

## FOIA Activity for the Weeks of December 14 - 27, 2012

Privacy Office

January 2, 2013

### Weekly FOIA Report

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

- NSTR

## II. FOIA Requests

- On December 14, 2012, the Transportation Security Administration (TSA) referred to the Department of Homeland Security (DHS), Office of Inspector General (OIG) a request from **Mike Ahlers**, a senior producer with *Cable News Network (CNN)* in Washington, DC, seeking a copy of a TSA video submitted by a confidential source to TSA officials showing Transportation Security Officers failing to follow required screening procedures at the Overseas Terminal screening location at Honolulu International Airport. (Case Number OIG 2013-030.)
- On December 14, 2012, **Rebecca Engel**, an attorney with the **New York Civil Liberties Union (NYCLU)** in New York, New York, requested from U.S. Customs and Border Protection (CBP), the Department of Homeland Security (DHS), Office of Inspector General (OIG), and DHS Office for Civil Rights and Civil Liberties (CRCL) the following records from January 1, 2004, through December 15, 2012: (1) all complaints and records pertaining to actions by CBP employees operating out of the Ogdensburg, New York and Oswego, New York stations; (2) all I-44 forms issued for persons stopped by these employees; and (3) all I-213 forms issued for persons arrested by these employees. (Case Numbers CBP 2013F02418, OIG 2013-031, and CRCL 13-011.)
- On December 14, 2012, **Alicia Caldwell**, a reporter with *The Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) e-mails sent or received by ICE and DHS employees concerning the apprehension of **(b) (6)** on December 6, 2012. (Case Numbers 2013-HQFO-00321 and ICE 2013FOIA06632.)
- On December 17, 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 statistical data on all individuals who were detained, released, or in ICE custody from November 1 through November 30, 2012. (Case Number ICE 2013FOIA07234.)
- On December 18, 2012, **Geoffrey Heeren**, an attorney and assistant professor of law with **Valparaiso University Law School** in Valparaiso, Indiana, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding the government's implementation of the *Dent v. Holder* doctrine, according to which the government must provide immigrants contesting deportability with a copy of their A-File. (Case Number ICE 2013FOIA07458.)

- On December 18, 2012, **Jacqueline Stevens**, Director, Deportation Research Clinic and professor with **Northwestern University** in Evanston, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the ICE private contracts and Intergovernmental Service Agreements (IGSAs) for San Bernardino, California, including but not limited to the contracts for work performed in and with the City of Adelanto, from January 1, 2008, through the present. (Case Number ICE 2013FOIA07484.)
- On December 19, 2012, the North American Aerospace Defense Command (NORAD) and United States Northern Command (USNORTHCOM) referred to the Department of Homeland Security (DHS) and the United States Secret Service (USSS) a request from **Shawn Musgrave**, a researcher with **Muck Rock News** in Boston, Massachusetts, seeking the following records: (1) a list of all events classified as National Security Special Events (NSSEs) or Special Events (SEs) for the years 2008 through 2012; and (2) for all SEs the ratings assigned to each (SEAR I, SEAR II, SEAR III or SEAR V). (Case Numbers 2013-HQFO-00325 and USSS 20130189.)
- On December 20, 2012, **Keisha Slaughter**, a researcher with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) the following: (1) records pertaining to the creation, implementation, and collaboration between agencies on the Foreign Terrorist Tracking Task Force (FTTTF); and (2) records pertaining to the implementation and operation of the FTTTF on the U.S./Mexico border, including encounters with suspected terrorists along the border from October 2001 through the present. (Case Numbers ICE 2013FOIA07709 and CBP 2013F02411.)
- On December 20, 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 increased deployment of military and police presence on the Guatemala/Mexico border to assist migration officials and secure the border from January 2005 through the present. (Case Number CBP 2013F02409)
- On December 20, 2012, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) records pertaining to the following: ( 1) the CBP corruption and integrity initiatives matrix developed by the Office of Human Resource Management, Labor and Employee Relations Division (HRM-LER), from June 2011 (or earliest possible date) through the present; (2) any and all HRM-LER “U.S. Customs and Border Protection Discipline Reports) for Fiscal Years 2003 (or earliest date available) through the present; (3) CBP Office of Internal Affairs (IA) Study from November 2004; (4) the “Eight Questions” about personal judgment and conscientiousness used during onset of CBP employee application process; (5) IA Integrity Programs Division and Credibility Assessment Division, “Final Report: A+ Case File Study: An Exploration of the Statement Made Against Personal Interest in Law Enforcement Applicant Screening Polygraph Examinations,” from 2009 through the present, including any and all updates; (6) any and all CBP IA Integrity Programs Division

Corruption Case Studies; (7) any and all annual report(s) on CBP-IA Integrity Programs Division Employee Delinquency, FY 2006 (or earliest year available) through the present; (8) any and all annual report(s) on CBP-IA Integrity Programs Division “Commissioner’s Snapshot”, FY 2006 (or earliest year available) through the present; (9) CBPnet Commissioner’s Message: Assuring the Highest Standards of Integrity, including two videos related to written statement a) Commissioner Alan Bersin formally presenting the message at CBP headquarters and b) video titled “Integrity Town Hall Meeting”; (10) Message from Chief Fisher: “Wellton Station Border Patrol Agent Arrested” posted on Border Patrol Chief Mike Fisher’s webpage which offers description of the April 5, 2011 arrest, including linked audio recording included after written message; (11) any and all anti-corruption training videos, including but not limited to those produced by CBP’s Field Communications Branch that appear on Office of Border Patrol page, which focuses on on-duty malfeasance, using badge and personal relationship for special access, and debt issues; (12) video message from former Border Patrol Chief Ron Colburn posted to Office of Border Patrol web site in March 2009 that warns that corruption is treason; and (13) any and all briefing notes from the U.S. Border Patrol Integrity Advisory Committee briefings, including but not limited to May 2011 briefing. (Case Number CBP 2013F02437.)

