andrew Medici**, a reporter with the *Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS) copies of all current cost estimates and planning documents related to the ongoing consolidation/construction of a new DHS headquarters at the St. Elizabeth's Hospital site in Washington, DC. (Case Number DHS/OS/PRIV 12-0688.)
- On August 22, 2012, **Monica Buchanan**, an investigative reporter with *NBC Connecticut News* in West Hartford, Connecticut, requested from the Federal Emergency Management Agency (FEMA) information pertaining to flood insurance claims filed after Tropical Storm Irene in the state of Connecticut. (Case Number FEMA 12-700.)
- On August 22, 2012, **Nathan Brown**, a reporter with the *Times Herald-Record* in Middletown, New York, requested from the Federal Emergency Management Agency (FEMA) any reports, documentation, and correspondence related to damages caused by Hurricane Irene and Tropical Storm Lee to the culvert at East Avenue and Fulton Street in Middletown, New York; to the city of Middletown's Department of Public Works garage on Monagen Avenue; and to the flood diversion wall on county Route 78. (Case Number FEMA 12-701.)
- On August 22, 2012, **Maria Sacchetti**, a reporter with *The Boston Globe* in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) statistical information about every detainee currently held by ICE. (Case Number ICE 2012FOIA22205.)
- On August 23, 2012, **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the attendee roster and any other document that lists the people

who attended the ICE Intelligence Training Conference in New Orleans on May 30-31, 2012. (Case Number ICE 2012FOIA22318.)

- On August 23, 2012, **Guillaume Buell**, an attorney with Beirne, Maynard, and Parsons, LLP, in Houston, Texas, requested from the United States Coast Guard (USCG) a copy of the report issued by ModuSpec U.S.A., Inc. in April 2010 concerning the DEEPWATER HORIZON oil spill and any documents or recordings concerning the vessel NOBLE JIM DAY from January 1, 2009 through April 1, 2012. (Case Number USCG 2012FOIA3209.)
- On August 23, 2012, **Vanessa Cantley**, an attorney with **Bahe, Cook, Cantley & Nefzger, PLC**, in Louisville, Kentucky, requested from U.S. Immigration and Customs Enforcement (ICE) the complete alien file, including any documentation regarding Ana Ramirez Romero's incarceration in Kentucky, who died while in custody. (Case Number ICE 2012FOIA22999.)
- On August 23, 2012, **Cornelius Frolik**, a staff writer with the *Dayton Daily News* in Dayton, Ohio, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records related to sub-grantees referenced in DHS-OIG report number OIG-12-17 entitled, "The State of Ohio's Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Years 2007 through 2009." (Case Number OIG 2012-162.)
- On August 23, 2012, **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) documents showing the annual salary of Suzanne Barr for each year from 2009 to the present, as well as all emails related to her compensation, and all documents memorializing her raises along with the date and amount of those raises. (Case Number ICE 2012FOIA22403.)
- On August 24, 2012, **Paola Bichara**, researcher with **The National Security Archive** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records pertaining to the results of the evaluations of the committee established by the Mexico City U.S. Embassy in 2008 which was expected to evaluate human trafficking issues on the six following projects: Political, Public Affairs, Agency for International Development, Department of Justice, and Immigration and Customs Enforcement. (Case Number CBP 2012F29665.)
- On August 27, 2012, **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) all records regarding implementation of deferred action and/or prosecutorial discretion procedures for undocumented individuals who entered the United States as minors as well as National Standard Operating Procedures for Deferred Action for Childhood Arrivals (DACA). (Case Number USCIS COW2012000822.)
- On August 27, 2012, **Inkoo Kang**, a representative with *Muckrock News* in Boston, Massachusetts, requested from the United States Coast Guard (USCG) documents concerning the USCG and the film 'X-Men First Class'. (Case Number USCG 2012FOIA3265.)
- On August 27, 2012, **Colleen King**, a reporter with *The Ocean Star* in Point Pleasant Beach, New Jersey, requested from the United States Coast Guard

(USCG) a copy of the report regarding the search and rescue of two individuals on August 25, 2012 in the Mansquan Inlet. (Case Number USCG 2012FOIA3260.)

- On August 28, 2012, **Stanley Tromp**, a freelance journalist in Vancouver, British Columbia, Canada, requested from the United States Coast Guard (USCG) documents concerning pipeline and oil spills in Canada. (Case Number USCG 2012FOIA3278.)
- On August 29, 2012, **Daniel Ford**, an attorney with **Columbia Legal Services** in Seattle, Washington, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to the participation of U.S. Customs and Border Protection (CBP) personnel in 9-1-1 dispatch activities from January 2009 through the present. (Case Number OIG 2012-165.)
- On August 29, 2012, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records concerning mission taskings, transportation costs, and passenger manifests for President Obama's June 25, 2012 visit to Boston, Massachusetts. (Case Number USSS 20121344-20121346.)

#### Late requests

- On August 14, 2012, **Todd Keil**, former Assistant Secretary for Infrastructure Protection with the Department of Homeland Security (DHS), National Preparedness and Programs Directorate (NPPD) in McKinney, Texas, requested copies of all written communications on all DHS systems including, but not limited to e-mails, memoranda, records of conversations, review/approval/routing slips, and all background documents pertaining to his departure from the agency on February 10, 2012. (Case Numbers DHS/OS/PRIV 12-0667 and NPPD12F392.)
- On August 15, 2012, **Philip Munson**, a research associate with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) all communications between DHS and Representative W. Todd Akin (R-MO) and his staff from January 2001 through the present. (Case Number DHS/OS/PRIV 12-0659.)
- On August 15, 2012, **Jason Smathers**, a reporter with **Muckrock News** in Boston Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all records of communications between the Department of Homeland Security (DHS) and the Federal Government of Mexico regarding Arizona immigration law SB 1070. (Case Number 2012FOIA22477.)
- On August 16, 2012, the U.S. Transportation Command (USTRANSCOM) referred to the United States Coast Guard (USCG) documents responsive to a request from **Allison Rumsey**, an attorney with Arnold and Porter, LLP, in Washington, DC, concerning the TRANSCOM Military Interdepartmental Purchase Request 28-10-84-0-V-YY-89 associated with the response to the DEEPWATER HORIZON. (Case Numbers USCG 2012FOIA3210-3211.)

### III. FOIA Releases

- On August 16, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Melissa Crow**, Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington, DC, 8 pages of investigative database tracking sheets and a narrative of a complaint received by OIG pertaining to the U.S. Customs and Border Protection (CBP) providing interpretation services to other law enforcement agencies. Portions of this release were withheld pursuant to FOIA Exemptions 6, 7(A), and 7(C). (Case Number OIG 2012-139.)
- On August 17, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Damien Cave**, a reporter with *The New York Times* in Mexico City, Mexico, a spreadsheet of ICE Office of Professional Responsibility cases regarding allegations of misconduct for ICE employees stationed in Mexico, the Caribbean, and Central America. Portions of this release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(A). (Case Number ICE 2012FOIA11905.)
- On August 20, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **G.W. Schulz**, a staff reporter with the *Center for Investigative Reporting (CIR)* in Austin, Texas, an Excel spreadsheet including general information regarding complaints received by DHS-OIG addressing misconduct among employees and government contractors with the U.S. Border Patrol. These records were released in full. (Case Number OIG 2012-069.)
- On August 20, 2012, the Department of Homeland Security (DHS), Office of Operations Coordination and Planning (OPS), issued to **Dan Mihalopoulos**, a reporter with the *Chicago Sun Times* in Chicago, Illinois, a no records determination in response to his FOIA request seeking records pertaining to (b) (6) and the North Atlantic Treaty Organization Summit. (Case Number DHS/OS/PRIV 12-0616 and OPS Case Number 12-OPS-053.)
- On August 21, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Grace Meng**, a researcher, U.S. Program, with **Human Rights Watch** in New York, New York, two spreadsheets containing ICE individual record data for all non-citizens referred by ICE or U.S. Customs and Border Protection (CBP) for criminal prosecution under 8 U.S.C. §1.325 for “Improper Entry by Alien,” and/or under 8 U.S.C. §1326 for “Reentry of Removed Aliens,” from FY2004 through the present. Portions of this release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA16373.)
- On August 21, 2012, the Federal Law Enforcement Training Center (FLETC) issued to **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, a no records determination in response to his FOIA request seeking copies of correspondence to or from Representative Paul Ryan (R-WI) or his staff from January 3, 1999 through the present. (Case Number FLETC FOIA 12-091.)
- On August 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Rebecca Evans**, a freelance journalist with **ThreeBeats Media** in Auburndale, Massachusetts, a spreadsheet containing information and statistics concerning the status of the 361 detainees apprehended during the Michael Bianco Operation in

New Bedford, Massachusetts on March 6, 2007. Portions of this release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2012FOIA13327.)

- On August 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Joel Millman**, a reporter with *The Wall Street Journal* in Portland, Oregon, a list of United States religious schools and the number of students attending with F1 visas from China, South Korea, and Vietnam. These records were released in full. (Case Number ICE 2012FOIA13672.)
- On August 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Charlie Frago**, a reporter with the *Arkansas Democrat-Gazette* in Little Rock, Arkansas, two spreadsheets containing the number of detainees issued as a result of the Secure Communities program in Arkansas from FY 2009 through the present. These records were released in full. (Case Number ICE 2012FOIA14357.)
- On August 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Lewis Kamb**, a reporter with *The News Tribune* in Tacoma, Washington, two spreadsheets containing ICE Enforcement and Removal Operations apprehensions, detentions, and deportations from the Northwest Detention Center and nationwide. (Case Number ICE 2012FOIA16372.)
- On August 22, 2012, the Transportation Security Administration (TSA) released to **Michael Worsham**, an attorney in Forest Hill, Maryland, 7 pages of records consisting of TSA environmental consideration records. Portions of this release were withheld pursuant to FOIA Exemptions 3 and 6. (Case Number TSA 12-0160.)
- On August 22, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Mark Roberts**, Chief Executive Officer (CEO) of *Tech Serve Alliance* in Alexandria, Virginia, 4,326 pages of material consisting of e-mails, standard operating procedures, draft standard operating procedures, draft memoranda, and Excel spreadsheets pertaining to the issuance of h-1B visas. Portions of the release were withheld pursuant to FOIA Exemptions 3, 5, and 6. (Case Number USCIS COW2010000325.)
- On August 23, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Roger Carter**, a journalist with the **Tea Party Patriots Journalism Government Accountability Project** in Woodstock, Georgia 7 pages of records responsive to his FOIA request regarding a copy of the Form G-79A or equivalent completed by or on behalf of (b) (6), the beneficiary of Private Senate (b) (6), introduced by Senator Saxby Chambliss on 2/14/11. Portions of this release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA08482.)
- On August 23, 2012, the United States Citizenship and Immigration Services (USCIS) issued to **Melissa Arseniuk**, a reporter with *The Daily* in New York, New York, a no records determination in response to her FOIA request for copies of any records, (electronic, print or otherwise) including invoices, estimates, memos, meetings, conference calls, e-mails or other transactions between any Department of Homeland Security (DHS) official, employee or representative and

any Location Solvers official, employee or representative. (Case Number USCIS COW2012000456.)

- On August 24, 2012, the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) released to **Melissa Crow**, Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington DC, 89 pages of records consisting of e-mails and memoranda pertaining to the use of U.S. Customs and Border Protection (CBP) personnel to provide interpretation and/or translation services to other law enforcement agencies from 2009 through the present. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number CRCL 12-039.)
- On August 24, 2012, the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) released to **Melissa Crow**, Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington DC, 93 pages of records consisting of emails and memoranda pertaining to the participation of U.S. Customs and Border Protection (CBP) personnel, including U.S. Border Patrol agents, in 9-1-1 dispatch activities from 2009 through the present. Portions of the response were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number CRCL 12-040)
- On August 27, 2012, the Transportation Security Administration (TSA) released to **Daniel Krauth**, a reporter with **WPTV-Newschannel 5** in West Palm Beach, Florida, 12 pages of records consisting of TSA passenger complaints and claims data from West Palm Beach International Airport from January 1, 2010 through June 1, 2011. Portions of the release were withheld pursuant to FOIA Exemptions 2 and 6. (Case Number TSA 11-0652.)
- On August 29, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Maria Ines Zamudio**, a reporter with the **Chicago Reporter** in Chicago, Illinois, 14 pages of data responsive to her FOIA request regarding visas granted in Illinois (both H2A and H2B). The records were released in full. (Case Number USCIS COW2012000332.)
- On August 30, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, a full denial in response to his FOIA request seeking records pertaining to the DHS-OIG McAllen Field Office and investigations stemming from the September 2011 inspection of that office. The records were withheld pursuant to FOIA Exemption 7(A). (Case Number OIG 2012-070.)

#### IV. FOIA Appeals

- On August 24, 2012, **Sally C. Newman**, an attorney with the **Southern Environmental Law Center** in Charleston, South Carolina, appealed the decision by U.S. Customs and Border Protection's (CBP) response to her request for all documents in the possession of CBP concerning the South Carolina State Ports Authority's cruise operations in the City of Charleston. The requester is contesting the withholding of 39 pages of records in their entirety and the redactions on 15 pages of records all made pursuant to FOIA Exemptions 6, 7(C), and 7(E). The requester is also contesting the determination that the South

Carolina State Ports Authority records are not agency records. (Case Number CBP H232598.)

## V. FOIA Appeals Releases

- On August 17, 2012, U.S. Customs and Border Protection (CBP) released to **Andrea Callan**, an attorney with the **New York Civil Liberties Union (NYCLU)** in Washington, DC, 17 pages of re-released information and 12 pages of new information consisting of travel-related records. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C) and 7(E). Five full pages of records consisting of a draft laboratory analysis were withheld pursuant to FOIA Exemptions 5, 7(A), and 7(E). (Case Number CBP H224515.)
- On August 24, 2012, U.S. Customs and Border Protection (CBP) granted a fee waiver to **Melissa Crow**, Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington, DC, related to her request for records concerning the participation of CBP personnel in 9-1-1 dispatch activities from January 2009 through the present. (Case Number CBP H229997.)

## VI. Lawsuits

- In the matter of *Americans for Immigrant Justice v. ICE*, (D.D.C. 12-cv-00038), Plaintiffs filed a complaint on January 10, 2012 claiming constructive denial and that ICE improperly denied them a fee waiver relating to their December 22, 2010, FOIA request seeking records regarding ICE's resumption of deportations to Haiti. On August 24, 2012, ICE issued its third interim release to the Plaintiffs, containing 125 pages of responsive records.
- In the matter of *American Immigration Council v. DHS*, (D.D.C. 12-cv-00856), in which plaintiff has claimed constructive denial with regard to a FOIA request, dated March 14, 2011, seeking records relating to an alien's right to have counsel present during interactions with ICE. Plaintiffs filed suit on May 31, 2012. On August 30, 2012, ICE FOIA produced its second interim response, totaling 1,865 pages of responsive records, to the Plaintiffs, as well as a Vaughn index for the first interim release of 1084 pages that was produced on August 13, 2012.
- In the matter of the *National Immigration Project of the National Lawyers Guild v. U.S. Department of Homeland Security*, (S.D.N.Y. 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 June 25, 2012, the Court ruled against ICE regarding the use of the Deliberative Process, Attorney-Client and Attorney Work Product privileges, and ordered ICE to re-process and re-release approximately 6,000 pages records without using FOIA Exemption 5, and to release the remaining 16,000 pages of records by August 31, 2012. On August 30, 2012, ICE FOIA produced a total of 7165 pages of the remaining records, and re-released 954 pages of the previously released records that had been ordered to be re-processed pursuant to the June 25 order of the Court.



## **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 31 – September 6, 2012**  
**Privacy Office**  
**September 10, 2012**  
**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 4, 2012, U.S. Immigration and Customs Enforcement (ICE) posted 28 Local Arrangements for the Repatriation of Mexican Nationals to the ICE FOIA Library.
- On September 6, 2012, U.S. Immigration and Customs Enforcement (ICE) posted two Local Arrangements for the Repatriation of Mexican Nationals to the ICE FOIA Library.
- On September 6, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the June and July FOIA logs to the ICE FOIA Library.

**II. FOIA Requests**

- On August 31, 2012, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous case-by-case information on each of ICE's removals (including returns) for August 2012. (Case Number ICE 2012FOIA23158.)
- On August 31, 2012, **Joe Mahr**, a reporter with the *Chicago Tribune* in Schaumburg, Illinois, requested from the Federal Emergency Management Agency (FEMA) any records of applications, correspondence, and/or audits relating to grants provided to the City of Countryside, Illinois or the non-profit group, Illinois Regional Air Support Service, since January 1, 2004. (Case Number FEMA 12-711.)
- On August 31, 2012, **John Phillips**, a representative with **Alaniz and Schraeder, LLP** in Houston, Texas, requested from the Transportation Security Administration (TSA) the current collective bargaining agreement between TSA and the American Federation of Government Employees (AFGE) and any previous collective bargaining agreements entered into by TSA. (Case Number TSA12-0798.)
- On August 31, 2012, **John Busch**, an individual in Bowie, Maryland, requested from the Transportation Security Administration (TSA) various records regarding the recent reorganization of the TSA Office of Inspection. (Case Number TSA12-0802.)
- On August 31, 2012, **Elizabeth Wagner**, Investigative Producer with *NBC Bay Area News* in San Jose, California, requested from the Transportation Security Administration (TSA) an electronic database of all complaints filed with TSA for all TSA commercial airports from January 1, 2002, through the present. (Case Number TSA12-0803.)
- On September 4, 2012, **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Woodstock, Georgia, requested from U.S. Immigration and

Customs Enforcement (ICE) records sufficient to show the details of the settlement reached between the U.S. Government and (b) (6) in the case (b) (6) v. *United States of America* – civil case No. 4:12-cv-75 (CDL). (Case Number ICE 2012FOIA23212.)

- On September 4, 2012, **Christina Ng**, a reporter with **ABCNews** in New York, New York, requested from the United States Coast Guard (USCG) documents related to the search and rescue of an individual who went missing on June 20, 2012. (Case Number USCG 2012FOIA3328.)
- On September 4, 2012, **Ivy Nowinski**, an associate with **Condon & Forsyth, LLP** in Los Angeles, California, requested from the Transportation Security Administration (TSA) copies of all documents that contain a TSA order or advisory opinion to prohibit passengers from congregating or forming lines on domestic flights and international flights to and from the United States. (Case Number TSA12-0804.)
- On September 5, 2012, **Maria Ines Zamudio**, a reporter with the **Chicago Reporter** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records of all removals broken down by type of removal, country of origin, age, and charge for which deportation was ordered for all removals within the jurisdiction of the Chicago Immigration Court since 2007. (Case Number ICE 2012FOIA23259.)
- On September 5, 2012, **Maria Ines Zamudio**, a reporter with the **Chicago Reporter** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) information regarding the cost of deportation for each illegal alien within the jurisdiction of the Chicago Immigration Court since 2007. (Case Number ICE 2012FOIA23316.)
- On September 6, 2012, **Melissa Blasius**, a reporter with **KPNX-TV** in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all investigative reports and photos regarding an ICE Homeland Security Investigations (HSI) operation on or about June 5, 2012, on a home on Paseo del Sur in Nogales, Arizona in which ICE agents seized over 32,000 rounds of ammunition. (Case Number ICE 2012FOIA23369.)

#### Late requests

- On August 30, 2012, the Office of the Director of National Intelligence (ODNI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Nusrat Choudhury**, a staff attorney with the National Security Project with the **American Civil Liberties Union (ACLU)** in New York, New York, seeking records pertaining to the scope and implementation of the Federal Bureau of Investigation's eGuardian program. (Case Number DHS/OS/PRIV 12-0705.)
- On August 30, 2012, the Drug Enforcement Agency (DEA) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Kate Doyle**, Director of the Evidence Project with **The National Security Archive** in Washington, DC, seeking all documents related to the creation, policies and operations of the Border Enforcement Security Task Force (BEST) and Operation Armas Cruzadas. (Case Number DHS/OS/PRIV 12-0706.)

### III. FOIA Releases

- On August 30, 2012, the Transportation Security Administration (TSA) released to **Michael Vartinen**, a reporter with *The Associated Press*, Albany, New York, eight pages of records regarding staffing, budgeting, confiscated items, and passenger throughput at the Albany International Airport. These records were released in full. (Case Number TSA11-0873.)
- On August 31, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Maria Ines Zamudio**, a reporter with the *Chicago Reporter* in Chicago, Illinois, 402 pages of records consisting of A-File material related to a named individual. Portions of the release were withheld pursuant to FOIA Exemptions 3, 6, and 7(C). Additionally, 37 pages were referred in full to U.S. Immigration and Customs Enforcement (ICE). (Case Number USCIS COW2012000558.)
- On August 31, 2012, the United States Coast Guard (USCG) released to **Steven Dahlman**, a reporter with *Marina City Online* and *Loop North News* in Chicago, Illinois, 17 pages of records consisting of a case report, case logs, and e-mails related to a Wendella vessel collision with a dock on or about August 6, 2012, on the Chicago River. These records were released in full. (Case Number USCG 2012FOIA3089.)
- On August 31, 2012, the United States Coast Guard (USCG) released to **Ryan Naquin**, a reporter with *NewsChannel 15* in Myrtle Beach, South Carolina, 99 pages of records consisting of a case report, case logs, a SAR report, enforcement reports, and test results in response to his request pertaining to a scuba death on July 24, 2012, involving Coastal Scuba as well as any violations concerning Coastal Scuba within the last five years. These records were released in full. (Case Number USCG 2012FOIA2993.)
- On August 31, 2012, the United States Coast Guard (USCG) issued a no-records determination to **Dan Mihalopoulos**, a reporter with the *Chicago Sun-Times* in Chicago, Illinois, in response to his request seeking records pertaining to (b) (6) and the North Atlantic Treaty Organization (NATO) summit meeting held in May 2012. (Case Number USCG 2012FOIA2916.)
- On August 31, 2012, the Department of Homeland Security (DHS) released to **Mark Flatten**, an investigative reporter with the *Washington Examiner* in Washington, DC, 927 pages of correspondence logs which track communications from members of Congress from January 1, 2011, through July 3, 2012, and a key of terms. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0543.)
- On September 4, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Melissa del Bosque**, an investigative reporter with *Texas Observer Magazine* in Austin, Texas, 35 pages of complaint intake documents and reports of investigation for eight DHS-OIG case numbers specified in her request. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number OIG 2012-145.)
- On September 4, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Daniel Ford**, an attorney with **Columbia**

**Legal Services** in Seattle, Washington, 11 pages of complaint intake documents and two spreadsheets of complaint narratives pertaining to U.S. Customs and Border Protection (CBP) personnel participation in 9-1-1 dispatch activities. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(A), and 7(C). (Case Number OIG 2012-165.)

- On September 5, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Scott Hodes**, an attorney in Washington, DC, 247 pages of records consisting of A-File material related to a named individual. Portions of the release were withheld pursuant to FOIA Exemptions 3, 6, 7(C), and 7(E). (Case Number USCIS NRC2012065556.)
- On September 5, 2012, the Department of Homeland Security (DHS) released to **Andrew Becker**, a staff reporter with the ***Center for Investigative Reporting (CIR)*** in Berkeley, California, 6 pages of e-mail records reflecting communications between DHS personnel in response to his request for records regarding a Federal Bureau of Investigation, and/or Department of Justice, and/or federal grand jury investigation of the Department of Homeland Security (DHS), Office of Inspector General (OIG) and any related field office, including but not limited to Dallas and McAllen as well as records regarding misconduct and/or corruption allegations and/or investigations involving DHS employees from February 2012 through April 24, 2012. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0407.)
- On September 6, 2012, the Department of Homeland Security (DHS) released to **Steven Emerson**, President with ***SAE Productions*** in Washington, DC, 33 pages of records pertaining to the January 18, 2012, meeting on Countering Violent Extremism in which Secretary Napolitano participated. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(F). (Case Number DHS/OS/PRIV 12-0260.)
- On September 6, 2012, the Department of Homeland Security (DHS) released to **Khaliah Barnes**, Open Government Fellow, and **Ginger McCall**, Director, Open Government Project, with the ***Electronic Privacy Information Center (EPIC)*** in Washington, DC, 24 pages of records consisting of talking points, biographies and other information pertaining to the January 18, 2012, White House Conference on Domestic Terrorism. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(F). (Case Number DHS/OS/PRIV 12-0297.)