- On December 20, 2012, **Daniel Carrillo**, a researcher with **Service Employees International Union** in Chicago, Illinois, requested from the Transportation Security Administration (TSA) Notices of Violation, Penalty and Corrective Order at Chicago’s O’Hare and Midway Airports from 2006 through the present for: (1) airport perimeter access points; (2) airport perimeter fences; and (3) airport perimeter breaches. (Case Number TSA 13-0249.)
- On December 20, 2012, **Alexander Campbell**, a researcher with **Service Employees International Union** in Washington, DC, requested from the Transportation Security Administration (TSA) records pertaining to contracts between TSA and Brown & Pipkins, LLC. (Case Number TSA 13-0251.)
- On December 21, 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 records: (1) FOIA case notes from OIG case number 2013-029 which sought (a) travel and employment information pertaining to the Acting Inspector General Charles Edwards; (b) telework and employment information pertaining to a third party; and (c) information pertaining to DHS-OIG’s telework policies; and (2) the FOIA case notes for this current request. (Case Number OIG 2013-033.)
- On December 21, 2012, **Jennifer Janisch**, a producer with **CBS News** in New York, New York, 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 13-199.)

- On December 26, 2012, **Shabsi Ganzweig**, an individual requested from the Department of Homeland Security (DHS) a copy of a congressional inquiry or letter to DHS from Senator Joseph Lieberman (I-CT) regarding chaplaincy in DHS. (Case Number 2013-HQFO-00329.)
- On December 26, 2012, **Jason Leopold**, an investigative reporter with **Truthout.org** in Beverly Hills, California, requested from the Department of Homeland Security (DHS) various records from January 1, 2009 through the present, including Threat Assessments, pertaining to the “conservative political movement known as the TEA PARTY which formed in 2009 and led to widespread demonstrations and protests throughout the country that year.” (Case Number 2013-HQFO-00332.)
- On December 26, 2012, **Scott MacFarlane**, a correspondent with **Cox TV** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of all performance evaluations and performance reviews of employees in the Office of Legislative Affairs and Public Affairs for 2011 and 2012. (Case Number 2013-HQFO-00333.)
- On December 27, 2012, **Daniela Hernandez**, a reporter and community manager with **Wired.com** in San Francisco, California, requested from the Department of Homeland Security (DHS) the following: (1) records pertaining to department policies for using social media data for deportations and immigration applications; (2) records describing how data or information collected from social-networking sites is stored by the Department and shared with other government agencies; (3) records pertaining to how the Department plans to leverage or is leveraging the application programming interfaces (APIs) of social networking sites to monitor or validate applications for visa, permanent residency, naturalization, and deferred action for childhood arrivals; (4) records pertaining to how the Department plans to leverage or is leveraging the application programming interfaces of social networking sites to verify the aforementioned applications; (5) records pertaining to how the Department uses social media data or data collected from social networking sites to patrol the borders; (6) aggregate total of cases where social media data have swayed applications for and against granting visa, employment permits, permanent residency, naturalization, and deferred action for childhood arrivals or for deportation; (7) aggregate total of deportations and applications for visa, employment permits, permanent residency, naturalization, deferred action for childhood arrivals that have included social media data; (8) demographic data, including but not limited to ethnic and racial background, age, income, citizenship and education level, of applicants for visa, employment permits, permanent residency, naturalization, and deferred action for childhood arrivals that have included social media data in their applications; (9) demographic data, including but not limited to ethnic and racial background, age, income, citizenship and education level, of individuals fighting deportation that have used social media data; and (10) records pertaining to programs, tools or services purchased or contracted to monitor, analyze or gather information from social networking sites. (Case Number 2013-HQFO-00334.)

### Late requests

- On November 21, 2012, **Lori Jane Gliha**, a reporter with **KNXV-TV, ABC15** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: (1) all dispatch recordings and recorded communications between Border Patrol Agent Nick Ivie and all dispatchers, agents, and anyone else with whom he communicated on the morning of October 2, 2012; (2) all internal documentation pertaining to the death of Border Patrol Agent Ivie and the two other agents involved in the shooting; and 3) the incident report and all supplements and photographs pertaining to the death of Border Patrol Agent Ivie. (Case Number CBP 2013F02392.)
- On December 13, 2012, **Zachary Rausnitz**, an associate editor with **FierceHomeland Security** in Washington, DC, requested from the Transportation Security Administration (TSA) a copy of all final responses after January 1, 2011, to any Screening Partnership Program applications. (Case Number TSA 13-0234.)