#### **IV. FOIA Appeals**

- On August 28, 2012, **G.W. Schulz**, a homeland security reporter with the ***Center for Investigative Reporting (CIR)*** in Austin, Texas, appealed the decision by U.S. Customs and Border Protection (CBP) with regard to his FOIA request seeking mission and purpose statements, technical capabilities, legal authorizations, internal evaluations and assessments of both BORTAC and BORSTAR, tactical units inside the U.S. Border Patrol. The requester is contesting the adequacy of the search and redactions on 11 pages of records made pursuant to FOIA Exemption 7(E). (Case Number CBP H232971.)
- On September 6, 2012, **James Odato**, a reporter with the ***Albany Times Union*** in Albany, New York, appealed the decision by the Department of Homeland

Security (DHS), Office of Inspector General (OIG) with regard to his FOIA request seeking investigative records related to a specific individual in a DHS-OIG case. The requester is contesting the use of FOIA Exemption 7(C) to neither confirm nor deny the existence of investigative records related to a specific individual. (Case Number OIG 2012-A19.)

## V. FOIA Appeals Releases

- On September 5, 2012, U.S. Customs and Border Protection (CBP) granted a fee waiver to **Melissa Crow**, Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington, DC, related to her FOIA request for records concerning the use of CBP personnel to provide interpretation and/or translation services to local, state, or other federal law enforcement agencies from January 2009 through the present. (Case Number CBP H230383.)

## VI. Lawsuits

- In the matter of *ACLU of Southern California v. ICE*, (C.D. Cal. 11-cv-10148), in which plaintiffs challenged ICE's denial of their fee waiver for a FOIA request filed January 19, 2011, seeking records related to a worksite enforcement action conducted at Terra Universal in June 2010. Plaintiffs filed suit on December 7, 2011. On August 31, 2012, ICE submitted a declaration and Vaughn index to the Court, describing both the search for responsive records and the exemptions claimed in those records.
- In the matter of *Qatanani v. DHS*, (D.N.J. 12-cv-00498), in which plaintiff challenged ICE's withholding in response to two FOIA requests, one filed with ICE and the other filed with USCIS and ultimately referred to ICE, dated January 10, 2012. ICE denied the request due to an ongoing investigation, but upon receipt of the referral from USCIS, processed and released records. Plaintiff filed suit on August 24, 2012.

## **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 7 – 13, 2012

### Privacy Office

September 17, 2012

### 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 7, 2012, **Andrew Medici**, a journalist with *Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS) records of all preparation and planning documents related to the automatic spending cuts incurred January 2 as part of the Budget Control Act. (Case Number DHS/OS/PRIV 12-0712.)
- On September 7, 2012, **Zachary Katznelson**, Senior Staff Attorney with the **American Civil Liberties Union (ACLU)** in New York, New York, requested from the Department of Homeland Security (DHS) records regarding individual disposition decisions made by the Guantanamo Review Task Force for each of the 240 Guantanamo Bay prisoners whose cases were considered. (Case Number DHS/OS/PRIV 12-0712.)
- On September 4, 2012, **R. Andy Priest**, Director, **Next-Generation DHS Law Enforcement Agency Project, 1949**, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) records pertaining to travel, leave, and other information with specific references to SES and GS-15 level Federal Protective Service (FPS) personnel. (Case Number NPPD12F399.)
- On September 7, 2012, **David Martosko**, Executive Editor with *The Daily Caller* in Washington, DC, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) records pertaining to travel, leave, and other information with specific references to SES and GS-15 level Federal Protective Service (FPS) personnel. (Case Number NPPD12F411.)
- On September 7, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) and U.S. Customs and Enforcement (ICE) the following records: (1) all complaints about and/or concerning the Acting Department of Homeland Security (DHS) Inspector General (b) (6) received by the DHS-OIG and/or the Joint Integrity Case Management System (JICMS); (2) all complaints about and/or concerning the Acting Department of Homeland Security (DHS) Inspector General (b) (6) (b) (6) logged in by the DHS OIG and/or the Joint Integrity Case Management System (JICMS); (3) all complaints received by the DHS-OIG regardless of whether the complaint was logged into JICMS and/or DHS-OIG databases; and (4) all e-mail communications between (b) (6)



(b) (6) regarding the complaints received by DHS-OIG concerning (b) (6). (Case Numbers OIG 2012-167 and ICE 2012FOIA23506.)

- On September 7, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) a copy of all vehicle trip logs for the Acting DHS Inspector General in which the driver was GS-15 (b) (6) and records pertaining to the transporting of the Acting DHS Inspector General's wife in a government vehicle from March 2012 through the present. (Case Number OIG 2012-168.)
- On September 10, 2012, **Josh Margolin**, a reporter with the *New York Post* in New York, New York, requested from the Department of Homeland Security (DHS) records regarding the review of events and responses associated with the Republican and Democratic National Conventions in Tampa, Florida, and Charlotte, North Carolina, in August and September 2012. (Case Number DHS/OS/PRIV 12-0716.)
- On September 10, 2012, **Brendan McGarry**, a reporter with *Bloomberg News* in Washington, DC, requested from the Department of Homeland Security (DHS) information regarding incidents and accidents, also known as mishaps and events, involving unmanned aerial vehicles (UAVs), unmanned aerial systems (UASs) and remotely piloted aircraft (RFP) for each year from fiscal years 2001 through 2012. (Case Number DHS/OS/PRIV 12-0718.)
- On September 10, 2012, **Lisa Buie**, a staff writer with the *Tampa Bay Times* in Wesley Chapel, Florida, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to complaints filed within the past three months against Pasco County government or fire rescue regarding the Staffing For Adequate Fire & Emergency Response (SAFER) grant for new firefighter positions. (Case Number OIG 2012-169.)
- On September 10, 2012, **Candice Ruud**, a reporter with *Newsday* in Melville, New York, requested from the Transportation Security Administration (TSA) detailed information on all TSA violations issued to Long Island MacArthur Airport from January 1, 2003 through December 31, 2006. (Case Number TSA12-0810.)
- On September 11, 2012, **Katherine Culliton-Gonzalez**, Director of Voter Protection Program with **Advancement Project** in Washington, DC, requested from the Department of Homeland Security (DHS) various records regarding the Systematic Alien Verification for Entitlements (SAVE) system/database, voter registration purposes, and executed Memorandum of Agreements with state or local jurisdictions relating to Arizona's implementation of Proposition 200. (Case Number DHS/OS/PRIV 12-0724.)
- On September 12, 2012, **Susan Carroll**, a reporter with the *Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) all records related to Ricardo Rojas Martinez (deceased). (Case Number ICE 2012FOIA23635)
- On September 12, 2012, **Molly Matthews**, Assistant Producer with *Fox News Channel* in Washington, DC, requested from the Department of Homeland

Security (DHS), Office of Inspector General (OIG) requisition forms of all rounds and ammunitions including weapons purchased from January 1, 2010 through the present and any audits that show the current location of all unused rounds of ammunition or unassigned weapons. (Case Number OIG 2012-173.)

- On September 12, 2012, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records concerning mission taskings, transportation costs, and passenger manifests for President and Mrs. Obama's December 2010 and December 2011 trips to Hawaii. (Case Numbers USSS 20121387-89.)
- On September 13, 2012, **John Greenewald, Jr.**, a researcher/activist with **The Black Vault** in Northridge, California, requested from the Department of Homeland Security (DHS) records relating to the May 10, 2005 assassination attempt of President George W. Bush in the Freedom Square in Tbilisi, Georgia by Vladimir Arutyunian. (Case Number DHS/OS/PRIV 12-0727.)

### Late requests

- On August 31, 2012, **Monica Yant Kinney**, a reporter with the *Philadelphia Inquirer* in Philadelphia, Pennsylvania, requested from the Federal Emergency Management Agency (FEMA) a copy of the September 4, 2012 FEMA letter and any related documents, including a report or summary of the FEMA fact-finding surrounding the FY 2008 Port Security Grant Program (PSGP) grant to the Union Fire Company of Bensalem, Pennsylvania. (Case Number FEMA 12-723.)
- On August 31, 2012, **Joe Cyr**, an individual in Babylon, New York, requested from the Department of Homeland Security (DHS) various records regarding the involvement and participation of the United Kingdom in the rendition, detention, and interrogation of suspected terrorists by the United States. (Case Number DHS/OS/PRIV 12-0830.)
- On September 4, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) a copy of any and all policy, guidelines, memoranda, regulations, standard operating procedures or the like on the use of unmanned aerial systems by CBP and any and all agency components. (Case Number CBP 2012F30132.)
- On September 4, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) the following records: (1) a list of all CBP employees – Border Patrol agents, CBPOs, technicians and others – arrested, charged, convicted and/or sentenced on corruption-related charges from September 2011 through the present and their official photographs; (2) the total number of prospective CBP employees who have admitted to criminal activity before, during or after a polygraph exam; and (3) the total number of prospective CBP employees who have admitted to criminal activity before, during or after a polygraph exam whose admissions have been forwarded for prosecution. (Case Number CBP 2012F30133.)
- On September 4, 2012, **Victor Michel**, a researcher with *MuckRock News* in Boston, Massachusetts, requested from U.S. Customs and Border Protection

(CBP) the following records: (1) all reports, analysis and statistics regarding air interdiction in the Southwest border states – California, New Mexico, Arizona, and Texas – during fiscal years 2000 through 2012; (2) the number of illicit aircraft penetrated or that tried to penetrate U.S. airspace from Mexico; (3) the number of aircraft that did fly into U.S. airspace that were interdicted by CBP or another agency; (4) the number of people who have been arrested for this offense; and (5) the number of aircraft that have been impounded. (Case Number CBP 2012F30134.)

- On September 5, 2012, **Karisa King**, a reporter with the *San Antonio Express-News* in San Antonio, Texas, requested from the United States Coast Guard (USCG) records regarding the annual number, synopses, and summaries of sexual harassment complaints from 2002 through September 5, 2012 at the USCG Training Center Cape May. (Case Number USCG 2012FOIA3361.)

### III. FOIA Releases

- On September 7, 2012, the Department of Homeland Security (DHS) released to **John M. Simpson**, a consumer rights advocate with **Consumer Watchdog** in Santa Monica, California, 41 pages of records consisting of e-mails related to meetings occurring between January 1, 2010 through February 4, 2011, with individuals and representatives of entities outside the National Telecommunications and Information Administration (NTIA) in connection with the preparation of the green paper Commercial Data Privacy and Innovation in the Internet Economy: A Dynamic Policy Framework, or other meetings during that period that were about NTIA's online privacy or commercial data privacy policies. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number DHS/OS/PRIV 12-0477.)
- On September 7, 2012, the Department of Homeland Security (DHS) released to **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, 16 pages of records consisting of correspondence in response to his request seeking correspondence between DHS and Willard Mitt Romney (R), Willard M. Romney, W. Mitt Romney, Bain Capital, Absolute Return Capital (ARC), Bain Capital Private Equity, Bain Capital (Europe) Limited; Bain & Co., Bain Capital Ventures, Brookside Capital, Sankay Advisors, Marriott International, Inc., Tyler Charitable Foundation, or Ann D., and W. Mitt Romney Charitable Foundation. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0544.)
- On September 7, 2012, the Transportation Security Administration (TSA) issued to **Khaliah Barnes**, Open Government Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, a full denial in response to her request seeking records concerning draft rulemaking on whole-body imaging (WBI) technology. These records (8,839 pages of records and 2,987 e-mails) were withheld pursuant to FOIA Exemption 5. (Case Number TSA 12-0693.)
- On September 7, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Anjan Mukherjee**, a research associate with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, a no records determination in response to her request seeking copies of records pertaining to any

investigations conducted by ICE in Jamestown, North Dakota from March 2007 through December 31, 2007. (Case Number ICE 2012FOIA18749.)

- On September 7, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Joel Millman**, a reporter with *The Wall Street Journal* in Portland, Oregon, a one-page document pertaining to the average daily population of Department of Homeland Security (DHS) detainees housed in U.S. county jails, chiefly in Western States, since 2009. These records were released in full. (Case Number ICE 2012FOIA21380.)
- On September 10, 2012, the Department of Homeland Security (DHS) released to **Phillip Munson**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, 11 pages of records consisting of the correspondence log for Representative W. Todd Akin (R-MO). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0659.)
- On September 10, 2012, the Department of Homeland Security (DHS) released to **Abraham Payton**, a representative of **American Bridge 21<sup>st</sup> Century**, in Washington, DC, 27 pages of records consisting of the correspondence log for Representative Paul Ryan (R-WI). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0668.)
- On September 10, 2012, the Department of Homeland Security (DHS) released to **Melanie Mason**, a reporter with *The Los Angeles Times* and *Chicago Tribune*, in Washington, DC, 27 pages of records consisting of the correspondence log for Representative Paul Ryan (R-WI). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0663.)
- On September 11, 2012, the Department of Homeland Security (DHS) released to **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, 27 pages of records consisting of correspondence logs pertaining to correspondence to or from Representative Paul Ryan (R-WI) or his staff from January 3, 1999 through the present. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0657.)
- On September 11, 2012, the Department of Homeland Security (DHS) release to **Megan R. Wilson**, a reporter with *The Hill*, in Washington, DC, 78 pages of records consisting of the July 2012 and August 2012 congressional correspondence report. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0661.)
- On September 11, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **J. Keith Gates**, a senior attorney with **Cause of Action** in Washington, DC, five pages of records pertaining to DHS-OIG employees or contractors who are on the federal payroll but were denied access to DHS facilities, computer networks, and job tasks. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(A), and 7(C). (Case Number OIG 2012-078.)
- On September 11, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Cornelius Frolik**, a staff writer with the *Dayton Daily News* in Dayton, Ohio, five pages of work papers from DHS-OIG report number OIG-12-17 entitled, "The State of Ohio's Management of State

Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Years 2007 through 2009.” Portions of the release were withheld pursuant to FOIA Exemptions 4 and 5. (Case Number OIG 2012-162.)

- On September 12, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Daniel Schulman**, a reporter with *Mother Jones* in Washington, DC, 16 pages of ICE Homeland Security Investigations TECS reports of investigation concerning Koch-Glitsch. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2012FOIA06058.)
- On September 12, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Rebecca Lindstrom**, a reporter with *WXIA-TV* in Atlanta, Georgia, 287 pages of records consisting of three contracts held between ICE and privately run detention facilities in Georgia. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(E). (Case Number ICE 2012FOIA15222.)
- On September 12, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Molly Matthews**, Assistant Producer with *Fox News Channel* in Washington, DC, a 335-page list of the quantities of ammunition purchased by ICE as well as a list of the contracts used for ammunition procurements. These records were released in full. (Case Number ICE 2012FOIA19068.)
- On September 12, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Sean Dunagan**, a senior investigator with *Judicial Watch* in Washington, DC, a full denial in response to his request seeking information on the 2004 management review report by the Joint Assessment Team (JAT) assigned to investigate the conduct of ICE and Drug Enforcement Administration (DEA) personnel during an investigation; the management and handling of an ICE informant; and the relationship among federal law enforcement agencies in the El Paso, Texas and Ciudad Juarez, Chihuahua areas. These records were withheld pursuant to FOIA Exemptions 6, 7(C), 7(E), and 7(F). (Case Number ICE 2012FOIA20707.)
- On September 12, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Russ Ptacek** a reporter with *WUSA 9 News* in Washington, DC, a no records determination in response to his request seeking the following records: (1) all notes, e-mails and correspondence regarding agent Ezequiel Garcia’s (deceased) EEO complaints, or his comments, interactions, or anything in regard to a hostile work place, stress in the work place, or threats of removal or demotion; and (2) any audio tapes, transcripts, e-mails, video recordings, digital files, reports or correspondence regarding (b) (6), (b) (7)(C) comments at the 2012 WAFA conference, or any comments purported to (b) (6), (b) (7)(C) using derogatory or questionable verbiage in reference to females. (Case Number ICE 2012FOIA21822.)
- On September 12, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Manuel Valdes**, a reporter with *The Associated Press* in Seattle, Washington, an 11-page list of worksite enforcement audits completed and fines issued during fiscal years 2009, 2010, and 2011. Portions of the release were withheld pursuant to FOIA Exemption 7(A). (Case Number ICE 2012FOIA11750.)

- On September 13, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Melissa Blasius**, a reporter with **KPNX-TV** in Phoenix, Arizona, a full denial in response to her request for copies of all investigative reports and photos regarding an ICE Homeland Security Investigations (HIS) operation on or about June 5, 2012, on a home on Paseo del Sur in Nogales, Arizona in which ICE agents seized over 32,000 rounds of ammunition. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number ICE 2012FOIA23369.)

#### **IV. FOIA Appeals**

- NSTR

#### **V. FOIA Appeals Releases**

- On September 13, 2012, U.S. Customs and Border Protection (CBP) released to **Susan Long** and **David Burnham**, Co-directors with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, one disk containing official statistics on the total number of individuals who are subject to arrest, detention, return and removal from the United States, including copies of certain anonymous alien-by-alien data covered by the Enforcement Case Tracking System (ENFORCE). (Case Number CBP H211301.)

#### **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 September 14 – 20, 2012**  
**Privacy Office**  
**September 24, 2012**  
**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 20, 2012, U.S. Immigration and Customs Enforcement (ICE) posted 19 Prosecutorial Discretion policy documents to the ICE FOIA Library.

**II. FOIA Requests**

- On September 14, 2012, **John Greenewald, Jr.**, a researcher/activist with **The Black Vault** in Northridge, California, requested from the Federal Emergency Management Agency (FEMA) and the United States Coast Guard (USCG) a copy of their FOIA case logs for calendar years 2010 and 2011. (Case Numbers FEMA 12-728 and USCG 2012FOIA3445).
- On September 14, 2012, **Beau Hodai**, an individual in Elfrida, Arizona, requested from the Department of Homeland Security (DHS) all records pertaining to the Domestic Security Alliance (DSAC) in the possession of Secretary Janet Napolitano, DHS Deputy Undersecretary/DSAC Chairperson Dawn Scalici, and DSAC Deputy Program Director Larry Jaski, Jr. (Case Number DHS/OS/PRIV 12-0733).
- On September 17, 2012, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) the following: 1) all records pertaining to the designation of hate crime groups; and 2) all records pertaining to the Southern Poverty Law Center from January 1, 2012 through August 31, 2012. (Case Number DHS/OS/PRIV 12-0734).
- On September 17, 2012, **Casey Davis**, an individual, requested from the Department of Homeland Security (DHS) statistics for the purchase of ammunition for the year 2012, including but not limited to the quantity, type, and distribution. (Case Numbers DHS PRIV/DHS/OS 12-0709, OIG 2012-174, and FLETC 12-106).
- On September 18, 2012, **Anjan Mukherjee**, a research associate with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) any correspondence to DHS from or on behalf of the office of Representative Chris Murphy (D-CT) since January 3, 2007. (Case Number DHS/OS/PRIV 12-0736).
- On September 18, 2012, **Tony Lystra**, a journalist with **The Daily News** in Longview, Washington, requested from the Department of Homeland Security (DHS) the following records from September 11, 2011 through the present: 1) all grants and other funding provided by DHS to law enforcement and public safety agencies in Cowlitz, Wahkiakum and Pacific counties in Washington State and Columbia County in Oregon; 2) all Homeland Security grants and other funding provided to all ports in Cowlitz County; and 3) all grant request letters and



applications from Cowlitz, Wahkiakum and Pacific County public safety agencies and ports. (Case Number DHS/OS/PRIV 12-0738).

- On September 19, 2012, **Andrew Becker**, a reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) travel records and schedules, to include date(s) of travel, destination(s), reason for travel, total reimbursement claims and vouchers for Acting Inspector General (b) (6), (b) (7)(C) from fiscal year 2011-2012 and for former Inspector General (b) (6), (b) (7)(C) from fiscal year 2005-2011. (Case Number OIG 2012-175).
- On September 19, 2012, **David Pozen**, an associate professor of law with **Columbia Law School** in New York, New York, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to unauthorized disclosures (“leaks”) to the media of classified or confidential information including records that pertain to criminal referrals to the Department of Justice, internal investigations, and any administrative or civil actions of possible “leaks.” (Case Number OIG 2012-176).
- On September 19, 2012, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement all documents that pertain to the investigation, apprehension, and trial of two former Border Patrol agents who were arrested in October 2008. (Case Number ICE 2012FOIA23941).

#### **Late requests**

- On September 10, 2012, **Sean Dunagan**, an attorney with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records concerning an undocumented resident in New Mexico who was recently arrested and charged with Homicide by Vehicle on July 16, 2012. (Case Number ICE 2012FOIA23936).
- On September 11, 2012, **Dom Yanchunas**, Managing Editor with **Professional Mariner Magazine** in Staten Island, New York, requested from the United States Coast Guard (USCG) records regarding a collision involving the vessels MAERSK WISCONSIN and RUTH M. REINAUER on or about December 5, 2011. (Case Number USCG 2012FOIA3427).
- On September 11, 2012, **Dom Yanchunas**, Managing Editor with **Professional Mariner Magazine** in Staten Island, New York, requested from the United States Coast Guard (USCG) records regarding a fatal accident involving the vessel EMMA FOSS on or about February 20, 2007 in the Santa Monica Bay in El Segundo, California. (Case Number USCG 2012FOIA3411).
- On September 11, 2012, **Rob Levin**, a reporter with **Mount Desert Islander** in Bar Harbor, Maine, requested from the United States Coast Guard (USCG) records regarding operations of the vessel NESOI on or about September 6, 2012 in Bar Harbor, Maine. (Case Number USCG 2012FOIA3416).
- On September 11, 2012, **Stephanie Joyce**, a reporter with **KUCB-FM** in Unalaska, Alaska, requested from the United States Coast Guard (USCG) copies of reports concerning the vessel ARTIC CHALLENGER for calendar years 2011 and 2012. (Case Number USCG 2012FOIA3413).

- On September 12, 2012, **Sarah Ryley** a reporter/producer with *The Daily* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS), Fraud Detection and National Security (FDNS) executive summaries from January 1, 2007 through the present. (Case Number USCIS COW2012000854).
- On September 12, 2012, **Alan Gomez**, a reporter with *USA Today* in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS), a daily breakdown of the exact number of Deferred Action for Childhood Arrivals (DACA) cases that have been received, reviewed, approved and denied. (Case Number USCIS COW2012000850).
- On September 13, 2012, **Miriam Jordan**, a writer with *The Wall Street Journal* in Beverly Hills, California, requested from the United States Citizenship and Immigration Services (USCIS), Deferred Action for Childhood Arrivals (DACA) statistics from August 15, 2012 through the present. (Case Number USCIS COW2012000856).
- On September 13, 2012, **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) all correspondence with the document ID numbers and/or ESEC Folder Numbers for ID number 176120, opened 1/31/2005; ID number 852085, opened 1/4/2010; and ID number 922445, opened 9/21/2011. (Case Number DHS/OS/PRIV 12-0731).
- On September 13, 2012, **Megan R. Wilson**, a researcher with *The Hill* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of all correspondence logs that include letters from members of Congress from August 1, 2012 through the present to the Department of Homeland Security. (Case Number DHS/OS/PRIV 12-0732).
- On September 13, 2012, **John Greenewald, Jr.** a researcher/activist with *The Black Vault* in Northridge, California, requested from the United States Citizenship and Immigration Services (USCIS) the following records pertaining to (b) (6) 1) a copy of his change of status request/application from B-2 visitor visa to an M visa for foreign student pilots in 2000 or 2001; 2) a copy of his I-94, I-130, I-131, I-129, and I-129 forms including any I-20 forms noting transfer of a B-2/B-1 Visa; 3) a copy of any applications he filed for schools; and 4) a copy of all passports issued to (b) (6) including a copy of applications for the Conch Republic Passport. (Case Number USCIS COW2012000851).

### III. FOIA Releases

- On September 14, 2012, the Department of Homeland Security (DHS) released to **Steven Emerson**, President with **SAE Productions** in Washington, DC, 14 pages of records pertaining to the April 18, 2012 meeting at the White House with leaders of the UJA-Federation in which Secretary Napolitano participated. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number DHS/OS/PRIV 12-0433).
- On September 14, 2012, the Department of Homeland Security (DHS) released to **Amy Woodward**, a researcher with the **Independence Institute** in Denver, Colorado, 41 pages of records consisting of the 2010 consolidated list of lost,

stolen, and damaged inventories for the Department of Homeland Security and all sub agencies. These records were released in full. (Case Number DHS/OS/PRIV 12-0612).