### **III. FOIA Releases**

- On December 13, 2012, U.S. Customs and Border Protection (CBP) issued to **Dennis McDougal**, a reporter with **The New York Times**, in New York, New York, a no records determination in response to his request seeking records pertaining to **(b) (6)**. (Case Number CBP 2013F01714.)
- On December 14, 2012, the Department of Homeland Security (DHS) released to **David Sobel**, a senior counsel with **Electronic Frontier Foundation** in Washington, DC, 176 pages of records consisting of discussion papers, e-mails, and correspondence pertaining to the High Level Contact Group (HLCG). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 11-0779.)
- On December 14, 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 seeking all records pertaining to the Council on American-Islamic Relations (CAIR) from 2006 through the present. (Case Number FLETC FOIA 13-024.)
- On December 14, 2012, the Transportation Security Administration (TSA) released to **Barbara Elias**, Freedom of Information Coordinator with **The National Security Archive** in Washington, DC, 825 pages of records pertaining to 48 documents which were referenced in the 9/11 Commission Report and which are now under TSA purview. Portions of the release were withheld pursuant to FOIA Exemptions 2, 3, 6, 7(C), 7(E), and 7(F). (Case Number TSA 05-0072.)
- On December 17, 2012, the Department of Homeland Security (DHS) released to **Todd Keil**, former Assistant Secretary for Infrastructure Protection with the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) in McKinney, Texas, 24 pages of records consisting of e-mails and written communication related to his departure from DHS. Portions of

the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number 2013-HQFO-00013.)

- On December 19, 2012, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **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, 200 pages of records consisting of the DHS-OIG telework policy; travel vouchers, phone bills, e-mails, time and attendance reports, and spreadsheets pertaining to DHS-OIG employee telework schedules; and DHS-OIG FOIA case notes for DHS-OIG FOIA case number 2012-119 which sought the same records. Portions of the release were withheld pursuant to FOIA Exemptions 2, 5, 6, and 7(C). (Case Number OIG 2013-029.)
- On December 20, 2012, U.S. Customs and Border Protection (CBP) issued to **Mitch Blacher**, a reporter with **ABC San Diego, 10 News I-Team** in San Diego, California, a full denial in response to his request seeking various records pertaining to the death of Valeria Alvarado on September 28, 2012. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number CBP 2013F01930.)
- On December 20, 2012, U.S. Customs and Border Protection (CBP) issued to **Lori Jane Gliha**, a reporter with **KNXV-TV, ABC15** in Phoenix, Arizona, a full denial in response to her request seeking various records pertaining to the death of Border Patrol Agent Nick Ivie on October 2, 2012. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number CBP 2013F02392.)
- On December 21, 2012, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **Ginger McCall**, Director, Open Government Project with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, 207 pages of records consisting of an S&T white paper on a synchronized programmable laser. Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, and 6. (Case Number S&T 12-024.)
- On December 21, 2012, the Federal Emergency Management Agency (FEMA) released to **Randy Herschaft**, a reporter with **The Associated Press** in New York, New York, 74 pages of records consisting of correspondence to and from Texas Governor Rick Perry (R) or the Office of Texas Governor Rick Perry from December 21, 2000 through the present as identified in the Rick Perry correspondence log sent to the requester in response to his FOIA request DHS/OS/PRIV 12-0049. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number FEMA 12-151.)

#### IV. FOIA Appeals

- On December 13, 2012, **Andrew Becker**, a staff reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, appealed the Department of Homeland Security (DHS), Office of Inspector General's (OIG) response to his request for records of complaints or investigations pertaining to Suzanne Barr, a former Chief of Staff for U.S. Immigration and Customs Enforcement (ICE). The requester is contesting the decision to withhold such records absent the

individual's consent to release the information, proof the individual is deceased, or clear demonstration that the public interest in disclosure outweighs personal privacy interest and that significant public benefit would result from disclosure. (Case Number OIG 2013-A03.)

- On December 19, 2012, **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, appealed the Department of Homeland Security (DHS), Office of Inspector General's (OIG) response to his request for complaints and e-mails regarding complaints pertaining to Acting Inspector General Charles Edwards and other DHS-OIG officials. The requester is contesting the decision to withhold such records absent the individuals' consent to release the information, proof the individuals are deceased, or clear demonstration that the public interest in disclosure outweighs personal privacy interests and that significant public benefit would result from disclosure. (Case Number OIG 2013-A05.)
- On December 21, 2012, **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, appealed the Department of Homeland Security (DHS), Office of Inspector General's (OIG) response to his request for complaints and e-mails regarding complaints pertaining to Acting Inspector General Charles Edwards and a third party. The requester is contesting the decision to withhold such records absent the individuals' consent to release the information, proof the individuals are deceased, or clear demonstration that the public interest in disclosure outweighs personal privacy interests and that significant public benefit would result from disclosure. (Case Number OIG 2013-A06.)

## **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 December 28, 2012 – January 3, 2013**  
**Privacy Office**  
**January 7, 2013**  
**Weekly FOIA Report**