- On September 14, 2012, the Department of Homeland Security (DHS) released to **Eileen Sullivan**, a reporter with *The Associated Press* in Washington, DC, 14 pages of records pertaining to the April 18, 2012, meeting at the White House with leaders of the UJA-Federation, in which Secretary Napolitano participated. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number DHS/OS/PRIV 12-0662).
- On September 14, 2012, the Department of Homeland Security (DHS) released to **Dan Mihalopoulos**, a staff reporter with *The Chicago Sun-Times* in Chicago, Illinois, two pages of correspondence from Secretary Napolitano pertaining to the North Atlantic Treaty Organization (NATO) summit meeting held in May 2012. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(E) and 7(F). (Case Number DHS/OS/PRIV 12-0616).
- On September 14, 2012, the Federal Emergency Management Agency (FEMA) issued to **Melissa Arseniuk**, a reporter with *The Daily* in New York, New York, a no records determination in response to her request seeking all records or correspondence or transaction between any DHS official, employee or representative and any Location Solvers official, employee, or representative. (Case Numbers DHS/OS/PRIV 12-0392 and FEMA 12-457).
- On September 17, 2012, U.S. Customs and Border Protection (CBP) released to **John Verdi**, an attorney with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, 1,407 pages of records consisting of technical proposals, modifications, solicitations, amendments, attachments and incorporated proposals concerning the customization or purchase of automatic license plate reader (ALPR) systems. Portions of this response were withheld pursuant to FOIA Exemptions 4, 5, 6 and 7(E). (Case Numbers CBP 2011F13600 and DHS/OS/PRIV 11-0945).
- On September 17, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Stephen Hudak**, a reporter with *The Orlando Sentinel* in Orlando, Florida, 74 pages of records consisting of notices of intent to terminate, termination, and related appeals correspondence to the termination for the Lake Buena Vista Regional Center. These records were released in full. (Case Number USCIS COW2012000791).
- On September 17, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Woodstock, Georgia, a three-page settlement agreement between the U.S. Government and (b) (6) in the case (b) (6) v. *United States of America* – civil case (b) (6). Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, 6 and 7(C). (Case Number ICE 2012FOIA23212).
- On September 18, 2012, the Department of Homeland Security (DHS) released to **Amy Woodward**, a researcher with the **Independence Institute** in Denver, Colorado, 46 pages of e-mail records for (b) (6) from April 9, 2012 to

April 11, 2012. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number DHS/OS/PRIV 12-0455).

- On September 18, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Ted Landreth**, a documentary film maker in Los Angeles, California, 36 pages of records consisting of alien file material related to Elisabeth Randow (deceased). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCIS NRC2012027460).
- On September 18, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, 72 Excel spreadsheets consisting of underlying data related to arrests, indictments, and convictions reported in the DHS-OIG Semi-Annual Report to Congress for years 2002 through the present and records related to all investigations declined for prosecution for years 2002 through the present. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number OIG 2012-093).
- On September 18, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **David Perera**, a reporter with **FierceHomelandSecurity** in Washington, DC, three PowerPoint presentations regarding the Secure Communities program and one PowerPoint presentation entitled “Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities”. Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number ICE 2012FOIA12065).
- On September 19, 2012, the United States Citizenship and Immigration Services (USCIS) issued to **John Greenewald, Jr.**, a researcher/activist with **The Black Vault** in Northridge, California, a full denial in response to his request seeking the following records pertaining to **(b) (6)**: 1) a copy of his change of status request/application from B-2 visitor visa to an M visa for foreign student pilots in 2000 or 2001; 2) a copy of his I-94, I-130, I-131, I-129, and I-129 forms including any I-20 forms noting transfer of a B-2/B-1 Visa; 3) a copy of any applications he filed for schools; and 4) a copy of all passports issued to **(b) (6)** including a copy of applications for the Conch Republic Passport. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number USCIS COW2012000851).
- On September 19, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Sarah Ryley**, a reporter/producer with **The Daily** in New York, New York, 133 pages of records consisting of databases, SOP documents, e-mails and computer printouts pertaining to Dahn Yoga. Portions of the release were withheld pursuant to FOIA Exemptions 3, 5, 6, 7(C) and 7(E). (Case Number USCIS COW2012000174).
- On September 19, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Jon Campbell**, a freelance journalist in San Diego, California, 1,437 pages of work papers relating to OIG report number OIG-11-46, entitled “The State of California’s Management of Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008.”

Portions of the release were withheld pursuant to FOIA Exemptions 3, 4, 5, 6 and 7(E). (Case Number OIG 2012-023).

- On September 20, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Claire Navarro**, an intern with **The National Security Archive** in Washington, DC, 55 pages of e-mail records from the ICE Office of Homeland Security Investigations and the ICE Office of International Affairs pertaining to the Weekly Law Enforcement Working Group meetings related to the Merida Initiative in Mexico. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA09644).
- On September 20, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Woodstock, Georgia, 11,312 pages of Excel spreadsheets containing statistical data on individuals removed as a result of all 287(g) programs nationwide. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C) and 7(E). (Case Number ICE 2012FOIA10528).

#### IV. FOIA Appeals

- On September 4, 2012, **Amie Stepanovich**, Associate Litigation Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, appealed the lack of response by U.S. Customs and Border Protection (CBP) to her request for records regarding the use and development of drone aircraft for domestic and border surveillance. The requester is also contesting the implied denial of her requests for fee waiver, expedited treatment and media status. (Case Number CBP H233298).

#### V. FOIA Appeals Releases

- On September 14, 2012, U.S. Customs and Border Protection (CBP) released to **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, 342 pages of records consisting of training materials, trip reports, needs assessments, budget records, descriptions of training programs and news articles concerning the training of personnel in Mexico for enhanced border protection through the Merida Initiative. Portions of the release were withheld pursuant to FOIA Exemptions 4, 6, 7(C), 7(E) and 7(F). (Case Number CBP H193679).
- On September 20, 2012, U.S. Customs and Border Protection (CBP) re-released to **Andrea Callan**, an attorney with the **New York Civil Liberties Union (NYCLU)** in New York, New York, 10 pages of records consisting of incident reports pertaining to the stop and detention of an individual on April 16, 2010, near Sodus, New York. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C) and 7(E). (Case Number CBP H230381).

#### VI. Lawsuits

- In the matter of *WeCount! Inc. v. DHS* (D.D.C. 11-00143), plaintiffs filed a complaint on January 21, 2011, seeking release of records regarding a sex trafficking operation in Southern Florida. The operation (Operation Res-Q) was conducted from November 18-20, 2009, and resulted in some allegations of abuse

by several of the individuals arrested. On September 14, 2012, ICE issued the fourteenth interim release, consisting of 811 pages of responsive records.

## **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 21- 27, 2012

### Privacy Office

October 1, 2012

### 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 21, 2012, the Department of Homeland Security (DHS), Privacy Office posted FOIA logs for June and July 2012 (32 pages) to the DHS FOIA Library.
- On September 28, 2012, the Department of Homeland Security (DHS), Privacy Office, and on October 1, 2012, the United States Secret Service (USSS) proudly announced the launch of FOIAXpress, a web-based software program that will enhance the Department's FOIA processing.

## II. FOIA Requests

- On September 21, 2012, **Michael Evans**, Director, Colombia Project with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all documents pertaining to the trafficking of persons from the town of Tenancingo (of the Tlaxcala State in Mexico) to U.S. cities such as Atlanta, Georgia and Queens, New York. (Case Number ICE 2012FOIA23969.)
- On September 24, 2012, **Steve Dorsey**, a reporter with **ABC11** in Raleigh, North Carolina, requested from the Transportation Security Administration (TSA) copies of complaints issued by or on behalf of passengers of Raleigh-Durham International Airport against TSA and its agents from January 1, 2010 through September 19, 2012. (Case Number TSA12-0844.)
- On September 25, 2012, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records identifying any extracts and snapshots prepared from the Enforcement Integrated Database (EID) over the last 12 months, including records relating to the frequency with which such extracts and snapshots have been prepared, who was responsible for preparing any snapshot or extract, the recipients of those extracts and snapshots, and the EID system time required in their preparation during this period. (Case Number ICE 2012FOIA24067.)
- On September 25, 2012, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the current snapshot of ENFORCE's database prepared for ICE's Integrated Decision Support system (IIDS). (Case Number ICE 2012FOIA24071.)
- On September 25, 2012, **Edward Murphy**, a writer with the **Portland Press Herald** in Portland, Maine, requested from the United States Coast Guard (USCG) documents regarding groundings by boats and ships in Casco Bay, Maine from July 1, 2010 through the present. (Case Number USCG 2012FOIA3561.)



- On September 25, 2012, **David Perera**, an editor with *FierceGovernmentIT* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of the DHS Information Sharing Roadmap. (Case Number DHS/OS/PRIV 12-0755.)
- On September 26, 2012, **David Perera**, an editor with *FierceGovernmentIT* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of initial baseline assessments conducted April through July 2012 by the Information Sharing Environment Coordination Activity of approximately 160 technology programs, systems, and initiatives, including key information sharing initiatives to determine the extent to which they have critical information sharing capabilities in place. (Case Number DHS/OS/PRIV 12-0763.)
- On September 26, 2012, **Ginger McCall**, Open Government Project Director, and **Gerard Fowke**, a law student with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the contract and associated records between the DHS and Trap Wire (or its former namesake, Abraxas Corporation) for the Trap Wire surveillance system's pilot project with the Washington, DC, Metropolitan Police Department. (Case Number DHS/PRIV/OS 12-0760.)
- On September 26, 2012, **Jason Smathers**, a blogger with *MuckRock News*, in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) all records referring or relating to communication between DHS and the Federal Government of Mexico regarding the Arizona immigration law (SB1070). (Case Number DHS/PRIV/OS 12-0761.)
- On September 26, 2012, **Mary Meg McCarthy**, the Executive Director with the **National Immigrant Justice Center** in Chicago, Illinois, requested from the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) records regarding 18 individual complaints, as well as information regarding CRCL's investigation, findings, and recommendations relating to the civil and human rights violations that appear to be a systemic occurrence for sexual minorities in DHS custody. (Case Number CRCL 12-059.)

#### Late requests

- On September 14, 2012, **Megan Wilson**, a researcher with *The Hill* in Washington, DC, requested from the Department of Homeland Security (DHS) a specific letter identified as control number 95144, dated July 9, 2012, from a correspondence log obtained in a previous request. (Case Number DHS/OS/PRIV 12-0745.)
- On September 18, 2012, **Sarah Chacko**, a staff writer with *Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS) copies of all memorandums and directives issued by the Chief Procurement Officer or the director of the procurement department in 2009, 2010, 2011 and 2012 to date. (Case Number DHS/OS/PRIV 12-0748.)
- On September 19, 2012, **Ginger McCall**, Director, Open Government Project, with the **Electronic Privacy Information Center (EPIC)** in Washington, DC requested from the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) documents detailing technical specifications of

Genia Photonics laser-based molecular scanner, contracts, and statements of work. (Case Number S&T 12-024.)

- On September 19, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) for fiscal years 2003 through the present the following records: (1) the total number of confidential informants currently registered to work with the U.S. Border Patrol; (2) the amount of money paid to each confidential informant broken down by sector, individual payment amount and/or immigration benefits given and dates for each; (3) the total number of confidential informants deactivated broken down by sector, individual identification number, activation date, related investigation, reason for deactivation, and total amount of money and/or immigration benefits given; (4) annual confidential expenditure funds budgeted for the U.S. Border Patrol, and total monies spent by sector; (5) written policy, memoranda and/or written communication on registration, handling and payment of confidential informants, sources of information, cooperating defendants, cooperating witnesses and the like; (6) number of confidential informants who have an S visa application forwarded to the U.S. Justice Department via U.S. Border Patrol or sponsored by U.S. Border Patrol broken down by sector; (7) number of U.S. Border Patrol confidential informants who have received S visas broken down by sector and country of origin; and (8) number of U.S. Border Patrol confidential informants who have received immigration benefits other than S visa, broken down by sector and immigration benefit. (Case Number CBP 2012F30863.)
- On September 19, 2012, **Melissa Blasius**, a reporter with *KPNX-12 News* in Phoenix, Arizona, requested from the U.S. Customs and Border Protection (CBP): (1) significant incident reports indicating the seizure of ammunition leaving the United States for Mexico for fiscal years 2011 through 2013; (2) reports and documents listing total rounds of ammunition seized for fiscal years 2011 through 2013; and (3) pictures of the ammunition seizures. (Case Number CBP 2012F30864.)
- On September 19, 2012, **Tia Ghose**, a homeland security reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) records of assets seized by CBP from 2005 through the present. (Case Number CBP 2012F30865.)

### III. FOIA Releases

- On September 19, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, a second interim response consisting of 32 pages of e-mails and the final mission statement pertaining to the creation of the DHS-OIG Forensic Threat Analysis Unit. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number OIG 2012-023.)
- On September 21, 2012, the Federal Emergency Management Agency (FEMA) released to **Dina Cappiello**, a journalist with *The Associated Press* in Washington, DC; **Diane Curran**, an attorney with **Harmon, Curran, Spielberg**

**and Eisenberg, LLP**, on behalf of **Friends of the Earth (FOE)**, in Washington, DC; **Bill Dedman**, an investigative reporter with *MSNBC.com* in New York, New York; **Jim Riccio**, a nuclear policy analyst with **Greenpeace** in Washington, DC; **Takeshi Yamashina**, a reporter with the *Mainichi Newspapers* in New York, New York; **Jules Zacher**, Special Counsel with the **Lawyers Committee for Nuclear Policy (LCNP)** in Philadelphia, Pennsylvania; **Brad Heath**, a reporter with *USA Today* in Washington, DC; **Takao Ikeuchi**, a reporter with *Kyodo News* in Washington, DC; **Geoffrey Fettus**, a senior project attorney with the **Natural Resources Defense Council, Inc. (NRDC)** in Washington, DC; **Roberta Rampton**, a journalist with *Reuters* in Washington, DC; **Hannah Northey**, a journalist with *Greenwire* in Washington, DC; **Rebecca Smith**, a staff reporter with *The Wall Street Journal* in San Francisco, California; **Tetsuro Yamada**, a journalist with *Yomiuri Shimbun*, in Washington, DC; and **Deborah Solomon**, a journalist with *The Wall Street Journal* in Washington, DC, 283 pages of e-mail records and Situation Reports pertaining to Japan's Fukushima Dai-ichi incident in March 2011. Portions of the release were withheld pursuant to FOIA Exemptions 2, 4, 5, 6, and 7(E). (Case Numbers FEMA 12-591 through 12-610.)

- On September 24, 2012, the Transportation Security Administration (TSA) released to **Thomas Frank**, a staff writer with *USA Today* in McLean, Virginia, 18,121 pages of records consisting of aggregated data reports from TSA's 2006 and 2008 Organizational Satisfaction Surveys (OSS) and marketing and strategy reports prepared for TSA by private contractors. These records were released in full. (Case Number TSA 09-0008.)
- On September 25, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jason Cherkis**, a reporter with *The Huffington Post* in Washington, DC; and **Jack Gillum**, a reporter with *The Washington Post* in Washington, DC, 165 pages of correspondence between ICE and Representative Paul Ryan's (R-WI) office from January 1, 2004, through the present. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Numbers ICE 2012FOIA21964 and ICE 2012FOIA21323.)
- On September 25, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Lisa Buie**, a staff writer with the *Tampa Bay Times* in Wesley Chapel, Florida, 10 pages of complaint intake documents filed within the last three months against Pasco County government or fire rescue regarding the Staffing For Adequate Fire & Emergency Response (SAFER) grant for new firefighter positions. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number OIG 2012-169.)
- On September 25, 2012, the Department of Homeland Security (DHS) released to **J. Keith Gates**, a senior attorney with **Cause of Action** in Washington, DC, 15 pages of records pertaining to the use and acquisition of commemorative items. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number DHS/OS/MGMT 12-80.)
- On September 25, 2012, the Department of Homeland Security (DHS) released to **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, 167 pages of records in response to her request for records

created or used in preparation for, or as a result of, the February 27, 2012 meeting between Homeland Security Secretary Janet Napolitano and Mexican representatives in Mexico City pertaining to the Merida Initiative. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(E). (Case Number DHS/OS/PRIV 12-0302.)

- On September 26, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, a two-page memorandum from ICE requesting participation in the Financial Fraud Enforcement Task Force. These records were released in full. (Case Number ICE 2012FOIA12953.)
- On September 27, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Miriam Jordan**, a reporter with *The Wall Street Journal* in Beverly Hills, California, 7 pages of records consisting of Deferred Action for Childhood Arrivals (DACA) statistics. These records were released in full. (Case Number USCIS COW2012000856.)
- On September 27, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Alan Gomez**, a reporter with *USA Today* in Washington, DC, one page consisting of statistical data regarding the daily breakdown of the exact number of Deferred Action for Childhood Arrivals (DACA) cases that have been received, reviewed, approved and denied. These records were released in full. (Case Number USCIS COW2012000850.)
- On September 27, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Jennie Pasquarella**, a staff attorney with the **American Civil Liberties Union (ACLU) of Southern California**, in Los Angeles, California, 389 pages of records consisting of policies, memorandums, presentations, and a video presentation in response to her request seeking: (1) policies for the identification, vetting and adjudication of immigration benefits applications' with national security concerns to include The Operational Guidance which implements the 2008 "Policy for Vetting and Adjudicating Cases with National Security Concerns; (2) any and all policy, procedure and/or guidance related to implementation of the Operational Guidance and/or " Policy for Vetting and adjudicating Cases with National Security Concerns; (3) any and all policies, procedures, guidelines and training materials pertaining to CARRP (Controlled Application Review and Resolution Program; (4) any and all policies, procedures, guidelines and training materials relating to the processing and adjudication of immigration benefit applications with a "national security concern"; (5) the Operational Guidance related to the adjudication of Replacement Lawful Resident cards when there is a "national security concern"; and (6) DHS Memorandum " Department of Homeland Security Guidelines for the Use of Classified Information in Immigration Proceedings. Portions of the release were withheld pursuant to FOIA Exemptions 5, 7(C), and 7(E). (Case Number USCIS COW2012000546.)

#### IV. FOIA Appeals

- NSTR

## V. FOIA Appeals Releases

- On September 25, 2012, U.S. Customs and Border Protection (CBP) released to **Tia Ghose**, a homeland security reporter with the ***Center for Investigative Reporting (CIR)*** in Berkeley, California, 127 pages of the National Land Border Security Plan entitled “National Land Border Ports of Entry Assessment Fiscal Year 2009 Report to Congress.” Portions of the release and an additional 317 pages were withheld in full pursuant to FOIA Exemptions 5, 6, 7(C), 7(E), and 7 (F). (Case Number CBP H225215.)
- On September 25, 2012, U.S. Customs and Border Protection (CBP) released to **Tia Ghose**, a homeland security reporter with the ***Center for Investigative Reporting (CIR)*** in Berkeley, California, 244 pages of a shooting log and 1 CD containing use of force incident reports in response to her request seeking records pertaining to the use of force by CBP employees from 2003 through the present. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), 7(D), and 7(E). (Case Number CBP H213135.)
- On September 27, 2012, U.S. Customs and Border Protection (CBP) released to **Tia Ghose**, a homeland security reporter with the ***Center for Investigative Reporting (CIR)*** in Berkeley, California, 173 pages of evaluations and assessments pertaining to performance assessments of contractors performing background investigations for CBP from 2003 through the present. Portions of the release were withheld pursuant to FOIA Exemptions 4, 6, 7(C), and 7(E). (Case Number CBP H229702.)
- On September 27, 2012, U.S. Customs and Border Protection (CBP) released to **Ginger McCall**, Open Government Project Director, with the ***Electronic Privacy Information Center (EPIC)*** in Washington, DC, 55 pages of records consisting of policies related to the use, data collection and data storage of information amassed by License Plate Recognition (LPR) systems used by CBP. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H229075.)
- On September 27, 2012, U.S. Customs and Border Protection (CBP) released to **Sally Newman**, an attorney with the ***Southern Environmental Law Center*** in Charleston, South Carolina, 65 pages of records consisting of issue papers, project descriptions, agreements with the port authority and correspondence pertaining to the South Carolina State Ports Authority’s cruise operations in the City of Charleston. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H232598.)

## VI. Litigation

- 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 September 28, 2012 - October 4, 2012

### Privacy Office

October 9, 2012

### 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 24, 2012, the Department of Homeland Security (DHS) Privacy Office posted the August 2012 FOIA log (12 pages) to the DHS FOIA Library.
- On September 25, 2012, the Department of Homeland Security (DHS) Privacy Office posted the Secretary's calendars for January 2011 through June 2011 (235 pages) to the DHS FOIA Library.

## II. FOIA Requests

- On September 28, 2012, **Kristi Jourdan**, a reporter with *Las Vegas Review-Journal* in Las Vegas, Nevada, requested from the Federal Law Enforcement Training Center (FLETC) verification as to whether John Michael Bonaventura (Las Vegas Township Constable and peace officer), became a certified peace officer through the Federal Law Enforcement Training Center in Glynnco, Georgia in 1986. (Case Number FLETC FOIA 12-110.)
- On September 28, 2012, **Andy Medici**, a reporter with *Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) records pertaining to the audit of the Federal Protective Service (FPS) conducted in October 2011 of all of its guard files for its contracts across all 11 regions. (Case Number NPPD13F004.)
- On October 1, 2012, the Department of Homeland Security, Privacy Office referred to the Federal Emergency Management Agency (FEMA) a request from **Tony Lystra**, a reporter with *The Daily News* in Longview, Washington, seeking all grants and other funding provided by DHS to law enforcement and public safety agencies in Cowlitz, Wahkiahum and Pacific Counties in Washington State and Columbia County in Oregon from September 11, 2011 through the present. (Case Number FEMA 13-005.)
- On October 1, 2012, **Andy Pierroti**, a journalist with *KVUE News* in Austin, Texas, requested from the Transportation Security Administration (TSA) records indicating how many TSA officers have been fired while working at any Texas airport for stealing or suspected of stealing passenger property from 2003 through the present. (Case Number TSA13-0011.)
- On October 2, 2012, **Michael Bekesha**, an attorney with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records concerning the following: (1) hormone treatments provided to transgendered ICE detainees; (2) other transgender-related health care services or medications provided to ICE detainees; and (3) records concerning the costs associated with such health care services. (Case Number ICE 2013FOIA00027.)

- On October 2, 2012, **Michael Bekesha**, an attorney with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records concerning the following: (1) organ or tissue transplants received by detainees in ICE custody; and (2) records concerning the costs associated with such health services. (Case Number ICE 2013FOIA00028.)
- On October 2, 2012, **Matthew Howerton**, a reporter with **KWTX Channel 10 News** in Waco, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records concerning I-9 audits conducted of Frazier and Frazier Industries located at 817 South 1st Street in Coolidge, Texas. (Case Number ICE 2013FOIA00029.)
- On October 2, 2012, **Jacqueline Stevens**, a professor with **Northwestern University** in Evanston, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records concerning the final approved protocols identified in findings 2 and 3 of the March 2012 DHS OIG report entitled “Communication Regarding Participation in Secure Communities.” (Case Number ICE 2013FOIA00030.)
- On October 3, 2012, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous case-by-case information on each ICE removal in September 2012. (Case Number ICE 2013FOIA00062.)
- On October 3, 2012, **Michael Bekesha**, an attorney with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records concerning the following: (1) family planning or birth control prescribed or disbursed to ICE detainees; (2) records related to the termination of the pregnancies of ICE detainees; (3) the transportation by ICE of female detainees to facilities for the purpose of receiving abortion services; (4) the costs paid by ICE for the termination of ICE detainee pregnancies; and (5) records concerning the costs of such health care services. (Case Number ICE 2013FOIA00087.)
- On October 3, 2012, **Andrew Becker**, a reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) copies of investigative and/or intelligence records, along with the contents of the A-file for Nazario Moreno Gonzalez (deceased), a.k.a. El Chayo or El Mas Loco. (Case Number ICE 2013FOIA00088.)
- On October 3, 2012, **Stewart Powell**, a reporter with **Hearst Newspapers** and **The Houston Chronicle** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the asset seizures and forfeitures reported by ICE to the Treasury Department’s Forfeiture Fund for FY2010 through FY2012. (Case Number ICE 2013FOIA00128.)
- On October 3, 2012, **Billy Ball**, a reporter with **Indy Week** in Durham, North Carolina, requested from U.S. Immigration and Customs Enforcement (ICE) information relating to the number of deportation cases dropped in Alamance County, North Carolina since the U.S. Department of Justice accused the County Sheriff’s Office of racial profiling on September 18, 2012. (Case Number ICE 2013FOIA00129.)



- On October 3, 2012, **Ginger McCall**, Director, Open Government Project with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Transportation Security Administration (TSA) the functional requirements document for a Second Generation Advanced Imaging Technology System for Checkpoint Operations. (Case Number TSA13-0021.)

### Late requests

- On August 8, 2012, **James Arruebarrena**, an attorney with the **FOIA Group, Inc.** in Washington, DC, requested from the United States Coast Guard (USCG) documents pertaining to the MC252 well and Deepwater Horizon. (Case Number USCG 2013FOIA0007.)
- On September 25, 2012, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to **(b) (6)** (Case Number USCIS COW2012000891.)
- On September 26, 2012, **Brian Bennett**, a reporter with the *Los Angeles Times* in Washington DC, requested from the United States Citizenship and Immigration Services (USCIS) statistics for Deferred Action for Childhood Arrivals (DACA). (Case Number USCIS COW2012000903.)
- On September 27, 2012, **Alissa Bohling**, an assistant editor and reporter with **Truthout** in Portland, Oregon, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) investigations initiated from referrals from the DHS Office for Civil Rights and Civil Liberties regarding complaints from transgender individuals against the Transportation Security Administration from September 4, 2003 through the present. (Case Number OIG 2012-182.)
- On September 27, 2012, **Dale DuPont**, a journalist with *WorkBoat Magazine* requested from the United States Coast Guard (USCG) documents pertaining to an accident involving the vessel LILA on or about August 6, 2012 in the Chicago River. (Case Number USCG 2013FOIA0003.)
- On September 27, 2012, **Elsie Nolan**, Special Projects Producer with **CBS38** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) records indicating the number of TSA employees nationwide who have been fired for stealing from passenger luggage during the last five years including TSA employees who have been fired from Logan Airport for stealing from passenger luggage. (Case Number TSA13-0001.)

### **III. FOIA Releases**

- On September 26, 2012, the Department of Homeland Security (DHS) released to **C.A. Baldwin**, an individual in Columbine Valley, Colorado, 11 pages of Federal Law Enforcement Training Center program memorandums. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number DHS/OS/PRIV 12-0564.)
- On September 28, 2012, the Department of Homeland Security (DHS) released to **Paul Chassy**, an investigator with **Project on Government Oversight** in Washington, DC, 529 pages of records consisting of documents related to the

Balanced Workforce Strategy Tool. Portions of the release were withheld pursuant to FOIA Exemptions 2, 5, and 6. (Case Number DHS/OS/PRIV 12-0623.)

- On September 28, 2012, the United States Citizenship and Immigration Services (USCIS) issued to **Justin McCarthy**, a researcher with **Judicial Watch** in Washington DC, a full denial in response to a request seeking records that pertain to (b) (6). All records were withheld pursuant to FOIA Exemption 7(A). (Case Number USCIS COW2012000891.)
- On September 29, 2012, the Department of Homeland Security (DHS) released to **Josh Margolin**, a reporter with the *New York Post* in New York, New York, 52 pages of records consisting of events pertaining to the tenth anniversary of the 9/11 attacks. These records were released in full. (Case Number DHS/OS/PRIV 12-0224.)
- On September 29, 2012, the Department of Homeland Security (DHS) released to **John Crewdson**, an investigator with the **Project On Government Oversight** in Washington, DC, a one-page travel log consisting of the named individuals' travel expenses. These records were released in full. (Case Number DHS/OS/PRIV 12-0589.)
- On October 1, 2012, the Department of Homeland Security (DHS) released to **Jason Leopold**, an investigator with **Truthout** in Beverly Hills, California, 147 pages of records consisting of analyst notes for Jason Leopold's previous request DHS/OS/PRIV 12-0048. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(D), and 7(E). (Case Number DHS/OS/PRIV 12-0232.)
- On October 1, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Susan Ferriss**, a reporter with the **Center for Public Integrity** in Washington DC, 21 pages of records consisting of I-130 data denial classifications for fiscal years 2000 through 2011 and a PowerPoint presentation regarding unlawful presence. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number USCIS COW2012000777.)
- On October 1, 2012, the Transportation Security Administration (TSA) released to **Lee Davidson**, a reporter with *The Salt Lake Tribune* in Salt Lake City, Utah, 465 pages of records consisting of data concerning the amounts and types of potential weapons and other prohibited items surrendered or confiscated at security gates at each airport in the United States from January 1, 2005 through the present. These records were released in full. (Case Number TSA11-0033.)
- On October 1, 2012, the Transportation Security Administration (TSA) released to **Sara Clarke**, a reporter with the *Orlando Sentinel* in Orlando, Florida, 1,866 pages of records pertaining to TSA Incident Reports, TSA Incident Report Witness Summaries and Memoranda for Record from the Orlando International Airport from October 1, 2008 through the present. Portions of the release were withheld pursuant to FOIA Exemptions 3, 6, and 7(C). (Case Number TSA 11-0076.)
- On October 2, 2012, the Federal Emergency Management Agency (FEMA) released to **A. Shelby Easterly, III**, an attorney with the **Easterly Law Firm** in Denham Springs, Louisiana, 12,299 pages of maps, photos, survey forms and project worksheets related to the disaster declaration 1786, application from

Livingston Parish, Louisiana. Portions of the release were withheld pursuant to FOIA Exemptions 2, 4, 5, and 6. (Case Number FEMA 11-716.)

- On October 4, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, eight pages of spreadsheets pertaining to travel records and schedules for Acting Inspector General (b) (6), (b) (7)(C) from fiscal years 2011 through 2012 and former Inspector General (b) (6), (b) (7)(C) fiscal years 2005 through 2011. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(E). (Case Number OIG 2012-175.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- On September 28, 2012, U.S. Customs and Border Protection (CBP) released to **Melissa Crow**, the Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington, DC, 107 pages of travel records and policies and procedures related to CBP interactions with U.S. citizen minors at U.S. ports of entry. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H216815.)
- On September 28, 2012, U.S. Customs and Border Protection (CBP) released to **G.W. Schultz**, a reporter with the *Center for Investigative Reporting (CIR)* in Austin, Texas, 171 pages of records consisting of reports involving CBP employees who have committed suicide and suicide awareness training materials. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H226598.)

#### VI. Litigation

- In the matter of *American Immigration Council v. DHS* (D.D.C. 12-cv-00856), plaintiffs filed a complaint on May 31, 2012 claiming a constructive denial in a regards to a FOIA request. The FOIA request, dated March 14, 2011, sought records related to an alien's right to have counsel present during interactions with ICE. On October 2, 2012, ICE FOIA produced a third interim response consisting of 1,481 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 October 5 - 11, 2012

### Privacy Office

October 15, 2012

### 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 9, 2012, the Department of Homeland Security (DHS) Office of Operations Coordination and Planning (OPS) posted the DHS OPS 2012 FOIA log (five pages) to the DHS FOIA Library.

## II. FOIA Requests

- On October 5, 2012, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to the expenditure of U.S. Government funds to provide security and/or other services to Mitt Romney (R) and any companions during his July 2012 trip to the Olympic Games in London and subsequent European tour. (Case Number USSS 20130017.)
- On October 5, 2012, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) all records of communication relating to USSS agents involved with prostitution in Colombia from April 11, 2012 through September 24, 2012. (Case Number USSS 20130016.)
- On October 7, 2012, **David Perera**, an editor, with *FierceGovernmentIT* in Washington, DC, requested from the Department of Homeland Security (DHS) records concerning the Homeland Security Department Tech Stat meetings, including: (1) agendas; (2) attendance sheets (or other indications of who attended DHS Tech Stat sessions); (3) presentation slides or reports generated in preparation of, or as a result of, DHS Tech Stat meetings; (4) documentation of decisions made as a result of DHS Tech Stat meetings; (5) e-mails or other documents sent to DHS officials (including from DHS components) regarding DHS Tech Stat meetings, either in anticipation of a DHS Tech Stat review (for notification purposes, for scheduling purposes, for agenda purposes, etc.) or after a DHS Tech Stat review as a follow up to decisions made as a result of the meeting; and (6) reports, memos or e-mails sent within DHS (including components) that discuss selection of a program for DHS Tech Stat review; that discuss the agenda of a DHS Tech Stat meeting; that discuss the outcome of a DHS Tech Stat review; that discuss participation in DHS Tech Stat meetings; and that discuss implementation of decisions taken as a result of DHS Tech Stat meetings. (Case Number 2013-HQFO-00098.)
- On October 8, 2012, **David Perera**, an editor with *FierceGovernmentIT* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all quarterly reports sent to congressional committees regarding the status of OneNet implementation and migration to the Networx contract. (Case Number 2013-HQFO-00099.)

- On October 9, 2012, **David Perera**, an editor with *FierceHomeland Security* in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) copies of the Bottom Up Review of FEMA's Public Assistance Program. (Case Number FEMA 13-016.)
- On October 9, 2012, **Vance Green**, a researcher with *Seven O'Clock Update* for *Comcast Cable* in North Arlington, New Jersey, requested from U.S. Immigration and Customs Enforcement (ICE) records concerning the detention and questioning of (b) (6) on October 10, 2002. (Case Number ICE 2013FOIA00408.)
- On October 9, 2012, **Matt Winters**, an editor with the *Chinook Observer* in Long Beach, Washington, requested from the United States Coast Guard (USCG) records concerning the sinking of the vessel TWO MIKES in July 2012 in Yaquina Bay, Oregon. (Case Number USCG 2013FOIA0073.)
- On October 9, 2012, **Bart Jansen**, a reporter with *USA Today* in Washington, DC, requested from the Transportation Security Administration (TSA) copies of PACE airport evaluations for all airports from January 1, 2010 through the present. (Case Number TSA13-0032.)
- On October 9, 2012, **Mike Ahlers**, a senior producer with *CNN* in Washington, DC, requested from the Transportation Security Administration (TSA) the number of people enrolled in the TSA Pre-check program along with the applicable date. (Case Number TSA13-0034.)
- On October 9, 2012, **Seth Wessler**, a reporter with the *Applied Research Center* in New York, New York, requested from the Department of Homeland Security (DHS) data regarding the number of parents of U.S. citizens who have been deported from July 1, 2010, through the present. This data should include all the same categories that were provided in the March 26, 2012, ICE Report "Deportation of Parents of U.S.-Born Citizens", including: (1) Final Orders Sought for Aliens Who Claim to Have USC Children; (2) Final Orders Obtained for Aliens Who Claim to Have USC Children by District/AOR; (3) Final Orders Obtained (by Type) for Aliens Who Claim to Have USC Children; (4) Final Orders Obtained for Aliens Who Claim to Have USC Children by Agency Issuing the Order; and (5) Number of Removals of Aliens Who Claim to Have USC Children by Category of Removal. (Case Number 2013-HQFO-00104.)
- On October 9, 2012, the General Services Administration (GSA) referred to the Department of Homeland Security (DHS) a request from **Russ Ptacek**, a reporter with *WUSA 9 News* in Washington, DC, seeking copies of the 2011 Premium Class Travel Reports for all agencies. (Case Number 2013-HQFO-00101.)
- On October 9, 2012, **Megan Wilson**, a reporter with *The Hill* in Washington, DC, requested from the Department of Homeland Security (DHS) all records from members of Congress and/or congressional aides sent to any officials employed by or affiliated with the Department of Homeland Security: (1) asking for, requesting, seeking assistance, directing or coordinating monies under control of the agency to a specific unsolicited proposal, non-competitive grant, initiative, project or program; and (2) supporting requests for federal funding for a specific unsolicited proposal, non-competitive grant, initiative, project or program, on

behalf of their constituents and/or their constituent organizations. (Case Number 2013-HQFO-00100.)

- On October 10, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to DHS-OIG employees placed on administrative leave from FY 2011 through the present. (Case Number OIG 2013-007.)
- On October 10, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records regarding complaints or investigations involving former U.S. Immigration and Customs Enforcement (ICE) Chief of Staff Suzanne Barr. (Case Number OIG 2013-008.)
- On October 10, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records regarding complaints received against Acting Inspector General Charles Edwards and/or a third party from September 6, 2012 through the present. (Case Number OIG 2013-011.)
- On October 11, 2012, **Brian Bennett**, a staff writer with *The Los Angeles Times* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the third semi-annual report to Congress entitled "Deportation of Parents of U.S.-Born Citizens." (Case Number ICE 2013FOIA00615.)

#### Late requests

- On August 31, 2012, the National Oceanic and Atmospheric Administration (NOAA) referred to the United States Coast Guard (USCG) a request from **Claudette Juska**, a research specialist with **Greenpeace** in Washington, DC, seeking records concerning endangered and threatened species in the Gulf Coast region following the Deepwater Horizon incident. (Case Number USCG 2013FOIA0074.)
- On September 25, 2012, the Department of Justice (DOJ) referred to the United States Coast Guard (USCG) documents responsive to a request from **Micah Fink**, Producer/Director with **Common Good Productions** in Glen Ridge, New Jersey, seeking documents concerning a pollution incident involving the vessel MYRON N. (Case Number USCG 2013FOIA0047.)
- On September 27, 2012, the Federal Bureau of Investigation (FBI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, seeking copies of the congressional file for Senator Barack Obama (D-IL) and/or his staff from January 5, 2005 through November 16, 2008. (Case Number 2013-HQFO-00095.)
- On September 29, 2012, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, seeking records concerning (b) (6)

known as (b) (6) who was arrested in July 2010, and a member of the La Linea armed gang with close ties to the Juarez drug cartel. (Case Number 2013-HQFO-00096.)

- On October 4, 2012, **Lorilyn Prestidge**, a reporter with **14 News (WFIE)** in Evansville, Indiana, requested from the United States Coast Guard (USCG) a copy of the latest inspection record for the LST 325 stationed in Evansville, Indiana. (Case Number USCG 013FOIA0052.)
- On October 4, 2012, **Ross McLaughlin**, a journalist with **11Alive News** in Atlanta, Georgia, requested from the Transportation Security Administration (TSA) records pertaining to items which are damaged, mishandled or stolen from TSA security checkpoints at American airports, including Atlanta's Hartsfield Jackson airport, from 2011 through the present. (Case Number TSA13-0022.)

### III. FOIA Releases

- NSTR

### IV. FOIA Appeals

- NSTR

### V. FOIA Appeals Releases

- NSTR

### VI. Litigation

- In the matter of *WeCount! Inc. v. DHS* (D.D.C. 11-00143), plaintiffs filed a complaint on January 21, 2011, seeking release of records regarding a sex trafficking operation in Southern Florida. The operation (Operation Res-Q) was conducted from November 18-November 20, 2009, and resulted in some allegations of abuse by several of the individuals arrested. On October 11, 2012, ICE issued the fifteenth interim release, consisting of 660 pages of responsive records.
- In the matter of *ACLU v. DHS* (S.D.N.Y. 11-cv-3786), plaintiffs filed a complaint on June 3, 2011, seeking records regarding Post Order Custody Review (POCR). On September 5, 2012, ICE entered into a settlement agreement with the plaintiffs regarding the production and searches going forward. That stipulation included a provision requiring that a sampling of POCR database records, along with a corresponding declaration and Vaughn index, would be provided to the plaintiffs' preparatory to the Motion for Summary Judgment briefing. On October 9, 2012, ICE produced to the plaintiffs' sample POCR database documents consisting of 22 pages of records, along with a declaration and Vaughn index.



## **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 12 - 18, 2012

### Privacy Office

October 22, 2012

### 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 12, 2012, the Department of Homeland Security (DHS), Privacy Office posted records related to the “Occupy Wall Street” movement (612 pages) to the DHS FOIA Library.

## II. FOIA Requests

- On October 12, 2012, **Elizabeth Campos**, a staff attorney with **The Capital Appeals Project** in New Orleans, Louisiana, requested from the Department of Homeland Security (DHS) the following records pertaining to the construction of death row at the Louisiana State Penitentiary (a.k.a. Angola) (“the facility”) in Louisiana from 2006 through 2012: (1) financial documents, including but not limited to budgets, proposals, and audits, as they relate to federal funding for the construction; (2) all plans that relate to that construction, including but not limited to any materials related to the planned methods of heating and cooling the facility; (3) plans that relate to that construction, including but not limited to any materials related to the planned methods of heating and cooling the facility; and (4) documents prepared by DHS as they relate to the facility including the cost and overall budget, constructions plans, maintenance plan, and anything else pertaining to the facility not encompassed above. (Case Number 2013-HQFO-00123.)
- On October 12, 2012, **Scott MacFarlane**, a correspondent with **COX TV** in Washington, DC, requested from the Department of Homeland Security (DHS) records regarding all political appointees (non-career Senior Executive Service, Schedule C and presidential appointees) at DHS who began work on or after January 20, 2009. (Case Number 2013-HQFO-00119.)
- On October 12, 2012, **Scott MacFarlane**, a correspondent with **COX TV** in Washington, DC, requested from the Department of Homeland Security (DHS) correspondence, including e-mail, in 2011 and 2012 from DHS employees to or from the offices of Representative Michael Turner (R-OH); Representative John Mica (R-FL); Representative John Lewis (D-GA); Representative Paul Broun (R-GA); Representative Sue Myrick (R-NC); Representative Silvestre Reyes (D-TX); Representative Nancy Pelosi (D-CA); Representative George Miller (D-CA); Senator Johnny Isakson (R-GA); Senator Bob Casey (D-PA); Senator Sherrod Brown (D-OH); and Senator Richard Burr (R-NC). (Case Number 2013-HQFO-00120.)
- On October 12, 2012, **Scott MacFarlane**, a correspondent with **COX TV** in Washington, DC, requested from the Department of Homeland Security (DHS) all financial records, invoices, price lists, payments, budgets, financial reports, or other documents discussing or documenting payments to the following companies

in relation to requests for personal data and/or account information, including but not limited to individuals' e-mail records, IP addresses, search queries, web history, or any other personal data/user history: Facebook, MySpace, Google/Gmail, Yahoo, and AOL. (Case Number 2013-HQFO-00121.)

- On October 12, 2012, **Scott MacFarlane**, a correspondent with **COX TV** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all memorandums of understanding or memorandums of cooperation between DHS and the following companies and universities: Exxon/Mobil, Coca-Cola, Wells-Fargo, Bank of America, Massey Energy, Starbucks, Disney, British Petroleum, Georgia Tech University, Wheeling Jesuit University, West Virginia University, Alaska Airlines, and Delta Airlines. (Case Number 2013-HQFO-00122.)
- On October 12, 2012, **Miriam Jordan**, a reporter with **The Wall Street Journal** in Beverly Hills, California, requested from the United States Citizenship and Immigration Services (USCIS) statistics for Deferred Action for Childhood Arrivals (DACA) from August 15, 2012 through the present. (Case Number USCIS COW2012000934.)
- On October 12, 2012, **Mark Vinson**, an EEO Specialist/Attorney with the **American Federation of Government Employees (AFGE)** in Washington, DC, requested from the Transportation Security Administration (TSA) copies of all vacancy announcements for all non-Federal Security Director and non-Transportation Security Officer positions announced in New Mexico, Arizona, Colorado, Texas, Oklahoma, Arizona, and Louisiana from February 7, 2011 through July 31, 2011. (Case Number TSA13-0042.)
- On October 12, 2012, **Jason Ryan**, a reporter with **ABC News** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records from ICE's Office of Professional Responsibility that address ICE employees and agents allegedly soliciting prostitutes, and the disposition of the allegation from January 1, 2007 through May 30, 2012. (Case Number ICE 2013FOIA00707.)
- On October 15, 2012, **Abraham Payton**, Due Diligence Manager with the **American Bridge 21st Century** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) correspondence between Governor Christopher James Christie (R-NJ) and the Office of the Secretary of Homeland Security (including the Secretary of Homeland Security) from 1995 through the present; (2) correspondence between the Secretary of Homeland Security (and his or her office) and the Office of the Governor of New Jersey from January 19, 2010 through the present; and (3) correspondence between the Secretary of Homeland Security (and his or her office) and the Office of the United States Attorney for the District of New Jersey from January 17, 2008 through December 1, 2008). (Case Number 2013-HQFO-00125.)
- On October 15, 2012, **Scott MacFarlane**, a correspondent with **Cox TV** in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) records regarding the legality of recovering improper payments of any kind, including overpayments and wrongful payments disbursed through FEMA's

Emergency Food and Shelter Program from January 1, 2011 through the present. (Case Number FEMA 13-028.)

- On October 15, 2012, **Michael Keller**, a senior data reporter with *Newsweek* and *The Daily Beast* in New York, New York, requested from the Transportation Security Administration (TSA), various administrative records from TSA's Office of the Ombudsman. (Case Number TSA13-0049.)
- On October 15, 2012, **Alison Sider**, a reporter with the *Dow Jones Newswires*, requested from the United States Coast Guard (USCG) the following records: (1) a copy of any Notice of Federal Interest issued to BP and Transocean; and (2) any written joint plan submitted by BP and Transocean this month to identify the source of an oil sheen located in the Gulf of Mexico. (Case Number USCG 2013FOIA0131.)
- On October 15, 2012, **Mark Schleifstein**, a staff writer with *The Times-Picayune* in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) a copy of any correspondence to and from Transocean and the FOSC or other Coast Guard officials concerning that correspondence concerning the Notice of Federal Interest issued to BP and Transocean on October 9, 2012. (Case Number USCG 2013FOIA0134.)
- On October 15, 2012, **John Ryan**, a reporter with *KUOW* in Seattle, Washington, requested from the United States Coast Guard (USCG) a copy of the Certificate of Inspection for the vessel ARTIC CHALLENGER and any reports created on the vessel in September 2012. (Case Number USCG 2013FOIA0143.)
- On October 15, 2012, **Inkoo Kang**, a researcher with *MuckRock News* in Boston, Massachusetts, requested from the United States Coast Guard (USCG) documents relating to the Coast Guard's participation in the production of the film Battleship (2012). (Case Number USCG 2013FOIA0135.)
- On October 16, 2012, **Sheryll Lamothe**, Assignment Editor with *Inside Edition* in Culver City, California, requested from the United States Coast Guard (USCG) an audio copy of any audio transmission concerning the report of an unattended skiff at Poison Bay on Chichagof Island, which resulted in the discovery of a fatal bear mauling attack. (Case Number USCG 2013FOIA0150.)
- On October 16, 2012, **Shoba Sivaprasad Wadhia**, Professor and Director with **The Center for Immigrants' Rights** at Pennsylvania State University in State College, Pennsylvania, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to two groups of individuals: (1) Applicants for deferred action since June 17, 2011; and (2) Applicants Consideration of Deferred Action for Childhood Arrivals (DACA) since August 15, 2012. (Case Number USCIS COW2012000939.)
- On October 16, 2012, **Jonathan Selden**, a representative with *Austin Daily*, in Austin, Texas, requested from the United States Secret Service (USSS) the following: (1) a list of all persons (excluding government employees, campaign staff, campaign invitees, or security personnel) who attended or were present at a Romney for President campaign event held at the home of Marc Leder in Boca Raton, Florida on or about May 17, 2012; (2) the name of the catering or food service company or companies that provided services at the event; and (3) any and all information relating to any investigation of the secret video, names and

- identities of people who may have made the secret video recording and any investigation into these persons. (Case Numbers USSS 20130037-20130039.)
- On October 17, 2012, **Sam Knight**, a freelance journalist in Washington DC, requested from the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL): (1) the homeland information report draft about “Ten Book Recommendations for Every Muslims” referenced on page 36 of the United States Senate Permanent Subcommittee on Investigations Committee on Homeland Security and Governmental Affairs report on “Federal Support for and Involvement in State and Local Fusion Centers”, published October 3, 2012. [“One draft reported on a list of reading suggestions by a Muslim community group, ‘Ten Book Recommendations for Every Muslim.’”]; and (2) a copy of the 2011 Margo Schlanger presentation that was referenced on page 36 of the aforementioned report on “Federal Support for Involvement in State and Local Fusion Centers”, published October 3, 2012. [“Margo Schlanger, then the director of DHS’s Office for Civil Rights and Civil Liberties (CR/CL), gave a training presentation based on the ‘main issues coming up’ for her office as it reviewed I&A’s reporting. Ms. Schlanger’s presentation, a copy of which DHS provided to the Subcommittee”]. (Case Number CRCL 13-002.)