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

- NSTR

**II. FOIA Requests**

- On December 28, 2012, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Federal Law Enforcement Training Center (FLETC) records pertaining to the possible Presidential Transition for the year 2013. (Case Number FLETC FOIA 13-030.)
- On December 28, 2012, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Federal Law Enforcement Training Center (FLETC) e-mails sent by FLETC staffers in 2012 to representatives/staffers in the Offices of: (1) Congressman Peter King (R-NY); (2) Congressman Steve Pearce (R-NM); (3) Senator Jeff Bingaman (D-NM); (4) Senator Tom Udall (D-NM); (5) Congressman Darrell Issa (R-CA); or (6) the House Committee on Oversight and Government Reform. (Case Number FLETC FOIA 13-031.)
- On December 28, 2012, **Christopher Ernesto**, an individual with **St. Pete for Peace** in Saint Petersburg, Florida, requested from the Department of Homeland Security (DHS) the following records from January 1, 2003, through December 31, 2012: (1) records pertaining to a named individual and the non-profit entity **St. Pete for Peace**; and (2) various records created by DHS pertaining to protests, marches, and rallies for: (a) Florida; (b) Washington, DC; (c) Colorado; (d) New York; and (e) North Carolina. (Case Number 2013-HQFO-00336.)
- On January 2, 2013, **Michael Corey**, a news applications developer with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) records pertaining to fencing installed on the U.S.-Mexico Border prior to 2006. (Case Number CBP 2013F02612.)
- On January 2, 2013, **Jarrett Renshaw**, a reporter with the *Star Ledger* in Trenton, New Jersey, requested from the Federal Emergency Management Agency (FEMA) the preliminary damage assessment related to Hurricane Sandy submitted by FEMA to the State of New Jersey. (Case Number FEMA 13-209.)
- On January 2, 2013, **Jarrett Renshaw**, a reporter with the *Star Ledger* in Trenton, New Jersey, requested from the Federal Emergency Management Agency (FEMA) records of correspondence between FEMA and the State of New Jersey, including Governor Chris Christie's (R) office and other government departments, pertaining to Hurricane Sandy. (Case Number FEMA 13-210.)
- On January 3, 2013, **Bruce Wright**, an individual in Saint Petersburg, Florida, requested from the Department of Homeland Security (DHS) various records created by DHS pertaining to protests, marches, and rallies from 2006, through

2012, for: (1) Florida; (2) Washington, DC; (3) Colorado; (4) New York; and (5) North Carolina. (Case Number 2013-HQFO-00341.)

### Late requests

- On December 21, 2012, **Paul Orfanedes**, Director of Litigation with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records maintained, archived, or stored by a named agent in ICE's Phoenix Field Office pertaining to the number of kidnappings in Phoenix, Arizona for the years 2007 and 2008. (Case Number ICE 2013FOIA07745.)
- On December 21, 2012, **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Woodstock, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) the three most recent narrative annual reports completed by the Atlanta Field Office and/or the ICE Office of Professional Responsibility, containing information on program arrests, crimes, and success stories for the 287(g) programs in (1) Georgia's Cobb County; (2) Gwinnett County; (3) Hall County; (4) Whitfield County; and (5) the Georgia Department of Public Safety. (Case Number ICE 2013FOIA07756.)
- On December 27, 2012, **Jeremy Redmon**, a reporter with the *Atlanta Journal-Constitution* in Woodstock, Georgia, and **Matt O'Brien**, a reporter with the *San Jose Mercury News/Bay Area News Group* in Hayward, California, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the records that were released in Case Number ICE 2012FOIA11750 pertaining to worksite enforcement audits completed and fines issued during fiscal years 2009, 2010, and 2011. (Case Numbers ICE 2013FOIA07907 and ICE 2013FOIA07914.)

### III. FOIA Releases

- On December 27, 2012, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with the *Atlanta Journal-Constitution* in Woodstock, Georgia, and **Matt O'Brien**, a reporter with the *San Jose Mercury News/Bay Area News Group* in Hayward, California, a copy of the records that were released in Case Number ICE 2012FOIA11750, consisting of 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).
- On December 28, 2012, the United States Coast Guard (USCG) released to **Margaret Friedenauer**, News and Public Affairs Director with *KHNS-FM Radio* in Klukwan, Alaska, 65 pages of records consisting of case reports, memoranda, communication logs, photos and an audio file pertaining to a death that involved the vessel ELEANOR S on July 4, 2012. These records were released in full. (Case Number USCG 2013-0451.)
- On December 28, 2012, the United States Coast Guard (USCG) released to **Jeanette Steele**, a reporter with *UT San Diego* in San Diego, California, 140 pages of records consisting of case reports, communication logs, witness reports, medical reports, and two audio files pertaining to the collision between vessels

CG2607PZ and CG33118 on December 20, 2009. These records were released in full. (Case Number USCG 2013-0680.)

- On December 31, 2012, the Federal Emergency Management Agency (FEMA) released to **Justin Blum**, a reporter with *Bloomberg News* in Washington DC, 564 pages of records consisting of successful applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act (ARRA). Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(E). (Case Number FEMA 10-437.)
- On December 31, 2012, the Federal Emergency Management Agency (FEMA) released to **David Perera**, an editor with *FierceHomeland Security* in Washington, DC, 187 pages of records consisting of correspondence regarding FEMASat meetings. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(E). (Case Number FEMA 12-425.)
- On January 2, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Emily Willard**, a researcher with **The National Security Archive** in Washington, DC, 404 pages of records consisting of briefing materials, e-mails, and other documents concerning the February 27, 2012 meeting between the Department of Homeland Security (DHS), ICE, and Mexican Representatives in Mexico City and generally pertain to the Interior Repatriation Initiative. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number ICE 2012FOIA08313.)
- On January 2, 2013, ICE released to **Mike Trinh**, a reporter with the *Boston University News Service* in Boston, Massachusetts, 1,916 pages of records consisting of complaints received by the National Intellectual Property Rights Center since January 2009. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA07020.)
- On January 2, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Brad Heath**, a reporter with *USA Today* in McLean, Virginia, 103 pages of records consisting of spreadsheets, job descriptions, and performance evaluation records for ICE Office of Public Affairs employees. Portions of the release were withheld pursuant to FOIA Exemptions 2 and 6. (Case Number ICE 2013FOIA03032.)
- On January 2, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, 18 pages of records consisting of policies related to medical repatriations and data pertaining to 11 medical repatriations that were conducted by ICE Enforcement and Removal Operations (ERO) in Illinois. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2013FOIA00619.)
- On January 3, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Molly Mathews**, an assistant producer with *Fox News Channel* in Washington, DC, 572 pages of records consisting of memoranda, contracts, requisitions, and e-mails pertaining to ammunition and weapons used by DHS-OIG. Portions of the release were withheld pursuant to FOIA Exemptions 4, 6, and 7(F). (Case Number OIG 2012-173.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- On October 31, 2012, **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, appealed U.S. Customs and Border Protection's (CBP) response to his request for records pertaining to smuggling tunnels discovered from 1990 through the present. In response to his request, CBP released five pages of records with the latitude and longitude data withheld pursuant to FOIA Exemption 7(E). The requester contested the use of FOIA Exemption 7(E) to protect the information that would reveal the precise location of the tunnels. On December 31, 2012, CBP denied his appeal, affirming the use of FOIA Exemption 7(E). (Case Number CBP H234821.)

#### VI. Litigation

- 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) had improperly denied numerous FOIA requests for A-Files. Until mid-2010, the United States Citizenship and Immigration Services (USCIS) responded to requests from bond obligors by supplying the entire A-File. When ICE began processing bond obligor requests, ICE produced redacted copies of certain documents in the A-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 December 21, 2012, the Court ruled that the Department of Homeland Security's (DHS) consent provision, when applied to make third-party FOIA requests that lack privacy waivers unperfected, violates the FOIA. The Court remanded plaintiff's FOIA requests to the agency for further consideration consistent with the Opinion.
- 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), 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 records pertaining to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings. On October 31, 2012, U.S. Immigration and Customs Enforcement (ICE) issued its twelfth and final release, consisting of 1,630 pages of responsive records. On December 26, 2012, the Court ordered ICE to submit a supplemental declaration describing, in detail, the systems searched and the search terms used.

## **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 4 – 10, 2013**  
**Privacy Office**  
**January 14, 2013**  
**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 4, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the FY 2012 Secure Communities Nationwide Interoperability Report (55 pages) and the FY 2013 year-to-date Secure Communities Nationwide Interoperability Report (57 pages).

**II. FOIA Requests**

- On January 7, 2013, **Ellison Barber**, an individual with the **Center for American Freedom** in Washington, DC, requested from the Transportation Security Administration (TSA) records pertaining to correspondence between Senator Robert Menendez (D-NJ), or his office, and the Department of Homeland Security (DHS) regarding foreign air travel, including DHS passenger manifests. (Case Number TSA13-0275.)
- On January 7, 2013, **Daniel Carrillo**, an individual with **Service Employees International Union** in Chicago, Illinois, requested from the Transportation Security Administration (TSA) Notices of Violation, Penalty and Corrective Order at Chicago's O'Hare and Midway Airports for allegations made by former CDA Security Chief James Maurer in March 2010. (Case Number TSA 13-0277.)
- On January 7, 2013, **Daniel Carrillo**, an individual with **Service Employees International Union** in Chicago, Illinois, requested from the Transportation Security Administration (TSA) Notices of Violation, Penalty and Corrective Order at Chicago's O'Hare and Midway Airports from 2011 through the present for: (1) checkpoints; and (2) fencing. (Case Number TSA13-0279)
- On January 7, 2013, **James West**, an editor and producer with **Climate Desk** in New York, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to the report "Impact of Climate Change on the National Flood Insurance Program." (Case Number FEMA 13-220.)
- On January 7, 2013, **Jennifer McDermott**, a staff writer with **The Day** in New London, Connecticut, requested from the United States Coast Guard (USCG) a copy of the U.S. Coast Guard Academy's internal investigation into alleged inappropriate conduct in the workplace and the misuse of government resources by civilian employees in August 2012. (Case Number USCG 2013-0961.)
- On January 8, 2013, **Al Shaw**, a journalist with **ProPublica** in New York, New York, requested from the Federal Emergency Management Agency (FEMA) itemized records of approved applications for Hurricane Sandy assistance. (Case Number FEMA 13-223.)
- On January 8, 2013, **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 data on each ICE removal (including returns) in December 2012. (Case Number ICE 2013FOIA08672.)

- On January 9, 2013, **Joel Millman**, a reporter with *The Wall Street Journal* in Portland, Oregon, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to I-9 audits and investigations of California employers from fiscal years 2008 through 2012. (Case Number ICE 2013FOIA08876.)
- On January 9, 2013, **Shawn Boburg**, a reporter with *NorthJersey.com*, requested from the Federal Emergency Management Agency (FEMA) various records pertaining to: (1) Hurricane Sandy; and (2) Governor Chris Christie's (R-NJ) requests and/or applications for disaster assistance for the State of New Jersey. (Case Number FEMA 13-226.)
- On January 9, 2013, **Roberto Salazar**, a reporter with *KRGV-TV Channel 5* in Weslaco, Texas, requested from U.S. Customs and Border Protection (CBP) the following records pertaining to "unmarked" Border Patrol vehicles documented in Form CBP-177 by the Rio Grande Valley Sector and Laredo Sector for fiscal years 2010 through 2012: (1) vehicle mileage records; and (2) fuel cost records. (Case Number CBP 2013F02733.)