#### Late requests

- On October 10, 2012, **Evan Barr**, a partner with **Steptoe & Johnson LLP**, in New York, New York, requested from the Department of Homeland Security (DHS) all documents, records, notes, and internal memoranda maintained, reviewed, or collected by the Department of Homeland Security relating to Lebanese Canadian Bank dated on or after January 1, 2007 and including those documents related to current or former employees, board members, or directors of Lebanese Canadian Bank. (Case Number 2013-HQFO-00116.)
- On October 11, 2012, **Alicia Caldwell**, a reporter with *The Associated Press* in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS), a statistical breakdown of Deferred Action for Childhood Arrivals (DACA) as follows: (1) applications received; (2) the number of applicants scheduled for fingerprints or other biometric exams; (3) the number of applications approved and denied; and (4) the number of applications in which additional evidence has been requested from the applicant from year to date. (Case Number USCIS COW2012000930.)
- On October 11, 2012, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) information pertaining to the number of medical repatriations since 2007 and specific information detailing all medical repatriations conducted in Illinois. (Case Number ICE 2013FOIA00619.)
- On October 11, 2012, **Jon Burstein**, a reporter with the *Sun Sentinel* in Fort Lauderdale, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to all internal investigations into the conduct of (b) (6), (b) (7)(C) [REDACTED], the former Special Agent-in-Charge of ICE’s South Florida office. (Case Number ICE 2013FOIA00627.)

- On October 11, 2012, **Danny Hakim**, a reporter with *The New York Times* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) an electronic copy of any incident reporting database that exists for immigrant detention facilities run or regulated by ICE. (Case Number ICE 2013FOIA00632.)
- On October 11, 2012, **Mike Ahlers**, a senior producer with *CNN* in Washington, DC, requested from the Transportation Security Administration (TSA) video footage of screening which occurred in December 2010 at Honolulu International Airport. (Case Number TSA13-0048.)
- On October 11, 2012, **Wanda Prisinzano**, a reporter with *WCBSTV* in New York, New York; **Jeff Green**, a reporter with *The Record* in Woodland Park, New Jersey; **David Porter**, a reporter with *The Associated Press* in Newark, New Jersey; and **Joseph Farrington**, a reporter with *WNBC*, requested from the United States Coast Guard (USCG) the radio transmission received on October 10, 2012 by the USCG concerning a boater in distress in the Passaic River (Case Numbers USCG 2013FOIA0103-0106.)
- On October 11, 2012, **James Brooks**, an editor with the *Kodiak Daily Mirror* in St. Kodiak, Alaska, requested from the United States Coast Guard (USCG) documents concerning the sinking of the vessels HERITAGE and KIMBERLY near Kodiak Island, Alaska in January 2012. (Case Number USCG 2013FOIA0115.)

### III. FOIA Releases

- On October 3, 2012, the Transportation Security Administration (TSA) released to **Brian Maas**, a journalist with *CBS* in Denver, Colorado, 46 pages of records pertaining to various civil enforcement actions at Denver International Airport for 2008, 2009, and 2010. Portions of the release were withheld pursuant to FOIA Exemptions 3, 6, and 7(C). (Case Number TSA10-0828.)
- On October 15, 2012, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **Jennifer Lynch**, a staff attorney with the *Electronic Frontier Foundation* in San Francisco, California, 920 pages of records consisting of technical reports, presentations, financial reports, and data concerning the development of the DNA Analyzer from 2008 through the present. Portions of the release were withheld pursuant to FOIA Exemptions 3, 4, 5, and 6. (Case Number S&T 11-0003.42.)
- On October 17, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **J. Keith Gates**, a senior attorney with **Cause of Action** in Washington, DC, a no records determination in response to his request seeking records pertaining to commemorative items and awards. (Case Number OIG 2012-075.)
- On October 17, 2012, the Department of Homeland Security (DHS) released to **Alan Gomez**, a reporter with *USA Today* in Washington, DC, 549 pages of records consisting of Reportable Use of Force Incident Reports. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP 2012F21383.)

- On October 17, 2012, the Department of Homeland Security (DHS) released to **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, 172 pages of records consisting of correspondence to or from Congressman Paul Ryan (R-WI) or his staff. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP 2012F29669.)
- On October 18, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, a full denial in response to his request seeking records of complaints or investigations pertaining to former U.S. Immigration and Customs Enforcement (ICE) Chief of Staff Suzanne Barr. The denial was based on the fact that the requester failed to provide express authorization from the third party subject of his request, proof that the subject is deceased, or a clear demonstration of public interest in the individual. FOIA Exemptions 6 and 7(C) were also cited as generally applicable to withholding the type of information requested. (Case Number OIG 2013-008.)
- On October 18, 2012, the Department of Homeland Security (DHS) released to **Peter Copeland**, an individual in New York, New York, a six-page memorandum related to an investigation of the Customs and Border Protection, Office of Internal Affairs (CBP IA) Information-Sharing Pilot. These records were released in full. (Case Number DHS/OS/PRIV 12-0675.)

#### **IV. FOIA Appeals**

- NSTR

#### **V. FOIA Appeals Releases**

- NSTR

#### **VI. Litigation**

- 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 19 - 25, 2012

### Privacy Office

October 31, 2012

### 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 22, 2012, U.S. Immigration and Customs Enforcement (ICE) created a new category in the ICE FOIA Library for records from the Student Exchange Visitor Program, and posted eight SEVIS By the Numbers Quarterly Reports.

## II. FOIA Requests

- On October 5, 2012, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to the expenditure of U.S. Government funds to provide security and/or other services to Mitt Romney (R) and any companions during his July 2012 trip to the Olympic Games in London and subsequent European tour. (Case Number USSS 20130017.)
- On October 19, 2012, **Kirk Mitchell**, a staff writer with *The Denver Post* in Denver, Colorado, requested from the Federal Emergency Management Agency (FEMA) the following records: (1) copies of the phone records for Ed Conley, Director, FEMA Region III during September 2001; (2) records regarding a “Technical Innovation” award Kurt Sonnenfeld received from Vice President Al Gore in 1995 for work performed following a hurricane in St. Thomas; and (3) copies of all disciplinary reports of Kurt Sonnenfeld. (Case Number FEMA 13-037.)
- On October 22, 2012, **Rachel Levinson-Waldman**, Counsel, Liberty and National Security Program, with the **Brennan Center for Justice** at **New York University Law School** in Washington, DC, requested from the Department of Homeland Security (DHS) and United States Visitor and Immigrant Status Indicator Technology (US-VISIT) records pertaining to Memorandums of Understanding and other materials related to the biometric information contained within IDENT. (Case Number US-VISIT 13-0890.)
- On October 22, 2012, **Jeff Bliss**, a reporter with *Bloomberg News* in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) a copy of the DHS-OIG report pertaining to the prostitution scandal involving United States Secret Service (USSS) employees in Cartagena, Columbia, including: (1) the report that was the basis of the briefing received by staffers of Senator Ron Johnson (R-WI); (2) any update to the report used in the briefing; and (3) any subsequent reports and/or analyses the DHS-OIG does on the prostitution scandal. (Case Number OIG 2013-014.)
- On October 22, 2012, **Laura Maggi**, a reporter with *The Times-Picayune* in New Orleans, Louisiana, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) a copy of the DHS-OIG investigation into the

- death of Jose Nelson Reyes-Zelaya at the New Orleans Parish Prison. (Case Number OIG 2013-015.)
- On October 22, 2012, **Maria Sacchetti**, a reporter with *The Boston Globe* in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) records concerning a named individual. (Case Number ICE 2013FOIA01667.)
  - On October 22, 2012, **Seth Freed Wessler**, a freelance journalist with a *Public Broadcasting Service* program in Brooklyn, New York, requested from U.S. Customs and Border Protection (CBP) data regarding deaths of migrants along the U.S. border including: (1) name of decedent, (2) location of death/found, (3) circumstances of deaths, (4) reasons and/or cause of death, (5) date and time of death/found, (6) factors contributing to death, (7) responses by government agencies, and (8) any other information gathered. (Case Number CBP 2013F00810.)
  - On October 23, 2012, **Keisha Slaughter**, a researcher with *The National Security Archive* in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records pertaining to the Mexican Army firing on and pursuing U.S. Border Patrol agents on U.S. soil on March 14, 2000 and said to potentially be linked to a \$200,000 reward the Juarez cartel was offering to kill U.S. Border Patrol agents for the time period of March 2000 through the present. (Case Number CBP 2013F00831.)
  - On October 23, 2012, **Matthew Kish**, a reporter with the *Portland Business Journal* in Portland, Oregon, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to an ICE investigation that involved Oregon as mentioned in a 2006 GAO report entitled “Company Formations: Minimal Ownership Information Is Collected and Available.” (Case Number ICE 2013FOIA01705.)
  - On October 23, 2012, **Jake Freed**, an attorney with *Covington & Burling LLP* on behalf of the *American Civil Liberties Union Immigrants’ Rights Project* and the *American Civil Liberties Union (ACLU) of Northern California*, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to departure control orders for persons who are defendants or witnesses in criminal cases, pursuant to 8 C.F.R. §§ 215.2 and 215.3(g). (Case Number ICE 2012FOIA01736.)
  - On October 23, 2012, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records containing the total number of “Stipulated Order of Removals” executed in Illinois in 2007. (Case Number ICE FOIA 2013FOIA01704.)
  - On October 23, 2012, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) statistics concerning apprehensions and removals for the Chicago Field Office from 2007 through 2011. (Case Number ICE 2013FOIA01737.)
  - On October 23, 2012, **Andrew Medici**, a reporter with the *Federal Times* in Springfield, Virginia, requested from the Federal Emergency Management Agency (FEMA) the following records for fiscal years 2005 through 2012: (1) copies of the itemized spending on conferences and offsite meetings within

FEMA's Region III, and (2) the number of attendees for each. (Case Number FEMA 13-046.)

- On October 22, 2012, **Mary Struck**, Publisher and Editor with *The Kohler Villager* in Kohler, Wisconsin, requested from the Transportation Security Administration (TSA) information pertaining to a May 2012 incident where a private citizen was allegedly attempting to carry a loaded weapon through the checkpoint at Milwaukee General Mitchell International Airport. (Case Number TSA 13-0062.)
- On October 22, 2012, **Michael Keller**, a senior data reporter with *Newsweek* and *The Daily Beast* in New York, New York, requested from the Transportation Security Administration (TSA) the following records: (1) an updated organizational chart listing for all TSA "departments and sub-departments," (2) the most recent records retention schedule for all TSA departments, and (3) annual and quarterly reports from TSA's Office of Finance. (Case Number TSA 13-0067.)
- On October 22, 2012, **Rachel Roberts**, a Civil Rights Coordinator with the **Council on American-Islamic Relations** in Santa Clara, California, requested from the Department of Homeland Security (DHS) records pertaining to a named individual. (Case Number 2013-HQFO-00145.)
- On October 23, 2012, **Catherine Crump**, a staff attorney with the **American Civil Liberties Union (ACLU)** in New York, New York, requested from U.S. Customs and Border Protection (CBP), the Transportation Security Administration (TSA), U.S. Immigration and Customs Enforcement (ICE), Federal Emergency Management Agency (FEMA), Transportation Security Administration (TSA), and the Department of Homeland Security (DHS) all records created from January 1, 2006, through the present pertaining to any agency use of Unmanned Aerial Vehicles (UAVs) or drones. (Case Numbers TSA 13-0080, FEMA 13-047 and 2013-HQFO-00142.)
- On October 23, 2012, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) contracts between DHS and private entities providing for "Closely Associated FOIA Support," (2) contracts between DHS and private entities providing for FOIA processing, and (3) contracts between DHS and private entities providing for FOIA backlog reduction. (Case Number 2013-HQFO-00136.)
- On October 24, 2012, the Department of Homeland Security (DHS) Privacy Office referred to the Transportation Security Administration (TSA) a request from **Jonathan Shelley**, News Director with **WDSU-TV** in New Orleans, Louisiana, seeking a copy of the most recent Presence, Advisements, Communication, and Execution (PACE) evaluation for Louis Armstrong International Airport in Kenner, Louisiana. (Case Number TSA 13-0074.)
- On October 24, 2012, **David Porter**, a reporter with *The Associated Press* in Newark, New Jersey, requested from the Transportation Security Administration (TSA) the following records: (1) a copy of surveillance videos, taken in November and December of 2011, which were used in disciplinary actions against 44 TSA employees at Newark International Airport in October 2012; and (2) any

written reports summarizing elements of these videos. (Case Number TSA 13-0075.)

- On October 25, 2012, **Ryan Reilly**, a reporter with *Talking Points Memo* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the report from ICE's Office of Professional Responsibility on the identity of the individual who leaked the immigration status of Zeituni Onyango, the aunt of then-Senator Barack Obama (D-IL), in the days before the 2008 presidential election. (Case Number ICE 2013FOIA01909.)

### Late requests

- On October 7, 2012, **Cassandra Vangellow**, a journalism student with the **University of Florida** in Gainesville, Florida, requested from the Department of Homeland Security (DHS) records from DHS' National Biosurveillance Integration Center (NBIC) pertaining to funding and programs put into effect by DHS in Alachua County and Gainesville, Florida since 9/11. (Case Number 2013-HQFO-00144.)
- On October 10, 2012, **Joseph A. Sindon**, an attorney with the **Law Offices of Joseph A. Sindon** in Pearsall, Texas, requested from U.S. Customs and Border Protection (CBP) the following records pertaining to a car chase and apprehension of a subject by the U.S. Border Patrol on September 17, 2011, which ended in a car crash and death of one of the passengers: (1) names, addresses, and telephone contact information of all agents or employees that took part in the apprehension of the subject; (2) all records and reports generated by any employee or agent of CBP as a result of the incident; (3) a copy of any photographs, video or audio that was generated by an employee or agent of CBP as a result of the incident; (4) the year, make, model, and description of each vehicle involved in the pursuit; and (5) any policy or procedure manual, educational video or interoffice memo that outlines the details and instructions U.S. Border Patrol agents are instructed to follow in an investigative stop and/or high speed apprehension of a subject. (Case Number CBP 2013F00806.)
- On October 18, 2012, **Joshua Berlinger**, an editorial intern with *Business Insider* in New York, New York, requested from the United States Secret Service (USSS) a copy of all USSS personnel policies regarding the use of drugs, alcohol, personal internet use, and social media reflecting the most recently enacted policies and the policies that were in place in January 2011, before the "Cartagena Affair". (Case Number USSS 20130047.)

### **III. FOIA Releases**

- On October 17, 2012, U.S. Customs and Border Protection (CBP) released to **Alejandro Martinez-Cabrera**, a reporter with *El Paso Times* in El Paso, Texas, one video tape consisting of six and a half minutes of southbound traffic and northbound lanes adjacent to the southbound lanes at the International Bridge of the Americas in El Paso, Texas between approximately 11:28:30AM to 11:35:00AM on April 17, 2012. (Case Number CBP 2012F21901.)
- On October 22, 2012, U.S. Customs and Border Protection (CBP) released to **Tia Ghose**, a homeland security reporter with the *Center for Investigative Reporting*

(*CIR*) in Berkeley, California, five pages of records consisting of records pertaining to tunnels located at the border since 1990. Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number CBP 2012F28347.)

- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Sean Dunagan**, a researcher with **Judicial Watch** in Washington, DC, 284 pages of records as a partial response consisting of ICE e-mails and communications concerning the Prosecutorial Discretion Pilot Program in Baltimore and Denver and copies of Department of Homeland Security (DHS)/ICE prosecutorial discretion policies. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number ICE 2012FOIA02389.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas the 16- page ICE Office of Professional Responsibility investigative closing report concerning Ricardo Rojas Martinez, who died in ICE custody on December 19, 2011. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2012FOIA23635.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, 19 pages of records pertaining to (b) (6). Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA6017.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Gregory Korte**, a reporter with *USA Today* in Washington, DC, 10 pages of correspondence between the Department of Homeland Security (DHS) and the House Committee on the Judiciary concerning the November 4, 2011 subpoena issued by the House Subcommittee on Immigration Policy and Enforcement. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number ICE 2012FOIA08312.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Gregory Korte**, a reporter with *USA Today* in Washington, DC, 82 pages of specific congressional correspondence identified in the congressional correspondence log on the ICE FOIA Library. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA13013.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Chris Kirkham**, a reporter with *The Huffington Post* in New York, New York; **Siddhartha Mahanta**, a reporter with *The American Independent* in Washington, DC; and **Fred Tsao**, an attorney with the **Illinois Coalition for Immigrant and Refugee Rights** in Chicago, Illinois, 49 pages of records consisting of correspondence between ICE, Congress, and the Town of Crete, Illinois concerning the placement of a new immigration detention facility in Crete, Illinois. Portions of the release were withheld pursuant to FOIA Exemptions 3, 4, 5, 6, and 7(C). (Case Numbers ICE 2012FOIA15224, 2012FOIA12218 and 2012FOIA14840.)

- On October 22, 2012, U.S. Immigration and Customs Enforcement released to **Chris Kirkham**, a reporter with *The Huffington Post* in New York, New York, copies of inspection reports on ICE-owned or contracted detention facilities from January 1, 2008 through the present. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2012FOIA15223.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Chris Kirkham**, a reporter with *The Huffington Post* in New York, New York, 836 pages of records on disk pertaining to ICE's Congressional correspondence and telephone logs from 2004 through the present. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number ICE 2012FOIA15296.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Sean Dunagan**, an attorney with **Judicial Watch** in Washington, DC, 70 pages of records concerning the National Immigration Law Center (NILC) publication "The All-In-One Guide to Defeating ICE Hold Requests." Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA13216.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Richard Ruelas**, a reporter with *The Arizona Republic* in Phoenix, Arizona, 21 pages of records pertaining to a U.S. Customs Service badge issued to [the (b) (6), (b) (7)(C)]. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA13675.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Robert Pinto**, an attorney with the **American Civil Liberties Union (ACLU)** in Raleigh, North Carolina, 546 pages of records concerning ICE enforcement operations conducted in Jackson County, North Carolina. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2012FOIA14724.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, seven pages of records associated with ESEC workflow number 939418 consisting of correspondence from an immigration attorney concerning her client. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(E). (Case Number ICE 2012FOIA17284.)
- On October 22, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Kevin Rothstein**, a reporter with *WFXT Fox 25 News* in Dedham, Massachusetts, one spreadsheet containing Secure Communities interoperability statistics for Massachusetts broken down by jurisdiction. These records were released in full. (Case Number ICE 2012FOIA18641.)
- On October 23, 2012, the Department of Homeland Security (DHS) released to **Josh Margolin**, a reporter with *The New York Post* in Washington, DC, 16 pages of records pertaining to the Republican and Democratic National Conventions in Tampa, Florida, and Charlotte, North Carolina, in August and September 2012. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 12-0716.)

- On October 23, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, a full denial in response to his request seeking the report of investigation pertaining to the shooting death of Sergio Hernandez-Guereca along the El Paso border. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number OIG 2012-156.)
- On October 23, 2012, the Transportation Security Administration (TSA) released to **Laura Batchelor**, a reporter with *CNN* in New York, New York, 18 pages of records of an internal memo, entitled “EWR Commitment to Excellence”, which had been distributed in April 2011 to TSA employees at Newark International Airport. Portions of the release were withheld pursuant to FOIA Exemptions 3 and 5. (Case Number TSA 11-0527.)
- On October 24, 2012, the Transportation Security Administration (TSA) released to **Barbara Elias**, Freedom of Information Coordinator with *The National Security Archive* in Washington, DC, 774 pages of records referenced in the 9/11 Commission Report. Portions of the release were withheld pursuant to FOIA Exemptions 3 and 5. (Case Number TSA 05-0067.)
- On October 24, 2012, the Transportation Security Administration (TSA) released to **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, three pages of correspondence related to the Traveler Redress Inquiry Program (TRIP). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number TSA13-0026.)
- On October 25, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, a Glomar response neither confirming nor denying the existence of investigative records pertaining to the Deputy Assistant Inspector General of investigations and a third party; and denying access to any investigative records pertaining to Acting Inspector General (b) (6), (b) (7)(C) due to failure to provide demonstration of public interest. FOIA Exemptions 6 and 7(C) were also cited as generally applicable to withholding the type of information requested. (Case Number OIG 2012-167.)
- On October 25, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, 208 pages of travel vouchers pertaining to travel records and schedules for Acting Inspector General (b) (6), (b) (7)(C) from fiscal years 2011 through 2012 and former Inspector General (b) (6), (b) (7)(C) from fiscal years 2005 through 2011. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(E). (Case Number OIG 2012-175.)
- On October 25, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, a Glomar response neither confirming nor denying the existence of investigative records pertaining to a third party; and denying access to any investigative records pertaining to Acting Inspector (b) (6), (b) (7)(C) due to failure to provide demonstration of

public interest. FOIA Exemptions 6 and 7(C) were also cited as generally applicable to withholding the type of information. (Case Number OIG 2013-011.)

#### IV. FOIA Appeals

- On October 22, 2012, **Michael Kulakowski**, an attorney with the **Law Offices of Powell, Trachtman, Logan, Carrle & Lombardo, P.C.** in King of Prussia, Pennsylvania, appealed the Federal Emergency Management Agency's (FEMA) response to his request for all records pertaining to litigation and a settlement for the lawsuit *Portnoy v. FEMA*, 02-06714 filed in the U.S. District Court for the Eastern District of Pennsylvania. The requester is contesting the no records determination. (Case Number FEMA 12-520.)

#### V. FOIA Appeals Releases

- NSTR

#### VI. Litigation

- *Long v. ICE*, (D.D.C. 12-cv-01725), plaintiffs filed suit with regard to a FOIA request to U.S. Immigration and Customs Enforcement (ICE) made on behalf of the Transactional Records Access Clearinghouse (TRAC) at Syracuse University on April 11, 2011. Plaintiffs' FOIA request sought a complete extract of all records contained in 106 fields relating to detention facilities within the ENFORCE database on April 21, 2011. On December 7, 2011, ICE issued its final response, along with 16 pages of responsive records, claiming no exemptions. Plaintiffs appealed ICE's response on December 19, 2011, claiming that ICE's response failed to provide any of the records sought. ICE denied plaintiff's appeal on February 10, 2012. Plaintiffs, Susan Long and David Burnham, filed suit against ICE in their individual capacities, and not on behalf of TRAC or Syracuse University, on October 22, 2012.
- *Union Leader Corporation v. U.S. Immigration and Customs Enforcement*, (D.N.H. 12-CV-00018), plaintiff seeks to compel the release of records containing the names and addresses of six individuals arrested in New Hampshire during 2011. Plaintiff filed suit under the FOIA on January 13, 2012, however, ICE determined that plaintiff never submitted a FOIA request as plaintiff's requests were sent to the ICE Office of Public Affairs. ICE prepared a declaration in support of a Motion for Dismissal. On March 23, 2012, the Court granted ICE's Motion to Dismiss. Plaintiff filed a second lawsuit on April 4, 2012 challenging ICE's withholding of the names and addresses of those arrested in the ICE response to the FOIA request plaintiff filed during the course of the first suit. On October 24, 2012, ICE filed a declaration describing ICE's search for responsive records and ICE's withholdings.
- *Electronic Frontier Foundation v. DOD, et al.* (N.D. Cal. 09-CV-5640), plaintiff seeks to compel the release of records regarding the government's use of social networking websites in law enforcement investigations. ICE received plaintiff's FOIA request on referral from the Department of Homeland Security (DHS) on November 6, 2009. Plaintiff filed suit on December 1, 2009, claiming constructive denial of his FOIA request by DHS and several other government



agencies. On September 24, 2012, the Court granted defendant's Motion for Summary Judgment in part, notably with regard to ICE's exemptions, but denied in part with regard to the adequacy of ICE's search. ICE was ordered to provide a supplemental declaration describing the search for responsive records, with emphasis on whether or not the searches included desktop hard drives and networked shared drives. On October 24, 2012, ICE filed its second supplemental declaration describing the search for responsive records.