### III. FOIA Releases

- On January 4, 2013, the Federal Emergency Management Agency (FEMA) released to **Andrew Wyner**, an investigator with **Project On Government Oversight (POGO)** in Washington, DC, 162 pages of records consisting of Contract HSHQDC06D00014: HSFEEM08J0001. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FEMA 12-277.)
- On January 7, 2013, the Department of Homeland Security (DHS) released to **Kel McClanahan**, an attorney and Executive Director with **National Security Counselors** in Arlington, Virginia, 17 pages of records consisting of correspondence regarding reviews of federal agencies which conduct polygraphs. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number 2013-HQFO-00001.)
- On January 8, 2013, the Transportation Security Administration (TSA) released to **Elizabeth Wagner**, an investigative producer with *NBC Bay Area News* in San Jose, California, a spreadsheet containing the number of racial or ethnic profiling complaints made to TSA from November 2006 through the present, broken down by airport and year. (Case Number TSA 12-0803.)
- On January 9, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Alissa Bohling**, an assistant editor and reporter with **Truthout** in Portland, Oregon, a spreadsheet containing narratives of complaints received by DHS-OIG on investigations involving complaints against the Transportation Security Administration (TSA) made by 'transgender' individuals. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number OIG 2012-182 and aggregated with Case Number OIG 2013-028.)
- On January 9, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Peter Themelis**, an individual in Nottingham, Maryland, 19

pages of records consisting of e-mails to and from USCIS staff and a named individual regarding the position of Chief Negotiator. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCIS COW2012001012.)

- On January 9, 2013, the Federal Law Enforcement Training Center (FLETC) released to **Brad Heath**, a reporter with *USA Today* in McLean, Virginia, 63 pages of records consisting of rating summaries and calculation sheets, employee performance work plans, and performance appraisal records for FLETC Office of Public Affairs employees. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number FLETC FOIA 13-015.)
- On January 10, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Rachel Sykes**, an attorney with **Sykes Injury Law** in Salt Lake City, Utah, 1,041 pages of records consisting of the final ICE Office of Professional Responsibility (OPR) report of investigation, facility inspection reports, medical records, and e-mails concerning ICE detainee Amra Miletic, who died in ICE custody on March 20, 2011. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number ICE 2012FOIA08898.)

#### IV. FOIA Appeals

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

#### 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 January 10, 2013, U.S. Immigration and Customs Enforcement (ICE) issued the eighteenth interim release, consisting of 2,357 pages of investigatory records.
- In the matter of *Ho v. DHS* (D. Or. 13-00035), the plaintiff filed a FOIA request with the United States Citizenship and Immigration Services (USCIS) on August 20, 2012, seeking all records in her A-file. U.S. Immigration and Customs Enforcement (ICE) received the request on referral from USCIS on October 17, 2012. ICE responded to the request on November 5, 2012. After the plaintiff's

November 13, 2012 administrative appeal was denied, the plaintiff filed suit on January 9, 2013, challenging ICE's withholdings.

## **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 11 – 17, 2013**  
**Privacy Office**  
**January 22, 2013**  
**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 14, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the FY 2013 year-to-date Secure Communities Nationwide Interoperability Report (57 pages).
- On January 17, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the December 2012 FOIA log (seven pages).
- On January 17, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library one contract award and five contract orders (796 pages) from the DHS National Protection and Programs Directorate (NPPD).

**II. FOIA Requests**

- On January 11, 2013, **Mark Noack**, a reporter with *Half Moon Bay Review* in Half Moon Bay, California, requested from the United States Coast Guard (USCG) records pertaining to all incidents in Pillar Point Harbor in San Mateo County, California from January 1, 2008 through January 1, 2013. (Case Number USCG 2013-0981.)
- On January 11, 2013, **Christopher Weaver**, a reporter with *The Wall Street Journal* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the TECS closing report concerning the investigation of **(b) (6)** an individual convicted of manufacturing and selling counterfeit pharmaceuticals. (Case Number ICE 2013FOIA09261.)
- On January 14, 2013, **Lori Barrett**, an assignment manager with *WPSD Local 6* in Paducah, Kentucky, requested from the United States Coast Guard (USCG) records pertaining to the collision involving the DELTA MARINER and the Eggnier's Ferry Bridge. (Case Number USCG 2013-0985.)
- On January 14, 2013, **Brad Heath**, a reporter with *USA Today* in McLean, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) various records for the past five years pertaining to ICE Field Offices' removal targets and/or criminal alien removal targets. (Case Number ICE 2013FOIA09607.)
- On January 14, 2013, **Brad Heath**, a reporter with *USA Today* in McLean, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) various records for the past five years pertaining to ICE's efforts to obtain non-citizen license information from state DMV database and photographic matching records from state DMV databases during the past five years. (Case Number ICE 2013FOIA09608.)

- On January 14, 2013, **Jacqueline Klimas**, a staff writer with the *Navy Times* in Springfield, Virginia, requested from the United States Coast Guard (USCG) records pertaining to the relief of Captain Daniel McLaughlin, the former commanding officer of the MELLON, on December 21, 2012. (Case Number USCG 2013-0991.)
- On January 14, 2013, **Shane Harris**, a senior writer with *The Washingtonian* in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) a copy of any reports or findings pertaining to the United States Secret Service (USSS) agents alleged to have paid for prostitutes while on assignment in Colombia in April 2012. (Case Number OIG 2013-038.)
- On January 14, 2013, **Trevor Timm** and **Parker Higgins**, representatives with the *Electronic Frontier Foundation* in San Francisco, California, requested from the Transportation Security Administration (TSA), various records pertaining to Visible Intermodal Prevention and Response (VIPR) teams, from 2007 through the present. (Case Number TSA13-0302.)
- On January 15, 2013, **Trevor Timm** and **Parker Higgins**, representatives with the *Electronic Frontier Foundation* in San Francisco, California, requested from the Department of Homeland Security (DHS) various records pertaining to the Department's use of the campaign titled "If you see something, say something." (Case Number 2013-HQFO-00363.)
- On January 15, 2013, **Penny Starr**, a reporter with *Cybercast News Service (CNS) News* in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) records reflecting the country of origin for each of the 409,849 individuals who were removed from the U.S. by ICE in FY 2012. (Case Number ICE 2013FOIA09675.)
- On January 15, 2013, **Andrew Becker**, a staff 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 the report of investigation for the 2010 shooting of Sergio Hernandez-Guereca in El Paso, Texas/Juarez, Mexico. (Case Number OIG 2013-039.)
- On January 15, 2013, **Brad Racino**, a reporter with *Investigative Newsource* in San Diego, California, requested from the Department of Homeland Security (DHS) a copy of a memorandum sent by DHS in December 2011 to either the North County Transit District, Metropolitan Transit System or Heritage Security Services in San Diego, California regarding patrolling the train tracks for improvised explosive devices. (Case Number 2013-HQFO-00361.)
- On January 15, 2013, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) all records concerning the use of U.S. Government funds to provide security and/or any other services to President Barack Obama and any companions on their trip to Honolulu, Hawaii on January 1 and January 2, 2013. (Case Number USSS 20130256.)
- On January 15, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the United States Secret Service (USSS) records

pertaining to reports filed by USSS staff in March 2009 discussing or describing USSS performance during the Presidential Inauguration of 2009. (Case Number USSS 20130257.)

- On January 15, 2013, **Kim Zetter**, a reporter with *Wired* in Washington, DC, and **Jason Leopold**, a reporter with *Truthout* in Beverly Hills, California, requested from the United States Secret Service (USSS) various records concerning Aaron Swartz, a high-profile computer programmer, Internet activist and co-founder of the social media site Reddit.com. (Case Numbers USSS 20130260 and USSS 20130261.)
- On January 15, 2013, **Matt Pearce**, a reporter with the *Los Angeles Times* in Los Angeles, California, requested from the United States Secret Service (USSS) records generated by the USSS and the New England Electronic Crimes Task Force pertaining to **(b) (6)**. (Case Number USSS 20130262.)
- On January 16, 2013, **John Connolly**, a contributing editor with *Vanity Fair* in New York, New York, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records pertaining to Acting Inspector General Charles Edwards: (1) records pertaining to alleged misuse of a government vehicle; and (2) time and attendance records, from April 2012 through the present. (Case Number OIG 2013-041.)
- On January 16, 2013, **John Connolly**, a contributing editor with *Vanity Fair* in New York, New York, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) a copy of the records that were released in Case Number OIG 2012-119 pertaining to telework records for a third party; (2) travel records for Acting Inspector General Charles Edwards from the beginning of his employment with OIG through the present; and (3) the OIG FOIA unit's case notes for Case Numbers OIG 2012-119 and 2012-175. (Case Number OIG 2013-042.)
- On January 16, 2013, **John Connolly**, a contributing editor with *Vanity Fair* in New York, New York, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) all complaints received by DHS-OIG against Acting Inspector General Charles Edwards; and (2) the Office of Investigations' subsequent handling of such complaints, including any referrals or "self-reporting" to the Council of the Inspectors General on Integrity and Efficiency (CIGIE). (Case Number OIG 2013-043.)
- On January 16, 2013, **Jarrett Renshaw**, a reporter with the *Star-Ledger* in Trenton, New Jersey, requested from the Federal Emergency Management Agency (FEMA) all project worksheets submitted to FEMA by the State of New Jersey, including its counties, municipalities and public authorities related to Hurricane Sandy. (Case Number FEMA 13-237.)
- On January 16, 2013, **Jarrett Renshaw**, a reporter with the *Star-Ledger* in Trenton, New Jersey, requested from the Federal Emergency Management Agency (FEMA) all records pertaining to public assistance grants awarded by FEMA to residents and businesses in the State of New Jersey. (Case Number FEMA 13-238.)

- On January 16, 2013, **Richard Pollock**, a reporter with the *Washington Examiner* in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) the internal and external communications by FEMA employees from 2007 through the present, pertaining to: (1) W. Ralph Wills, affiliated with Simplifi Business, TL Industries, Recreation by Design and SRS, Inc.; and (2) Randall K. Rush, affiliated with TL Industries and Recreation by Design. (Case Number FEMA 13-239.)
- On January 16, 2013, **Nick Hytrek**, a reporter with the *Sioux City Journal* in Sioux City, Iowa, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA disbursements for Missouri River flood damage to the Omaha Indian Tribe in Macy, Nebraska. (Case Number FEMA 13-240.)