## **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 26 – November 1, 2012**  
**Privacy Office**  
**November 5, 2012**  
**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 26, 2012, **Emilia Barrosse**, an individual in Evanston, Illinois, requested from the Department of Homeland Security (DHS) copies of all investigative photos from the terrorist attacks of 9/11. (Case Number 2013-HQFO-00148.)
- On October 30, 2012, **Joseph Nascone**, President with **Keys Radio Group, Inc.**, in Marathon, Florida, requested from the United States Coast Guard (USCG) an incident report regarding a sailboat mast that struck and tore down the electric power line which provides power to Boot Key Harbor in Marathon, Florida. (Case Number USCG 2013FOIA0246.)
- On October 31, 2012, **Aaron Applegate**, a reporter with *The Virginian-Pilot* in Norfolk, Virginia, requested from the United States Coast Guard (USCG) all records related to the USCG's response on October 3, 1998 to the ship HMS Bounty off the coast of South Carolina. (Case Number USCG 2013FOIA0257.)
- On October 31, 2012, **Hunter Lipscomb**, Deputy Chief of Staff with the Office of **Congressman Steven Palazzo (R-MS)** in Gulfport, Mississippi, requested from the United States Coast Guard (USCG) the daily situation reports regarding USCG activity in the Hopedale, Louisiana operating area, for action relating to Deepwater Horizon response for October 2010 through the first week of November 2010. (Case Number USCG 2013FOIA0263.)
- On October 31, 2012, **Jennifer Trammell**, an investigator and anchor with **NBC2** in Fort Myers, Florida, requested from the Transportation Security Administration (TSA) all records pertaining to forced door compliance tests at Southwest Florida International Airport (RSW) in the last two years, including information on any fines levied. (Case Number TSA 13-0097.)
- On October 31, 2012, the Department of Homeland Security (DHS) Privacy Office referred to the Transportation Security Administration (TSA) a request from **Donald Vance**, an individual in Chicago, Illinois, seeking a copy of TSA report, "SJU - Exemption from Screening," dated December 5, 2005. (Case Number TSA 13-0104.)
- On November 1, 2012, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, case-by-case statistical information on each ICE removal in October 2012. (Case Number ICE 2013FOIA02610.)

- On November 1, 2012, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) detailed information about the number of removals nationwide that did not enter the Immigration Court system. (Case Number ICE 2013FOIA02613.)

### Late requests

- On October 23, 2012, **Brendan Borrell**, a reporter with *The American Prospect* in Brooklyn, New York, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the deportation of a named individual. (Case Number USCIS COW2012000952.)
- On October 25, 2012, **Kierstan Carlson**, an attorney with **Blank Rome LLP** in Washington, DC, requested from the Department of Homeland Security (DHS) any delegation and re-delegation orders from the Secretary of Homeland Security to the United States Coast Guard (USCG), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE) from 2002 through October 24, 2012. (Case Number 2013-HQFO-00157.)
- On October 25, 2012, **Brady Phelps**, a student in Buffalo, New York, requested from the Department of Homeland Security (DHS) records regarding any terrorism-related threats in Buffalo, New York since the year 1975. (Case Number 2013-HQFO-00150.)

### **III. FOIA Releases**

- On October 31, 2012, the Transportation Security Administration (TSA) released to **Scott MacFarlane**, a correspondent with *COX TV* in Washington, DC, 494 pages of records consisting of correspondence in 2010 from the Administrator of TSA to members of Congress which are held in the Administrator's personal correspondence file. Portions of the release were withheld pursuant to FOIA Exemptions 2, 5, and 6. (Case Number TSA 11-0092.)
- On November 1, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **J. Keith Gates**, a senior attorney with **Cause of Action** in Washington, DC, a third interim release consisting of 238 pages of e-mails from the Office of Investigations pertaining to the use and acquisition of commemorative items. Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, 6, and 7(C). (Case Number OIG 2012-075.)

### **IV. FOIA Appeals**

- On October 31, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkley, California, appealed the response by U.S. Customs and Border Protection (CBP) to his request for information pertaining to smuggling tunnels discovered from 1990 through the present, including: (1) location data, (2) tunnel diameter, (3) tunnel length, (4) type of contraband found within tunnel, (5) weight of contraband found in tunnel, and (6) any other narrative available. The requester is contesting the redactions on five pages of records made pursuant to FOIA Exemption 7(E). (Case Number CBP H234798.)

- On November 1, 2012, **Amie Stepanovich**, Associate Litigation Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, appealed the response by U.S. Customs and Border Protection (CBP) to her request for records pertaining to the development and deployment of facial recognition technology for drones. The requester is contesting the no records response, the adequacy of the search, and the decision not to address her request for media status since a fee waiver was granted. (Case Number CBP H234797.)

## V. FOIA Appeals Releases

- NSTR

## VI. Litigation

- *American Immigration Council v. DHS*, (D.D.C. 12-cv-00856), plaintiff filed suit on May 31, 2012 and claimed constructive denial with regard to a FOIA request, dated March 14, 2011, seeking records relating to an alien's right to have counsel present during interactions with ICE. On November 1, 2012, ICE issued its fourth interim release, consisting of 272 pages of responsive records.
- *National Immigration Project of the National Lawyers Guild v. U.S. Department of Homeland Security* (S.D.N.Y. 11-cv-3235), 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 31, 2012, ICE issued its twelfth and final release, consisting of 1,630 pages of responsive records.
- *Perez-Rodriguez v. DOJ, et al.* (D.D.C. 11-cv-556), plaintiff claimed constructive denial with regard to a FOIA request filed with ICE on December 14, 2010 seeking records pertaining to the plaintiff. On October 31, 2012, ICE filed a supplemental declaration describing ICE's supplemental search for responsive records.
- *Rosenberg v. ICE, et al.* (D.D.C. 12-cv-452), plaintiff seeks the release of records relating to a FOIA request that was received by ICE on October 3, 2011, and challenges ICE's search for responsive records. The FOIA request (Case Number ICE 2012FOIA00054) sought records relating to a Worksite Enforcement Operation conducted at plaintiff's client's company, Agriprocessors, Inc., in May 2008, as well as information relating to other proposed enforcement operations, and records relating to the District Court's Chief Judge. A large portion of the records requested were identical to records that were provided to the plaintiff's previous attorney. Plaintiff filed an administrative appeal for this request on March 16, 2012, one week before filing suit. On October 31, 2012, ICE filed a supplemental declaration describing ICE's administrative appeal process and describing how plaintiff failed to exhaust his administrative remedies before filing suit in the instant litigation.

## **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

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**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 2 – 8, 2012

### Privacy Office

November 13, 2012

### 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 2, 2012, U.S. Immigration and Customs Enforcement (ICE) posted 10 Office of Detention Oversight Detention Facility Compliance Inspection Reports to the ICE FOIA Library.
- On November 6, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) posted FOIA response letters and records (eight pages) pertaining to inspection report number OIG-08-18 entitled, “The Removal of a Canadian Citizen to Syria” to the DHS-OIG FOIA Library.

## II. FOIA Requests

- On November 2, 2012, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) statistical information on all cases involving “expedited removal” of illegal aliens nationwide for fiscal years 2007 through 2012. (Case Number ICE 2013FOIA02683.)
- On November 2, 2012, **Brian Kelly**, a reporter with *Sound Publishing* in Bainbridge Island, Washington, requested from the United States Coast Guard (USCG) records of correspondence to James M. Olsen regarding his unauthorized use of the USCG Reserve’s seal during his campaign for office. (Case Number USCG 2013-0294.)
- On November 5, 2012, **Brad Heath**, a reporter with *USA Today* in McLean, Virginia, requested from the Department of Homeland Security (DHS) the following records: (1) the written job descriptions and responsibilities for all public information officers, public affairs specialists, communications specialists, social media specialists, and any other spokesmen (hereinafter “spokesmen”); (2) records listing the criteria used by the agency in evaluating the performance of its spokesmen; and (3) the performance evaluations for the agency’s spokesmen during the past three years. (Case Numbers 2013-HQFO-00172, ICE 2013FOIA03032, FEMA 13-069, USCG 2013-0297, TSA 13-0121, FLETC FOIA 13-015, and USSS 20130078-20130084.)
- On November 5, 2012, **Genevieve Judge**, a reporter with *WINK News* in Fort Myers, Florida, requested from the Transportation Security Administration (TSA) the number of people who have requested a refund of the September 11 security fee upon ticket cancellation from 2010 through October 31, 2012, when flying from the following airports: (1) Tampa International Airport, (2) Southwest Florida International Airport, (3) Miami International Airport, (4) Sarasota Bradenton International Airport, and (5) Fort Lauderdale International Airport. (Case Number TSA 13-0111.)

- On November 5, 2012, **Megan Wilson**, a researcher with *The Hill* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of any and all logs of correspondence that include letters from members of Congress to the Department of Homeland Security from October 1, 2012 through the present. (Case Number 2013-HQFO-00174.)
- On November 5, 2012, **Megan Wilson**, a researcher with *The Hill* in Washington, DC, requested from the Department of Homeland Security (DHS) specific letters and related correspondence from correspondence logs from Congress to the Department of Homeland Security identified by the following control numbers and dates: (1) 951254, sent July 11, 2012; (2) 953443, sent July 31, 2012; (3) 956362 sent August 1, 2012, (4) 958178, sent August 2, 2012; (5) 955706, sent August 9, 2012; (6) 957004, sent August 27, 2012; (7) 958712, sent September 17, 2012; (8) 953777, sent August 3, 2012; (9) 956936, sent August 8, 2012; (10) 958927, sent September 12, 2012; (11) 960365, sent September 17, 2012; (12) 951463, sent June 28, 2012; (13) 952949, sent July 10, 2012; (14) 952227, sent July 12, 2012; (15) 955722, sent July 12, 2012; (16) 954505, sent July 18, 2012; (17) 954514, sent July 19, 2012; (18) 953918, sent July 20, 2012; (19) 956370, sent August 1, 2012; (20) 955709, sent August 6, 2012; (21) 954034, sent August 8, 2012; (22) 956365, sent August 10, 2012; (23) 954502, sent August 10, 2012; (24) 957293, sent August 13, 2012; (25) 955232, sent August 15, 2012; (26) 957671, sent August 20, 2012; (27) 958505, sent August 27, 2012; (28) 958994, sent September 4, 2012; (29) 958273, sent September 5, 2012; (30) 958169, September 10, 2012; (31) 958260, sent September 10, 2012; (32) 958423, sent September 11, 2012; (33) 959086, sent September 11, 2012; (34) 958743, sent September 12, 2012; (35) 958752, sent September 13, 2012; (36) 959132, sent September 19, 2012; and (37) 960376, sent September 26, 2012. (Case Number 2013-HQFO-00175.)
- On November 5, 2012, **Charlene Hewitt**, an individual in Gainesville, Florida, requested from the Department of Homeland Security (DHS) the following records: (1) instances of surveillance within the city of Gainesville, Florida in which the Florida Department of Transportation, Gainesville Public Works, or Intelligent Transportation Services traffic cameras have been utilized by the Department of Homeland Security from January 1, 2005 through November 1, 2012 for any reason; (2) a list of any network, hardware, software or other technology in use to connect to or access any of the cameras; and (3) instances of surveillance for purposes of criminal investigation or counterterrorism in the city of Gainesville, Florida from January 1, 2011 through November 1, 2012, including but not limited to investigation of the Occupy Gainesville movement and/or participants in the Occupy Gainesville movement. (Case Number 2013-HQFO-00173.)
- On November 6, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to complaints received by the ICE Office of Professional Responsibility and/or the Joint Integrity Case Management System, or investigations into, allegations of misconduct, sexual or otherwise, by agents, trainees, and/or instructors at the



Border Patrol training facilities in South Carolina and Artesia, New Mexico. (Case Number ICE 2013FOIA02927.)

- On November 6, 2012, **Andrew Glazer**, a producer with **Dan Rather Reports** in New York, New York, requested from the Federal Emergency Management Agency (FEMA) all records describing the status of the estimated 203,000 temporary housing units (trailers) that FEMA deployed after Hurricane Katrina. (Case Number FEMA 13-071.)
- On November 7, 2012, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, alien-by-alien, detention facility-by-detention facility data covering all individuals who have been detained, released, or were in ICE custody from September 30, 2011 through the present. (Case Number ICE 2013FOIA03033.)
- On November 7, 2012, **Sarah Davis**, an individual in Gainesville, Florida requested from the Department of Homeland Security (DHS) a copy of any and all instances of surveillance specifically involved with Terry Jones, pastor of Dove World Outreach Center in Gainesville, Florida, and a self-declared independent presidential candidate in the 2012 U.S. presidential election who gained national attention in 2010 for his plan to burn Qur'ans on the ninth anniversary of the September 11 attacks. (Case Number 2013-HQFO-00177.)
- On November 8, 2012, **Michael Keller**, a reporter with *Newsweek* and *The Daily Beast* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA's requests to return funds disbursed in relation to Hurricane Katrina and Hurricane Irene. (Case Number FEMA 13-078.)
- On November 8, 2012, **Eric Zott**, a reporter with *CBS 5 News*, *KPHO TV* in Phoenix, Arizona; **Jacques Billeaud**, a reporter with *The Associated Press* in Phoenix, Arizona; **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California; and **Tim Steller**, a reporter with the *Arizona Daily Star* in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) various records pertaining to the death of Border Patrol Agent Nicholas Ivie on October 2, 2012. (Case Number CBP 2013F01368, Case Number CBP 2013F01363, Case Number CBP 2013F01359, and Case Number CBP 2013F01379.)
- On November 8, 2012, **Robert Ortega**, a reporter with the *Arizona Republic News* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records pertaining to the death of Border Patrol Agent Nicholas Ivie on October 2, 2012: (1) transcripts and recordings of the radio communications between Border Patrol Agent Ivie, other agents involved in the incident, dispatchers, and any other units or offices; (2) the investigator's report on the cause of the incident; (3) summaries and transcripts of interviews with the other agents who responded to the incident; (4) the Border Patrol's incident review report on whether policies and procedures were followed and any recommended changes to policies or procedures to prevent such incidents; (5) reports on all other "friendly fire" incidents involving Border Patrol agents in the past ten years, regardless of whether they resulted in death or injuries for all

sectors along the U.S.– Mexico border; and (6) reports or documents pertaining to the rate of false-positive alarms by the type of sensor to which Border Patrol Agent Ivie and the other agents responded on October 2, 2012. (Case Number CBP 2013F01375.)

- On November 8, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) all records, including investigation reports, pertaining to Border Patrol agents killed or deceased in the line of duty including the following: (1) name of deceased agent; (2) date of entry on duty; (3) age at time of death; (4) cause of death; (5) latitude and longitude where fatal injury and/or death occurred; (6) deceased agent's assigned duty station; (7) deceased agent's assigned sector; (8) date of death; and (9) title of agent, from 1924 (or earliest date available) through the present. (Case Number CBP 2013F01357.)

### Late requests

- On September 11, 2012, **Dom Yanchuanas**, a reporter with *Professional Mariner Magazine* in Staten Island, New York, requested from the United States Coast Guard (USCG) the investigation report concerning a fatal man-overboard accident on or about February 27, 2011 near Guam. (Case Number USCG 2013-0354.)
- On November 1, 2012, **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington DC, requested from the United States Citizenship and Immigration Services (USCIS) all records regarding the scope and extent of background checks to be performed (or not) on aliens applying to the Obama administration's, Deferred Action for Childhood Arrivals (DACA) program from November 1, 2011 through the present. (Case Number USCIS COW2012000969.)

### **III. FOIA Releases**

- On October 31, 2012, the United States Coast Guard (USCG) released to **Sheryll Lamothe**, Assignment Editor with *Inside Edition* in Culver City, California, 15 minutes of audio recordings concerning the report of an unattended skiff at Poison Bay on Chichagof Island, which resulted in the discovery of a fatal bear mauling attack. These records were released in full. (Case Number USCG 2013-0150.)
- On October 31, 2012, the United States Coast Guard (USCG) released to **Wanda Prisinzano**, a reporter with *WCBSTV* in New York, New York; **Jeff Green**, a reporter with *The Record* in Woodland Park, New Jersey; **David Porter**, a reporter with *The Associated Press* in Newark, New Jersey; and **Joseph Farrington**, a reporter with *WNBC*, 28 files of audio recordings pertaining to the radio transmission received on October 10, 2012 by the USCG concerning a boater in distress in the Passaic River. These records were released in full. (Case Numbers USCG 2013FOIA0103-0106.)
- On November 2, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Brentin Mock**, a reporter with *The Nation* in New Orleans, Louisiana, 78 pages of records consisting of e-mails and correspondence between the Department of Homeland Security (DHS) and the Florida Secretary of State's office from September 1, 2011, through May 31, 2012 regarding a request from

the Florida Secretary of State's office to access the SAVE database to verify citizenship of people on Florida's voter registration rolls. Portions of the release were withheld pursuant to Exemption 6. (Case Number USCIS COW2012000557.)

- On November 2, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Justin Cox**, a staff attorney with the **American Civil Liberties Union (ACLU) Foundation Immigrants' Rights Project** in Atlanta, Georgia, a spreadsheet containing information and statistics concerning immigration detainers issued by ICE and 10 pages of records concerning ICE's Detainer Policy. These records were released in full. (Case Number ICE 2012FOIA00452.)
- On November 2, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **G.W. Schulz**, a reporter with the **Center for Investigative Reporting (CIR)** in Austin, Texas, 129 pages of narratives of complaints submitted to DHS-OIG pertaining to misconduct by U.S. Customs and Border Patrol (CBP) employees and contractors from DHS' inception through the present. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(A), 7(C), 7(D), and 7(E). (Case Number OIG 2012-069.)
- On November 2, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, 18 pages of e-mails, charts and calendars pertaining to vehicle trip logs for the acting Inspector General, and communications regarding specified local transportation. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6 and 7(C). (Case Number OIG 2012-168.)
- On November 5, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **David Pozen**, an associate professor of law with **Columbia Law School** in New York, New York, seven pages of narratives of complaints submitted to DHS-OIG pertaining to information leaked to the media by DHS employees from DHS' inception through the present. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number OIG 2012-176.)
- On November 5, 2012, U.S. Immigration and Customs Enforcement (ICE) issued to **Jon Burstein**, a reporter with the **Sun Sentinel** in Fort Lauderdale, Florida, a full denial in response to his request seeking records pertaining to ICE internal investigations into the conduct of former ICE Special Agent in (b) (6), (b) (7)(C) [REDACTED]. The denial was based on the requester's failure to provide express authorization from the third party subject of his request, proof that the subject is deceased, or a clear demonstration of public interest in the individual. FOIA Exemptions 6 and 7(C) were also cited as generally applicable to withholding the type of information requested. (Case Number ICE 2013FOIA00627.)
- On November 5, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Mary Cox**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, seven pages of congressional correspondence from Congressman Cornelius McGillicuddy IV (R-FL) to the Department of Homeland Security (DHS). Portions of the release were

withheld pursuant to FOIA Exemption (6). (Case Number USCIS COW2012000865.)

- On November 7, 2012, the Transportation Security Administration (TSA) released to **Rachel Slajda**, a reporter with *Talking Points Memo* in New York, New York, 21 pages of e-mail records consisting of department communications regarding an incident which occurred involving **(b) (6)** who refused to go through the pat-down procedure after also refusing to go through the full body scanner. Portions of the release were withheld pursuant to FOIA Exemptions 2, 3, 5, 6, and 7(C). (Case Number TSA 11-0128.)

#### IV. FOIA Appeals

- On October 12, 2012, **Melissa Crow**, Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington, DC, appealed the lack of response by U.S. Customs and Border Protection (CBP) to her request for records concerning the participation of CBP personnel, including U.S. Border Patrol agents, in 9-1-1 dispatch activities from January 2009 through the present. (Case Number CBP H235200.)
- On October 22, 2012, **Barbara Hines**, a clinical professor of law at the Immigration Clinic with the **University of Texas School of Law** in Austin, Texas, appealed the response by U.S. Customs and Border Protection (CBP) to her request for records concerning the detention of families in the custody of U.S. Immigration and Customs Enforcement (ICE) from August 1, 2009 through the present. In response to the initial request, CBP advised that any responsive records would be under the purview of ICE. In her appeal, the requester clarified that she is seeking CBP policies related to the detention of families by CBP. (Case Number CBP H235201.)
- On November 5, 2012, **David Perera**, an editor with *FierceHomeland Security* in Washington, DC, appealed the Federal Emergency Management Agency's (FEMA) response to his request for records pertaining to FEMAStat meetings. The requester is contesting the withholding of 2,942 pages in their entirety pursuant to FOIA Exemptions 5, 6, and 7(E). (Case Number FEMA AP-13-0003.)

#### V. FOIA Appeals Releases

- NSTR

#### VI. Litigation

- In the matter of *WeCount! Inc. v. DHS* (D.D.C. 11-00143), the plaintiff filed a complaint on January 21, 2011, seeking release of records regarding a sex trafficking operation in Southern Florida. The operation (Operation Res-Q) was conducted from November 18-November 20, 2009, and resulted in some allegations of abuse by several of the individuals arrested. On November 8, 2012, U.S. Immigration and Customs Enforcement (ICE) issued the sixteenth interim release, consisting of 493 pages of responsive records.

## **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

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**Exemption 8:** information relating to the supervision of financial institutions

**Exemption 9:** geological information on wells

## FOIA Activity for the Weeks of November 9 – 22, 2012

### Privacy Office

November 26, 2012

### 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 14, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) posted FOIA logs for the first and second quarters of calendar year 2012 to the DHS-OIG FOIA Library.

## II. FOIA Requests

- On November 9, 2012, **Andrea Damewood**, a staff writer with the *Willamette Week* in Portland, Oregon, requested from the United States Coast Guard (USCG) a copy of a letter sent on October 23, 2012 from the USCG's Marine Transportation Systems Director to the U.S. Federal Highway Administration regarding the Columbia River Crossing. (Case Number USCG 2013-0368.)
- On November 12, 2012, **Andrew Medici**, a journalist with the *Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS) a copy of DHS' 2011 Human Capital Management Report. (Case Number 2013-HQFO-00198.)
- On November 12, 2012, **Eric Lipton**, a reporter with *The New York Times* in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) records from FEMA's National Emergency Management Information System (NEMIS) database for Hurricane Sandy individual claims for the individual and household programs for New York and New Jersey. (Case Number FEMA 13-083.)
- On November 13, 2012, **Ajai Raj**, a freelance reporter in Brooklyn, New York, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records pertaining to Border Patrol's Search and Rescue Operation (BORSTAR): (1) evaluations, audits or reviews; and (2) the most recent budget and staffing levels for the program. (Case Number OIG 2013-022.)
- On November 13, 2012, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Transportation Security Administration (TSA) records pertaining to the number of complaints TSA received in 2010, 2011, and 2012 from passengers displeased with their enhanced pat-down security screenings. (Case Number TSA 13-0134.)
- On November 13, 2012, **Holly Maynard**, an anchor and reporter with *WSOC-TV* in Charlotte, North Carolina, requested from the Transportation Security Administration (TSA) any reports of TSA employees at Charlotte Douglas International Airport who have been fired for allegedly stealing from employees from 2002 through the present. (Case Number TSA 13-0136.)
- On November 14, 2012, **Mark Albert**, a journalist with *KSTP-TV* in St. Paul, Minnesota, requested from the Transportation Security Administration (TSA) any

Presence, Advisements, Communication and Execution (PACE) reports created from 2010 through 2012 for the following airports: (1) Minneapolis-St. Paul International Airport; (2) Rochester International Airport; (3) Duluth International Airport; (4) St. Cloud Regional Airport; and (5) Hector International Airport. (Case Number TSA 13-0137.)

- On November 14, 2012, **Margaret Friedenauer**, News and Public Affairs Director with **KHNS-FM Radio** in Klukwan, Alaska, requested from the United States Coast Guard (USCG) records pertaining to a death involving the vessel ELEANOR S on July 4, 2012. (Case Number USCG 2013-0451.)
- On November 14, 2012, **Cody Winchester**, a reporter with the **Sioux Falls Argus Leader** in Sioux Falls, South Dakota, requested from the Transportation Security Administration (TSA) all records pertaining to items confiscated by TSA staff at all U.S. airports in which the agency operates from 2001 through the present. (Case Number TSA 13-0139.)
- On November 14, 2012, **Danny Hakim**, Albany Bureau Chief with **The New York Times** in Albany, New York, requested from the Federal Emergency Management Agency (FEMA) an inventory of all of the databases maintained by FEMA, including any descriptions of the databases. (Case Number FEMA 13-091.)
- On November 15, 2012, **Nate Jones**, a FOIA Coordinator with **The National Security Archive**, in Washington, DC, requested from the United States Secret Service (USSS) all records pertaining to Boris Yeltsin's late-night drinking during his 1995 visit to Washington, DC. (Case Number USSS 20130106.)
- On November 15, 2012, **Frank J. Gaffney, Jr.**, President with the **Center for Security Policy** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) and the Federal Law Enforcement Training Center (FLETC) all Internal Revenue Service (IRS) records pertaining to the Council on American-Islamic Relations (CAIR) from 2006 through the present. (Case Numbers ICE 2013FOIA03578 and FLETC FOIA 13-018.)
- On November 15, 2012, **Jeff Ruch**, Executive Director with **Public Employees for Environmental Responsibility (PEER)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to ICE's policing of illegal electronic waste exports under the Resource Conservation and Recovery Act (RCRA) and other authorities. (Case Number ICE 2013FOIA03593.)
- On November 15, 2012, **Alicia Caldwell**, a reporter with **The Associated Press** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of all electronic messages sent by Suzanne Barr, former Chief of Staff for ICE, from January 20, 2009 through September 1, 2012. (Case Number ICE 2013FOIA03594.)
- On November 16, 2012, **Randy Billings**, a staff writer with the **Portland Press Herald** and **Maine Sunday Telegram** in Portland, Oregon, requested from the United States Coast Guard (USCG) records pertaining to an October 2011 incident involving Portland's fireboat. (Case Number USCG 2013-0473.)
- On November 19, 2012, **Danny Hakim**, Albany Bureau Chief with **The New York Times** in Albany, New York requested from the Federal Emergency

Management Agency (FEMA) a copy of e-mails sent and received by Michael Moriarty, the deputy regional administrator of Region II, from August 1, 2011 through the present. (Case Number FEMA 13-106.)

- On November 20, 2012, **Beth Morrissey**, a journalist with *The New York World* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) a copy of FEMA's individual claims records for Hurricane Sandy for New York. (Case Number FEMA 13-108.)
- On November 20, 2012, **Dennis McDougal**, a freelance journalist with *The New York Times* in Cordova, Tennessee, requested from U.S. Customs and Border Protection (CBP) all records pertaining to (b) (6). (Case Number CBP 2013F01713.)
- On November 20, 2012, **Dennis McDougal**, a freelance journalist with *The New York Times Times* in Cordova, Tennessee, requested from U.S. Customs and Border Protection (CBP) all records pertaining to (b) (6). (Case Number CBP 2013F01714.)
- On November 20, 2012, **G.W. Schulz**, a reporter with the *Center for Investigative Reporting (CIR)* in Austin, Texas, requested from U.S. Customs and Border Protection (CBP) the following information for each individual apprehension of illegal aliens from 2005 through the present: (1) the unique incident ID number or event number; (2) date of apprehension; (3) sector or field office involved; (4) station or port of entry of apprehension; (5) number of people apprehended; (6) GPS coordinates for the location of each apprehension; (7) gender of each person apprehended; and (8) age of each person apprehended. (Case Number CBP 2013F01715.)
- On November 21, 2012, **Holly Dickson**, a staff attorney with the **American Civil Liberties Union of Arkansas (ACLU)** in Little Rock, Arkansas, requested from U.S. Immigration and Customs Enforcement (ICE) information pertaining to ICE activity in the State of Arkansas, including the following: (1) statistical information relating to individuals identified by or referred to ICE in Arkansas; (2) information relating to immigration detainers placed on individuals in Arkansas; (3) documents relating to Arkansas' participation in any program relating to the enforcement of Federal immigration laws; (4) information relating to immigration checkpoints/roadblocks; and (5) information relating to requests for payment to any state or local government entity in Arkansas. (Case Number ICE 2013FOIA03873.)

#### Late requests

- On November 8, 2012, **Keisha Slaughter**, a researcher with **The National Security Archive** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) the following: (1) all records regarding the apprehension, discipline, and investigation(s) concerning the corruption charges for which former Border Patrol Agent (b) (6), (b) (7)(C) was indicted in October 2011; and (2) all records regarding the alleged shooting incident involving Border Patrol Agent (b) (6), (b) (7)(C) in November 2010. (Case Number CBP 2013F01405.)



### III. FOIA Releases

- On November 9, 2012, U.S. Customs and Border Protection (CBP) issued to **Eric Zott**, a reporter with *CBS 5 News, KPHO TV* in Phoenix, Arizona, and **Tim Steller**, a reporter with the *Arizona Daily Star* in Tucson, Arizona, a full denial in response to their requests seeking various records pertaining to the death of Border Patrol Agent Nicholas Ivie on October 2, 2012. These records were withheld pursuant to FOIA Exemption 7(A). (Case Numbers CBP 2013F01368 and CBP 2013F01379.)
- On November 9, 2012, U.S. Customs and Border Protection (CBP) issued to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, a no records determination regarding his request seeking video camera recording/surveillance footage of the shooting that occurred between Border Patrol agents on October 2, 2012, in Arizona. (Case Number CBP 2013F01359.)
- On November 14, 2012, the Federal Emergency Management Agency (FEMA) issued to **Dave Perera**, an editor with *FierceHomeland Security* in Washington DC, a no records determination in response to his request seeking records pertaining to the State Administrative Agency Biannual Strategy Reports, dated January 1, 2005. (Case Number FEMA 13-012.)
- On November 14, 2012, the Transportation Security Administration (TSA) released to **Michael Grabell**, a staff writer with *ProPublica* in New York, New York, 145 pages of records consisting of TSA internal affairs reports and internal review reports completed since March 1, 2008. Portions of the release were withheld pursuant to FOIA Exemptions 3, 4, 5, and 6. (Case Number TSA 08-0570.)
- On November 15, 2012, the Federal Emergency Management Agency (FEMA) released to **Brad Heath**, a reporter with *USA Today* in McLean, Virginia, a spreadsheet consisting of data from the National Emergency Management Information System (NEMIS) regarding the recoupment program. These records were released in full. (Case Number FEMA 12-179.)
- On November 15, 2012, the Federal Emergency Management Agency (FEMA) released to **Monica Yant Kinney**, a reporter with the *Philadelphia Inquirer* in Philadelphia, Pennsylvania, three pages of a report sent to the Maritime Exchange for the Delaware River and Bay pertaining to the FY 2008 Port Security Grant Program (PSGP) grant to the Union Fire Company of Bensalem, Pennsylvania. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number FEMA 12-723.)
- On November 15, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, 192 pages of records consisting of travel vouchers, phone bills, e-mails, time and attendance reports, spreadsheets of DHS-OIG employees' telework schedules, and the DHS-OIG telework policy. Portions of the release were withheld pursuant to FOIA Exemptions 2, 6, and 7(C). (Case Number OIG 2012-119.)
- On November 15, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the *Center*

*for Investigative Reporting (CIR)* in Berkeley, California, 125 pages of narratives of complaints investigated by DHS-OIG responsive to his request for records regarding the DHS-OIG Forensic Threat Analysis Unit. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(D). (Case Number OIG 2012-081.)

- On November 19, 2012, the Federal Law Enforcement Training Center (FLETC) issued a no records determination to **Frank J. Gaffney, Jr.**, President with the **Center for Security Policy** in Washington, DC, in response to his request for all Internal Revenue Service (IRS) records pertaining to the Council on American-Islamic Relations (CAIR) from 2006 through the present. (Case Number FLETC FOIA 13-018.)
- On November 19, 2012, the United States Coast Guard (USCG) released to **Rita Beamish**, a reporter with the **Center for Public Integrity** in San Mateo, California, 173 pages of records consisting of letters, e-mails, and briefings between Senator John McCain (R-AZ) and/or his representatives and officials and the USCG from January 1, 2007 through the present. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCG 2011-2975.)
- On November 19, 2012, the United States Coast Guard (USCG) released to **Meghan Hoyer**, a journalist with **USA Today** in McLean, Virginia, one spreadsheet consisting of data on inspections and deficiencies on commercial cruise ships under the Certificate of Compliance Program from January 1, 2010 through the present. These records were released in full. (Case Number USCG 2012-3125.)
- On November 19, 2012, the United States Coast Guard (USCG) issued to **Joseph Nascone**, President with **Keys Radio Group, Inc.**, in Marathon, Florida, a no records determination in response to his request seeking an incident report regarding a sailboat mast that struck and tore down the electric power line which provides power to Boot Key Harbor in Marathon, Florida. (Case Number USCG 2013FOIA0246.)
- On November 19, 2012, the United States Coast Guard (USCG) issued to **Aaron Applegate**, a reporter with **The Virginian-Pilot** in Norfolk, Virginia, a no records determination in response to his request seeking all records related to the USCG's response on October 3, 1998 to the ship HMS Bounty off the coast of South Carolina. (Case Number USCG 2013FOIA0257.)
- On November 20, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Stefan Kamph**, a reporter with the **New Times Broward-Palm Beach** in Fort Lauderdale, Florida; **Charles F. Elsesser, Jr.**, an attorney with **Florida Legal Services, Inc.**, in Miami, Florida; **Charles Dodge**, the manager of the **City of Pembroke Pines** in Pembroke Pines, Florida; **Chris Kirkham**, a reporter with **The Huffington Post** in New York, New York; and **Ryann Greenberg**, a freelance reporter in Pembroke Pines, Florida, 617 pages of records concerning the proposal to build an immigration detention facility in Southwest Ranches, Florida including the following: (1) records pertaining to the planning of a public meeting concerning the proposed facility; (2) e-mails and correspondence between ICE and the staff of Congresswoman Deborah Wasserman-Schultz (D-FL) and the City of Pembroke Pines; and (3) e-mails between ICE and

Corrections Corporation of America (CCA) concerning the proposed facility. Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, 6, 7(C), and 7(E). (Case Numbers ICE 2012FOIA02626, ICE 2012FOIA03015, ICE 2012FOIA11512, ICE 2012FOIA15288, and ICE 2013FOIA00803.)

- On November 20, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Andrew Becker**, a reporter with the ***Center for Investigative Reporting (CIR)*** in Berkeley, California, a full denial in response to his request seeking records pertaining to employees placed on administrative leave. The denial was based on the requester's failure to demonstrate public interest. FOIA Exemptions 6 and 7(C) were also cited as generally applicable to withholding the type of information requested. (Case Number OIG 2013-007.)
- On November 21, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Molly Matthews**, Assistant Producer with ***Fox News Channel*** in Washington, DC, an interim response consisting of 100 pages of memoranda, inventory logs, e-mails, and purchase records pertaining to weapons and ammunition purchases. Portions of the release were withheld pursuant to FOIA Exemptions 4, 6, and 7(F). (Case Number OIG 2012-173.)
- On November 21, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Jeff Bliss**, a reporter with ***Bloomberg News*** in Washington, DC, a full denial in response to his request seeking the DHS-OIG report pertaining to the prostitution scandal involving United States Secret Service (USSS) employees in Cartagena, Colombia. These records were withheld pursuant to FOIA Exemptions 5, 6, 7(A), and 7(C). (Case Number OIG 2013-014.)
- On November 21, 2012, the Federal Law Enforcement Training Center (FLETC) released to **Kate Bailey**, FOIA Program Manager with ***Judicial Watch***, in Washington, DC, 40 pages of records pertaining to contract HSFLGL-11-R-00115. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FLETC FOIA 13-014.)
- On November 21, 2012, the United States Coast Guard (USCG) released to **Scott McGee**, a reporter with ***WPSD-TV*** in Paducah, Kentucky, 56 pages of records consisting of communication logs concerning the Eggner's Ferry Bridge project for the month of January 2012. These records were released in full. (Case Number USCG 2012-2591.)

#### IV. FOIA Appeals

- On November 15, 2012, **Keisha Slaughter**, a researcher with ***The National Security Archive*** in Washington, DC, appealed the response by the Department of Homeland Security (DHS) to her request seeking records pertaining to the February 27, 2012 meeting between Secretary Janet Napolitano and Mexican representatives in Mexico City. The requester is contesting the redactions on 79 pages of records made pursuant to FOIA Exemptions 5, 6, and 7(E). (Case Number 2013-HQAP-00011.)

## V. FOIA Appeals Releases

- On November 9, 2012, U.S. Customs and Border Protection (CBP) released to **G.W. Schulz**, a homeland security reporter with the *Center for Investigative Reporting (CIR)* in Austin, Texas, 66 pages of records consisting of mission statements and deployment reports in response to his request for records regarding the mission and purpose statements, technical capabilities, legal authorizations and internal evaluations and assessments of both BORTAC and BORSTAR, tactical units inside the U.S. Border Patrol. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H232971.)

## VI. Litigation

- In the matter of *The New York Times Company and Maria Sacchetti v. DHS* (S.D.N.Y. 12-cv-8100), the plaintiff filed a complaint on November 7, 2012. The plaintiff submitted a FOIA request on November 23, 2011, seeking the names of, and other information about, convicted criminal aliens who had been released in the U.S. after serving their sentences, rather than deported. On February 3, 2012, U.S. Immigration and Customs Enforcement (ICE) released 450 pages of responsive records to the plaintiff. The names of the criminal aliens were withheld pursuant to FOIA Exemptions 6 and 7(C). On February 24, 2012, the plaintiff administratively appealed ICE's withholding determinations. On April 20, 2012, ICE's Office of the Principal Legal Advisor, Government Information Law Division upheld ICE's withholding determinations.
- In the matter of *National Immigrant Justice Center v. DHS*, (N.D. Ill. 12-cv-04825), plaintiff filed a FOIA request on November 8, 2011, seeking records relating to all instances where prosecutorial discretion had been considered, exercised, and/or requested from January 1, 2010 through the date of the request. Plaintiff filed suit on June 18, 2012, claiming constructive denial. On November 9, 2012, ICE issued its first interim response, consisting of 261 pages of responsive records to the plaintiff.
- In the matter of *American Immigration Council v DHS* (D.D.C. 12-cv-00856), plaintiffs filed a FOIA request, dated March 14, 2011, seeking records relating to an alien's right to have counsel present during interactions with U.S. Immigration and Customs Enforcement (ICE). Plaintiffs filed suit on May 31, 2012, claiming constructive denial. On November 14, 2012, ICE released its fifth interim release, consisting of 2,201 pages of responsive records to the plaintiff.
- In the matter of *National Immigrant Justice Center v. DHS* (N.D. Ill. 12-cv-05358), plaintiff filed a FOIA request, dated April 27, 2011, seeking a copy of all Intergovernmental Service Agreements (IGSAs) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On November 16, 2012, ICE released 1,289 pages of responsive records to the plaintiff.

## **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 23 – 29, 2012**  
**Privacy Office**  
**December 3, 2012**  
**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, 2012, **Ellen Nakashima**, a reporter with *The Washington Post* in Washington, DC; and **Amy Stepanovich**, Associate Litigation Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) all records pertaining to Presidential Policy Directive 20. (Case Numbers 2013-HQFO-00261 and 2013-HQFO-00266.)
- On November 26, 2012, **Scott Hodes**, an attorney in Washington, DC, requested from the Department of Homeland Security (DHS) all records pertaining to Security Tracking Devices, Inc, a Mexican entity headquartered in Jalisco, Mexico, that specializes in surveillance measures. (Case Number 2013-HQFO-00250.)
- On November 26, 2012, **Scott MacFarlane**, a correspondent with *COX TV* in Washington, DC, requested from the Transportation Security Administration (TSA) all documents pertaining to an October 2009 TSA Office of Inspection investigation into the Federal Air Marshals' Orlando Field Office. (Case Number TSA 13-0175.)
- On November 27, 2012, **Kara Kenney**, a reporter with *WRTV-TV* in Indianapolis, Indiana, requested from the Transportation Security Administration (TSA) the following records for TSA employees at Indianapolis International Airport from 2009, 2010, 2011 and 2012: (1) internal testing results, including testing for Threat Image Project (TIP); and (2) records regarding retraining of TSA employees that failed the tests. (Case Number TSA 13-0177.)
- On November 27, 2012, **Matthew Harris**, a blogger and attorney with **Matthew Harris Law** in Lubbock, Texas, requested from the Transportation Security Administration (TSA) various records pertaining to enhanced pat-downs, including: (1) manuals, policies, or procedures concerning the implementation; (2) manuals, policies, or procedures concerning the training of employees at TSA operated checkpoints; (3) passenger complaints; and (4) contraband items discovered during the pat-downs. (Case Number TSA 13-0179.)
- On November 27, 2012, **Alex Page**, a reporter with *KOTV-TV* in Tulsa, Oklahoma, requested from the Transportation Security Administration (TSA) contact information for TSA Public Information Officers for the airports in the following cities: (1) Dallas; (2) Tulsa; and (3) Oklahoma City. (Case Number TSA 13-0180.)

- On November 27, 2012, **Michael Sisak**, a staff writer with *The Citizens' Voice* and the *Scranton-Times Tribune* in Wilkes-Barre, Pennsylvania, requested from the Federal Emergency Management Agency (FEMA) records pertaining to the October 24, 2012 online auction sales of Temporary Housing Units. (Case Number FEMA 13-135.)
- On November 27, 2012, **Josh Margolin**, a reporter with *The New York Post* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) all records pertaining to Hurricane Sandy and its landfall/aftermath on U.S. property/territory in October and November, 2012. (Case Number FEMA 13-137.)
- On November 27, 2012, **Ken Serrano**, a staff writer with *Asbury Park Press* in Neptune, New Jersey, requested from the Federal Emergency Management Agency (FEMA) records from FEMA's National Emergency Management Information System (NEMIS) database for Hurricane Sandy individual claims for the individual and household programs for New Jersey. (Case Number FEMA 13-138.)
- On November 27, 2012, **Kai Wargalla**, a student and co-founder with **Occupy London** and **MuckRock** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) all records pertaining to a named individual from November 2010 through the present. (Case Number 2013-HQFO-00262.)
- On November 27, 2012, **Jonathan Sidote**, an activist with **MuckRock** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) all records pertaining to a named individual who attended numerous demonstrations pertaining to freedom, civil liberties and Constitutional rights. (Case Number 2013-HQFO-00263.)
- On November 27, 2012, **David Perera**, an editor with *FierceGovernmentIT* in Washington, DC, requested from the Department of Homeland Security (DHS) all records pertaining to a National Security Systems Joint Program Management Office department-wide implementation plan for the use of cards compliant with Homeland Security Presidential Directive (HSPD) 12. (Case Number 2013-HQFO-00267.)
- On November 27, 2012, **David Perera**, an editor with *FierceHomelandSecurity* in Washington, DC, requested from the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) the following records pertaining to the National Bio and Agro-defense Facility (NBAF): (1) the most recent construction plan; (2) the most recent schedule; and (3) NBAF memorandums, presentations or reports dated January 1, 2012 through the present that have been signed or reviewed by the NBAF program manager. (Case Number S&T 12-030.)
- On November 27, 2012, **Erin Siegal**, an investigative journalist with **The Schuster Institute for Investigative Journalism** with **Brandeis University** in San Ysidro, California, requested from U.S. Immigration and Customs Enforcement (ICE) all records pertaining to the deportation of people who have been convicted of any crime defined under U.S. immigration policy as an aggravated felony from January 1, 2002 through the present. (Case Number ICE 2013FOIA04243.)

- On November 27, 2012, **Erin Siegal**, an investigative journalist with **The Schuster Institute for Investigative Journalism** with **Brandeis University** in San Ysidro, California, requested from U.S. Immigration and Customs Enforcement (ICE) statistical information pertaining to the number of people who have been deported from the U.S. after being convicted of an aggravated felony. (Case Number ICE 2013FOIA04250.)
- On November 28, 2012, **Elisha Anderson**, a reporter with *The Detroit Free Press* in Detroit, Michigan, requested from the Transportation Security Administration (TSA) records pertaining to the prohibited items found at the checkpoints at airports in 2012 for the following cities: (1) Detroit; (2) Orlando; (3) Newark; (4) Minneapolis-St. Paul; (5) Seattle-Tacoma; and Philadelphia. (Case Number TSA 13-0182.)
- On November 29, 2012, **Randle Vawdrey**, an individual with **Brigham Young University** in Sandy, Utah, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the weapons used by the gunmen who attacked the U.S. consulate in Benghazi, Libya on September 11, 2012. (Case Number ICE 2013FOIA04420.)
- On November 29, 2012, **Mitch Blacher**, a reporter with *ABC San Diego, 10 News I-Team* in San Diego, California, requested from U.S. Customs and Border Protection (CBP) the following records pertaining to a Customs and Border Patrol Officer related shooting of (b) (6), California on September 28, 2012: (1) names of the agents involved in the incident; (2) the name of the agent who shot (b) (6); (3) a copy of the warrant being served at the time of the incident; (4) any preceding or subsequent reports filed regarding the incident or search warrant; (5) the number of times the weapon was discharged; and (6) the type of weapon discharged. (Case Number CBP 2013F01930.)

#### **Late requests**

- On October 3, 2012, **Devlin Barrett**, a reporter with *The Wall Street Journal* in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) various records pertaining to rendition and the role of the United Kingdom in the rendition of named detainees. (Case Number I&A 13-OIA-0013.)
- On October 11, 2012, **Jeffery Gleaves**, an editorial intern with *Harper's Magazine* in New York, New York, requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) a copy of all 574 unclassified fusion center reports (HIRs) that were reviewed by the Permanent Subcommittee on Investigations in connection with its report issued October 3, 2012 titled "Federal Support for and Involvement in State and Local Fusion Centers." (Case Number I&A 13-OIA-0016.)
- On November 12, 2012, **Andrea McCarren**, a reporter with *WUSA-TV* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of e-mail records pertaining to the following: (1) Paula Broadwell; (2) Paula Broadwell and David Petraeus; (3) a Federal Bureau of Investigation (FBI) investigation into threatening e-mails received by Jill Kelley, a social liaison to



MacDill Air Force Base in Tampa, Florida; and (4) any e-mails pertaining to these individuals pertaining to National Security. (Case Number 2013-HQFO-00258.)

- On November 14, 2012, **Ellison Barber**, a research analyst with the **Center for American Freedom** and *The Washington Free Beacon* in Washington, DC, requested from the Department of Homeland Security (DHS) all records pertaining to correspondence between Senator Robert Menendez (D-NJ) or his office, and DHS regarding foreign air travel, including DHS passenger manifests. (Case Number 2013-HQFO-00235.)
- On November 19, 2012, **Dave Bohman**, a reporter with **WNEP-TV** in Scranton, Pennsylvania, requested from the Transportation Security Administration (TSA) records pertaining to threat testing results for TSA personnel at the Wilkes-Barre/Scranton International Airport from 2008 through the present. (Case Number TSA 13-0148.)
- On November 20, 2012, **George Stebbins**, a representative with **TSA Council #100, NVP Region #5** in Vancouver, Washington, requested from the Transportation Security Administration (TSA) various records pertaining to the granting or denial of religious accommodation requests by Transportation Security Officers (TSOs) or TSA employees at Seattle-Tacoma International Airport. (Case Number TSA 13-0159.)
- On November 20, 2012, U.S. Customs and Border Protection (CBP) referred to the United States Citizenship and Immigration Services (USCIS) a request from **Wendy Guardado**, a research assistant with **The National Security Archive** in Washington DC, seeking records pertaining to four Mexican human rights activists who have gone into exile in the U.S. (Case Number USCIS COW2012001014.)
- On November 21, 2012, **Jack Beavers**, Assignments Editor with **WFAA-TV** in Dallas, Texas, requested from the Transportation Security Administration (TSA) all releasable records pertaining to a TSA pat-down of a passenger at Los Angeles International Airport on March 5, 2012. (Case Number TSA 13-0165.)
- On November 21, 2012, **Amelia Glymph**, a national representative with the **American Federation of Government Employees (AFGE)** in Riverdale, Georgia, requested from the Transportation Security Administration (TSA) a copy of an internal investigation conducted at Atlanta Hartsfield-Jackson International Airport regarding an incident which occurred on September 6, 2012. (Case Number TSA 13-0168.)
- On November 21, 2012, **Louise Boyle**, a reporter with *The Daily Mail Online* in London, England, requested from the Transportation Security Administration (TSA) records pertaining to a 17-year-old girl whose breasts were accidentally exposed during a screening at Atlanta Hartsfield-Jackson International Airport in 2010. (Case Number TSA 13-0169.)

### III.FOIA Releases

- On November 9, 2012, U.S. Customs and Border Protection (CBP) issued to **Jacques Billeaud**, a reporter with *The Associated Press* in Phoenix, Arizona, a full denial in response to his request seeking various records pertaining to the death of Border Patrol Agent Nicholas Ivie on October 2, 2012. These records

were withheld pursuant to FOIA Exemption 7(A). (Case Number CBP 2013F01363.)

- On November 20, 2012, the Department of Homeland Security (DHS) released to **Andrew Medici**, a journalist with *Federal Times* in Springfield, Virginia, 96 pages of records pertaining to current cost estimates and planning documents for the ongoing consolidation/construction of a new Homeland Security headquarters at St. Elizabeth's hospital site in Washington, DC. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(E), and 7(F). (Case Number DHS/OS/PRIV 12-0688.)
- On November 26, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Casey Davis**, an individual, 188 pages of memoranda, requisitions and e-mails pertaining to statistics for the purchase of ammunition. Portions of the release were withheld pursuant to FOIA Exemptions 4, 6, and 7(F). (Case Number OIG 2012-174.)
- On November 26, 2012, U.S. Customs and Border Protection (CBP) issued to **Dennis McDougal**, a freelance journalist with *The New York Times* in Cordova, Tennessee, a no records determination in response to his request seeking all records pertaining to (b) (6). (Case Number CBP 2013F01713.)
- On November 27, 2012, U.S. Customs and Border Protection (CBP) released to **Barbara Hines**, a clinical professor of law at the Immigration Clinic with the **University of Texas School of Law** in Austin, Texas, 95 pages of records consisting of policy documents related to the detention of families by CBP. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H235244.)
- On November 27, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Anthony Eliseuson**, an attorney with **Heartland Alliance National Immigrant Justice Center (NIJC)** in Chicago, Illinois, 1,829 pages of records pertaining to lists of Tier III terrorist organizations kept by USCIS. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number USCIS COW2011000776.)
- On November 28, 2012, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) released to **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, a four-page record pertaining to (b) (6). These records were released in full. (Case Number I&A 13-OIA-0014R.)
- On November 29, 2012, the Federal Emergency Management Agency (FEMA) released to **Alison Gender**, a staff writer with *The New York Daily News* in Washington, DC, 22 pages of records consisting of a grant agreement for the World Trade Center Captive Insurance Company Project between FEMA and the State of New York, memoranda, and e-mails. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number FEMA 12-154.)
- On November 29, 2012, the Federal Emergency Management Agency (FEMA) released to **Mike Oliver**, a reporter with *The Birmingham News* in Birmingham, Alabama, a one-page spreadsheet consisting of individuals' and households' statistical information for FEMA disaster grants for the following disaster events: (1) Alabama #1971; (2) Mississippi #1972; (3) Georgia #1973; (4) Tennessee #

1974; (5) Kentucky #1976; and Missouri #1980. These records were released in full. (Case Number FEMA 11-796.)

- On November 29, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Laura Maggi**, a reporter with *The Times-Picayune* in New Orleans, Louisiana, a 21 page report of investigation pertaining to the death of Jose Nelson Reyes-Zelaya at the New Orleans Parish Prison. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), 7(E), and 7(F). (Case Number OIG 2013-015.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- On November 29, 2012, U.S. Customs and Border Protection (CBP) issued a decision to **Amie Stepanovich**, Associate Litigation Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, affirming that no records could be located in response to her request for records regarding the development and deployment of facial recognition technology for drones, affirming the adequacy of the search, and determining the media status request was moot. (Case Number CBP H234822.)
- On November 29, 2012, U.S. Customs and Border Protection (CBP) issued a decision to **Melissa Crow**, Director of the Legal Action Center with the **American Immigration Council (AIC)** in Washington, DC, which mooted her appeal of the lack of response to her request for records concerning the participation of CBP personnel, including U.S. Border Patrol agents, in 9-1-1 dispatch activities from January 2009 through the present. On October 31, 2012, CBP issued a response to the initial request. (Case Number CBP H235362.)

#### VI. Litigation

- In the matter of *Carrier v. ICE* (D. Mass. 12-cv-11244), plaintiff filed a FOIA request on February 8, 2012, seeking records relating to statements made by the children who were sexually abused by Douglas Perlitz at his school in Cap-Haitien, Haiti, statements made by a Haitian radio personality who played a role in bringing the allegations to light, and records relating to the disbursement of funds in restitution to the victims. Plaintiff filed suit on July 12, 2012, challenging U.S. Immigration and Customs Enforcement's (ICE) denial of records pursuant to FOIA Exemption 7(A). On November 27, 2012, ICE released 108 pages of Reports of Investigation from ICE's Office of Homeland Security Investigations (HSI).

## **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 30 – December 6, 2012

### Privacy Office

December 10, 2012

### 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 30, 2012, **Michael Keller**, a reporter with *Newsweek* and *The Daily Beast* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) all case documents for Operation in Our Sites domain seizures that: (1) led to an arrest; (2) led to an arrest and were taken to Court; and (3) resulted in returning the domain to the original party. (Case Number ICE 2013FOIA04529.)
- On December 3, 2012, **Nathaniel Herz**, a reporter with *The New York World* in New York, New York requested from the Federal Emergency Management Agency (FEMA) all project data in the National Emergency Management System (NEMIS) pertaining to disasters declared between April, 2010 through the present. (Case Number FEMA 13-153.)
- On December 3, 2012, **Charles McMahon**, a reporter with *The Portsmouth Herald* in Portsmouth, New Hampshire, requested from the United States Coast Guard (USCG) records pertaining to the sinking of the tug BENJAMIN BAILEY on or about October 24, 2012 in the Piscataqua River (Case Number USCG 2013-0642.)
- On December 3, 2012, **Arthur Park**, an attorney with **Mozley, Finlayson, and Loggins, LLP** in Atlanta, Georgia, requested from the Transportation Security Administration (TSA) records pertaining to the TSA's investigation of the incident that occurred on or about November 15, 2010, involving the death of Delvonte Tisdale. (Case Number TSA 13-0187.)
- On December 4, 2012, **Scott MacFarlane**, a correspondent with *COX TV* in Washington, DC, requested from the Transportation Security Administration (TSA) records regarding the disposal of unneeded real estate in the United States in 2011 and 2012. (Case Number TSA13-0205.)
- On December 4, 2012, **Scott MacFarlane**, a correspondent with *COX TV* in Washington, DC, requested from the Transportation Security Administration (TSA) a copy of e-mails from 2011 and 2012 from employees of the TSA Public Affairs Office or TSA Legislative Affairs Office which include any of the following keywords: (1) Atlanta; (2) Charlotte; (3) Dayton; (4) San Francisco; (5) Pittsburgh; (6) Congressman John Mica (R-FL); (7) Congressman Darrell Issa (R-CA); (8) Congressman Peter King (R-NY); or (9) Cox Television. (Case Number TSA13-0206.)
- On December 4, 2012, **Michael Sisak**, a staff writer with *The Citizens' Voice* and the *Scranton-Times Tribune* in Wilkes-Barre, Pennsylvania, requested from the

Federal Emergency Management Agency (FEMA) all records pertaining to Contract No. HSFE70-12-D-0319, awarded Sept. 25, 2012 to PKMM, Inc. for the construction of FEMA Temporary Housing Units. (Case Number FEMA 13-155.)

- On December 4, 2012, **Frank J. Gaffney, Jr.**, President with the **Center for Security Policy** in Washington, DC, requested from the Federal Law Enforcement Training Center (FLETC) and the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) records pertaining to the Council on American-Islamic Relations (CAIR) from 2006 through the present. (Case Numbers FLETC FOIA 13-024 and CRCL 13-007.)
- On December 4, 2012, **Anne Weismann**, Chief Counsel with the **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following: (1) records sufficient to show the number of e-mail accounts of or associated with Secretary Janet Napolitano; and (2) records to show the extent to which those e-mail accounts are identifiable as those of or associated with Secretary Napolitano. (2013-HQFO-00287.)
- On December 4, 2012, **Colleen O'Dea**, an editor with *NJ Spotlight* in High Bridge, New Jersey, requested from the Federal Emergency Management Agency (FEMA) all of FEMA's claims records for Hurricane Sandy (DR-4086 and EM-3354) for the State of New Jersey. (Case Number FEMA 13-156.)
- On December 5, 2012, **Susan Long**, a co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, case-by-case information on each removal during the month of November 2012. (Case Number ICE 2013FOIA05516.)
- On December 5, 2012, **Jessica Vaughn**, Director of Policy Studies with the **Center for Immigration Studies** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) the two most recent narrative annual reports completed by the supervising ICE Field Office; and (2) the two most recent program audits completed by ICE's Office of Professional Responsibility, for the following 287(g) programs: (a) Cobb County, Georgia; (b) Los Angeles County, California; (c) Harris County, Texas; (d) Colorado Department of Public Safety; (e) Prince William County, Virginia; (f) Collier County, Florida; (g) Frederick County, Maryland; (h) Alamance County, North Carolina; (i) Beaufort County, South Carolina; and (j) Tulsa County, Oklahoma. (Case Number ICE 2013FOIA05551.)
- On December 5, 2012, **Karen Troutman**, a business manager with **Dewey Publications, Inc.** in Arlington, Virginia requested from the Department of Homeland Security (DHS), the Federal Law Enforcement Training Center (FLETC), and the Federal Emergency Management Agency (FEMA) the names and e-mail addresses for various component directors and chiefs. (Case Numbers 2013-HQFO-00297, FLETC FOIA 13-025, and FEMA 13-162.)
- On December 6, 2012, **Jessica Cohen**, a senior producer with *Good Day New York* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) the following records: (1) 2012 proposed budget;

and (2) related expenses and appropriations for Hurricane Sandy. (Case Number FEMA 13-165.)

- On December 6, 2012, **Alissa Bohling**, an assistant editor and reporter with **Truthout** in Portland, Oregon, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) investigations regarding all complaints from transgender individuals against the Transportation Security Administration (TSA) from September 4, 2003 through the present. (Case Number OIG 2013-028, and aggregated with Case Number OIG 2012-182.)

### Late requests

- On November 29, 2012, **Dale Russell**, an investigative reporter with **Fox 5 News** in Atlanta, Georgia, requested from the Transportation Security Administration (TSA) a list of names of passengers who were allowed to bypass security at Hartsfield Jackson Atlanta International Airport from January 1, 2010 through the present. (Case Number TSA13-0189.)

### **III. FOIA Releases**

- On December 3, 2012, the Department of Homeland Security (DHS) released to **Brian Bennett**, a reporter with the **Los Angeles Times**, in Washington DC; and **Alicia Caldwell**, a reporter with **The Associated Press** in Washington, DC, a three-page Excel Workbook containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Numbers USCIS COW2012000903-08/2013-HQFO-00240 and USCIS COW2012000930/2013-HQFO-00236.)
- On December 3, 2012, the Department of Homeland Security (DHS) released to **Miriam Jordan**, a reporter with **The Wall Street Journal** in Beverly Hills, California, a 19 page Excel Workbook containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Number USCIS COW2012000934/2013-HQFO-00239.)
- On December 4, 2012, the United States Coast Guard (USCG) released to **Dom Yanchunas**, an editor with **Professional Mariner Magazine** in Staten Island, New York, 264 pages of records consisting of photos, case reports, survey reports, witness statements, medical reports and letters concerning a collision involving MAERSK WISCONSIN and RUTH M. REINAUER on or about December 5, 2011. These records were released in full. (Case USCIS 2012-3427.)
- On December 5, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **J. Keith Gates**, a senior attorney with **Cause of Action** in Washington, DC, 494 pages of e-mails pertaining to the use and acquisition of commemorative items. Portions of the release were withheld pursuant to FOIA Exemptions 2, 4, 5, 6, and 7(C). (Case Number OIG 2012-075.)
- On December 6, 2012, the United States Coast Guard (USCG) released to **Brian Kelly**, a reporter with **Sound Publishing** in Bainbridge Island, Washington, four pages of records consisting of letters and e-mails to and from James M. Olsen

regarding his unauthorized use of the USCG Reserve's seal during his campaign for office. These records were released in full. (Case Number USCG 2013-0294.)

#### **IV. FOIA Appeals**

- NSTR

#### **V. FOIA Appeals Releases**

- NSTR

#### **VI. Litigation**

- In the matter of *ACLU v. DHS* (S.D.N.Y. 11-cv-3786), plaintiffs filed a FOIA request seeking records relating to the Post-Order Custody Review (POCR) process in October 2010. This request was a follow-up to a 2009 FOIA request in which U.S. Immigration and Customs Enforcement (ICE) had released anonymized data relating to ICE detainees. Plaintiffs asked for additional information relating to a group of 5,928 individuals who had "won" their removal cases. Plaintiffs filed suit on June 3, 2011 claiming that ICE failed to respond to their FOIA requests and appeals in a timely fashion, and challenging ICE's withholdings and the adequacy of the search. On November 30, 2012, ICE released 22 pages of sample POCR records. ICE also submitted a revised declaration.
- In the matter of *National Immigrant Justice Center v. DHS* (N.D. Ill. 12-cv-05358), plaintiff filed a FOIA request on April 27, 2011, seeking copies of all Intergovernmental Service Agreements (IGSAs) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial of the FOIA request. On November 30, 2012, ICE released 467 pages of records to the plaintiff for a fourth interim response.
- In the matter of *Judicial Watch v DOJ/FBI* (Civil Action NO. 1:12-CV-01183-RMC), plaintiffs filed suit with the Federal Bureau of Investigation (FBI) pertaining to a request for records regarding curricula on Islam associated with a meeting by the FBI Director Robert Mueller on February 8, 2012. On November 30, 2012, the Federal Emergency Management Agency (FEMA) released to the Federal Bureau of Investigation (FBI) a responsive two-page memorandum. These records were released in full.
- In the matter of *Qatanani v. DHS* (D.N.J. 12-cv-00498), plaintiff filed a FOIA request with U.S. Immigration and Customs Enforcement (ICE) and the United States Citizenship and Immigration Services (USCIS), both dated January 10, 2012. ICE denied the request due to the existence of an ongoing investigation, but upon receipt of a referral of the same request from USCIS, ICE processed and released records. Plaintiff filed suit, challenging ICE's withholdings, on August 24, 2012. On December 3, 2012, ICE released 12 pages of records to the plaintiff.



## **FOIA Exemptions**

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

**Exemption 2:** internal agency personnel rules and practices

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**Exemption 4:** trade secrets and other confidential business information

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

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**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 7 – 13, 2012

### Privacy Office

December 17, 2012

### 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 December 11, 2012, U.S. Immigration and Customs Enforcement (ICE) posted the list of Detainee Deaths from October 2003 through December 6, 2012 to the ICE FOIA Library.
- On December 11, 2012, U.S. Immigration and Customs Enforcement (ICE) posted Detention Facility Compliance Inspection Reports for the Adelanto Correctional Facility, the San Diego Contract Detention Facility, and the Tulsa County Jail to the ICE FOIA Library.
- On December 13, 2012, the Department of Homeland Security (DHS) Privacy Office posted the September, October, and November 2012 FOIA logs (23 pages) to the DHS FOIA Library.

#### II. FOIA Requests

- On December 7, 2012, the United States Citizenship and Immigration Services (USCIS) referred to the Department of Homeland Security (DHS) requests from **Anna Macias**, a reporter with *Al Dia* in Dallas, Texas, and **Matt O'Brien**, a reporter with the *San Jose Mercury News/Bay Area News Group* in Hayward, California, seeking statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). (Case Numbers 2013-HQFO-00301 and 2013-HQFO-00302.)
- On December 7, 2012, **Jon Street**, an intern reporter with *CNSNews.com* and the **Media Research Center** in Alexandria, Virginia, requested from the Federal Emergency Management Agency (FEMA) the following records: (1) all correspondence between FEMA, local governments and victims of natural disasters living in public housing; and (2) communication records indicating efforts of help to local governments and individual citizens to help them get out of public housing and back on their feet following a natural disaster. (Case Number FEMA 13-167.)
- On December 7, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following: (1) records pertaining to the ICE Detention Long-Term Review Project, including all periodic reviews of individuals in custody for more than one year; and (2) information about the ICE personnel assigned to conduct the review. (Case Number ICE 2013FOIA05710.)
- On December 10, 2012, **Stephen Janis**, a journalist with *Sinclair Broadcasting WBFF* in Baltimore, Maryland, requested from the Department of Homeland Security (DHS) the following records paid for by the Department of Homeland Security during fiscal years 2010, 2011, and 2012: (1) parking tickets; (2)

speeding tickets; (3) red light camera citations; (4) speed camera citations; and (5) other moving violations. (Case Number 2013-HQFO-00308.)

- On December 10, 2012, **Jeremy Redmon**, a reporter with the *Atlanta Journal Constitution* in Woodstock, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of a list of information concerning individuals who have died while in ICE custody from November 9, 2010 through the present. (Case Number ICE 2013FOIA05927.)
- On December 11, 2012, **Jeremy Redmon**, a reporter with the *Atlanta Journal Constitution* in Woodstock, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the April 28, 2001 death of ICE detainee Miguel Angel Hernandez, who was being held at the North Georgia Detention Center. (Case Number ICE 2013FOIA05986.)
- On December 11, 2012, **Jeremy Redmon**, a reporter with the *Atlanta Journal Constitution* in Woodstock, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) information pertaining to the total amount of money the Department of Homeland Security (DHS) and ICE have each paid to resolve lawsuits concerning the deaths of DHS and ICE detainees for each year between 2002 and 2012. (Case Number ICE 2013FOIA06020.)
- On December 11, 2012, **Emma Jacobs**, a reporter with *WHYY Philadelphia* in Philadelphia, Pennsylvania, requested from U.S. Immigration and Customs Enforcement (ICE) the following records from January 1, 2007 through the present: (1) records pertaining to the date and location of the detention or arrest for all cases originating in Montgomery and Philadelphia counties in Pennsylvania; and (2) records pertaining to the law enforcement agencies that assisted in the arrest and/or investigation in each case. (Case Number ICE 2013FOIA06005.)
- On December 11, 2012, **Chris Ingalls**, a reporter with *KING 5 News* in Seattle, Washington, requested from the Transportation Security Administration (TSA) records showing the number of civil fines per year, and the dollar amount of each civil fine, levied for “firearm in a restricted area” at SeaTac Airport from 2008 through the present. (Case Number TSA 13-0226.)
- On December 11, 2012, **Matt Schrader**, a producer with *CBS Sacramento* in West Sacramento, California, requested from the Transportation Security Administration (TSA), a copy of TSA Presence, Advisements, Communication and Execution (PACE) review documents for Sacramento International Airport for the last 12 months. (Case Number TSA 13-0227.)
- On December 11, 2012, the Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Sean Dunagan**, a senior investigator with *Judicial Watch* in Washington, DC, seeking records pertaining to: (1) the six-week DHS pilot program in the Baltimore and Denver Immigration Courts; and (2) any communications between any EOIR employee and any other government agency about the program. (Case Number 2013-HQFO-00309.)
- On December 11, 2012, **Joshua Berlinger**, a reporter with the *Business Insider* in New York, New York, requested from U.S. Customs and Border Protection (CBP) the following: (1) records pertaining to Greek charitable and political

organizations in the New York metro area that have sent money, food, or medical supplies back to Greece in the last six months; and (2) records pertaining to an organization called “Golden Dawn” or “Chrysi Avgi” in the New York metro area. (Case Number CBP 2013F02175.)

- On December 12, 2012, **Ritika Rodrigues**, a professional staff member with the **U.S. Senate Homeland Security and Governmental Affairs Committee’s Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following: (1) travel costs related to the Acting Inspector General Charles Edwards and a third party; (2) records pertaining to any preferred airlines used by DHS-OIG for work-related travel, the airline typically used by the Acting Inspector General and a third party, and any cost differences between the preferred airline and the one actually used; (3) dates of employment with DHS-OIG of the current Acting Inspector General, and the capacity he served during those periods; (4) dates of employment with DHS and DHS-OIG of a third party, and the capacity that individual served during those periods; (5) all information relating to a third party’s telework assignments; and (6) all information requested in FOIA request number 2012-119 (pertaining to DHS-OIG telework policy), including all notes made by DHS-OIG staff in the course of fulfilling the request. (Case Number OIG 2013-029.)

#### **Late requests**

- On December 6, 2012, **Thomas Winter**, a producer with *NBC News* in New York, New York, requested from the Transportation Security Administration (TSA) passenger manifests, including associated applicable records for Federal Aviation Administration (FAA) registered aircraft, N900LG from January 1, 2010 through December 4, 2012. (Case Number TSA 13-0210.)
- On December 6, 2012, **Matthew Trotter**, an investigative producer with *KJRH News* in Tulsa, Oklahoma, requested from the Transportation Security Administration (TSA) records pertaining to Tort claim packages associated with incidents occurring at the Tulsa International Airport from November 2001 through the present. (Case Number TSA 13-0211.)

#### **III. FOIA Releases**

- On December 4, 2012, the Department of Homeland Security (DHS) released to **Tom Wong**, an assistant professor with the **University of California, San Diego** in La Jolla, California, a three-page Excel Workbook containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Number USCIS COW2012000853/2013-HQFO-00280.)
- On December 6 and December 11, 2012, U.S. Customs and Border Protection (CBP) issued to **Emily Willard**, a researcher with **The National Security Archive** in Washington, DC, and **Juan Carlos Llorca**, a reporter with *The Associated Press* in El Paso, Texas, a full denial in response to their requests seeking various records pertaining to the death of Sergio Adrian Hernandez

Guereca on June 7, 2010. These records were withheld pursuant to FOIA Exemption 7(A). (Case Numbers CBP 2012F26840 and CBP 2012F23950.)

- On December 7, 2012, U.S. Customs and Border Protection (CBP) issued to **Emily Willard**, a researcher with **The National Security Archive** in Washington, DC, a no records determination in response to her request seeking records pertaining to Central American migrants from Honduras, Guatemala, and El Salvador coming through Mexico to the U.S. who were sold by Mexican migration officials to the Zeta drug cartel from May 2010 through the present. (Case Number CBP 2012F26836.)
- On December 10, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Raj Ajai**, a freelance reporter in Brooklyn, New York, a no records determination in response to his request seeking records regarding any evaluations, audits or reviews of the U.S. Border Patrol's Search and Rescue Operations (BORSTAR) program. (Case Number OIG 2013-022.)
- On December 10, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with the *Atlanta Journal Constitution* in Woodstock, Georgia, an updated list of individuals who have died while in ICE custody. ICE directed the requester to obtain the document from the ICE FOIA Library at [www.ice.gov/foia](http://www.ice.gov/foia). The most recent update to the list was posted on December 6, 2012. (Case Number ICE 2013FOIA05927.)
- On December 11, 2012, the United States Citizenship and Immigration Services (USCIS) released to **Robert Deasy**, a director with the **American Immigration Lawyers Association** in Washington, DC, 18 pages of records consisting of a policy memorandum 602-0066, "Adjudication of applications that are submitted by individuals subject to the National Security Entry Exit Registration System." (Case Number USCIS COW2012000978.)
- On December 12, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jessuina Perez-Teran**, a Ph.D. candidate with the **University of Michigan** in Ann Arbor, Michigan, one spreadsheet containing statistics concerning the Secure Communities program. These records were released in full. (Case Number ICE 2013FOIA00127.)
- On December 12, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Greg Yee**, a reporter with *The Daily Times* in Farmington, New Mexico, one spreadsheet containing statistics concerning alien apprehensions and removals from the New Mexico area. These records were released in full. (Case Number ICE 2013FOIA00415.)
- On December 12, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Robert Faturechi**, a reporter with the *Los Angeles Times* in Los Angeles, California, 22 pages of reports concerning the investigation of the sale and shipment of body armor from the City of Gardena and the Los Angeles County Sheriff to Cambodia. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2013FOIA00467.)
- On December 12, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Seth Wessler**, a senior research associate with the **Applied Research Center** in New York, New York, one spreadsheet containing statistics pertaining to final orders and removals for individuals who claim to have U.S. citizen

children. These records were released in full. (Case Number ICE 2013FOIA00678.)

- On December 13, 2012, the Department of Homeland Security (DHS) released to **Russ Ptacek**, a reporter with *WUSA 9 News* in Washington, DC, a one-page document pertaining to the 2011 Premium Class Travel Reports. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00101.)

#### **IV. FOIA Appeals**

- NSTR

#### **V. FOIA Appeals Releases**

- NSTR

#### **VI. Litigation**

- In the matter of *Hamdan v. DOJ, et al.* (C.D. Cal. 10-6149), plaintiffs filed a FOIA request seeking records relating to the federal government's interactions with Naji Jawdat Hamdan. U.S. Immigration and Customs Enforcement (ICE) was added as a defendant in the amended complaint filed on October 14, 2010 claiming that ICE, and several other government agencies, failed to conduct an adequate search for responsive records. On December 10, 2012, the Court granted ICE and the other defendants' motions for summary judgment.
- In the matter of *WeCount! Inc. v. DHS* (D.D.C. 11-00143), the plaintiff filed a complaint on January 21, 2011, seeking release of records regarding a sex trafficking operation in Southern Florida. The operation (Operation Res-Q) was conducted from November 18-November 20, 2009, and resulted in some allegations of abuse by several of the individuals arrested. On December 10, 2012, U.S. Immigration and Customs Enforcement (ICE) issued the seventeenth interim release, consisting of 1,125 pages of investigatory records.

## **FOIA Exemptions**

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

**Exemption 2:** internal agency personnel rules and practices

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**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