### Late requests

- On December 14, 2012, **Sharyl Attkisson**, a correspondent with *CBS News* in Washington, DC, requested from the United States Coast Guard (USCG) records pertaining to the current undersea mission the USCG is overseeing at the Deepwater Horizon wreckage site. (Case Number USCG 2013-0966.)
- On January 8, 2013, **Jim Haddadin**, a reporter with *Foster's Daily Democrat* in Dover, New Hampshire, requested from the United States Coast Guard (USCG) records pertaining to the sinking of the BENJAMIN BAILEY on October 24, 2012 in Portsmouth, New Hampshire. (Case Number USCG 2013-0972.)
- On January 9, 2013, **Brian Collister**, a reporter with *News 4 WOIA* in San Antonio, Texas, requested from the Department of Homeland Security (DHS) a copy of all annual "Report of Lost, Damaged, Stolen Property" reports submitted to the DHS Office of Asset Management. (Case Number 2013-HQFO-00354.)
- On January 9, 2013, **Mark Numainville**, Acting City Clerk with the **Berkeley City Council** in Berkeley, California, requested from the Department of Homeland Security (DHS) records pertaining to a radiation fly-over research study on August 27, 2012 and September 1, 2012 conducted by DHS' Domestic Nuclear Detection Office (DNDO) and the National Nuclear Security Administration (NNSA). (Case Number 2013-HQFO-00353.)
- On January 9, 2013, **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) various records pertaining to Vice President Joseph Biden's gun control working group. (Case Number 2013-HQFO-00352.)
- On January 9, 2013, **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to "interrupted mail service" from January 21, 2009 through the present. (Case Number 2013-HQFO-00350.)
- On January 9, 2013, **Abraham Payton**, Due Diligence Manager with **American Bridge 21<sup>st</sup> Century** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to correspondence between Kenneth Thomas Cuccinelli II and the Secretary of the Department of Homeland Security from 2010 through the present. (Case Number 2013-HQFO-00344.)

- On January 10, 2013, **Abraham Payton**, Due Diligence Manager with **American Bridge 21<sup>st</sup> Century** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to correspondence between former Senator Scott Brown (R-MA) and the Secretary of the Department of Homeland Security from 2010 through the present. (Case Number 2013-HQFO-00345.)

### III. FOIA Releases

- On January 11, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Lucas Ochoa**, a producer with *Pulse Films* in London, United Kingdom, 63 pages of records pertaining to [REDACTED] (b) (6), including arrest and detention records. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number USCIS NRC2012094141.)
- On January 15, 2013, the Department of Homeland Security (DHS) released to **Anjan Mukherjee**, a research associate with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, 36 pages of records consisting of correspondence to DHS from or on behalf of the office of Congressman Chris Murphy (D-CT) since January 3, 2007. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number DHS/OS/PRIV 12-0736.)
- On January 15, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Jack Gillum**, a reporter with the *The Associated Press* in New York, New York, eight pages of records consisting of inquiries from the office of Senator Rob Portman (R-OH) concerning a constituent. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCIS COW2012000746.)
- On January 15, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Michael Nowlan**, an attorney with **Clark Hill PLC**, in Detroit, Michigan, 88 pages of records consisting of a PowerPoint presentation and request for evidence templates regarding the Entrepreneur in Residence Initiative (EIR). Portions of the release were withheld pursuant to FOIA Exemption 5. (Case Number USCIS COW201300003.)
- On January 17, 2013, the United States Coast Guard (USCG) released to **Karen Garcia**, a reporter with *Chilkat Valley News* in Haines, Alaska, 65 pages of records consisting of case reports, photos, letters, and an audio file concerning the drowning death of an individual on or about July 4, 2012 near Juneau, Alaska. These records were released in full. (Case Number USCG 2013-0724.)
- On January 17, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Biesecker**, a reporter with *The Associated Press* in Raleigh, North Carolina, 29 pages of records consisting of memoranda and the December 2011 ICE Office of Professional Responsibility compliance audit of the 287(g) program in Alamance County, North Carolina. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2012FOIA23965.)
- On January 17, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, an excel spreadsheet containing statistical information pertaining to the

number of expedited removals completed nationwide for fiscal years 2007 through 2012. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2013FOIA02683.)

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

- NSTR

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

- NSTR

#### **VI. Litigation**

- 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 January 15, 2013, ICE released its sixth interim response, consisting of 999 pages of responsive records to the plaintiff.
- In the matter of *Electronic Privacy Information Center v. United States Department of Homeland Security*, (1:12-cv-00333-GK), plaintiff filed a FOIA request seeking various records pertaining to the new National Security Agency (NSA) pilot program. On January 8, 2013, pursuant to plaintiff filing a Motion to Reconsider, the judge ordered the following: (1) the Department of Homeland Security (DHS) is no longer required to make “rolling productions”; (2) the parties are no longer required to develop a Protective Order and a Memorandum of Agreement allowing the “claw back” provision; (3) DHS is to continue reviewing at least 1,500 pages of documents per month; and (4) DHS shall submit a monthly report, starting February 1, 2013, indicating how many non-exempt document pages it has produced to plaintiff each month.

## **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 18 – 24, 2013**  
**Privacy Office**  
**January 28, 2013**  
**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 22, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the December 2012 FOIA log (138 pages).

**II. FOIA Requests**

- On January 18, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) referred to the Transportation Security Administration (TSA) a copy of a video responsive to a request from **Mike Ahlers**, a senior producer with *Cable News Network (CNN)* in Washington, DC, seeking a copy of a TSA video submitted by a confidential source to TSA officials showing Transportation Security Officers failing to follow required screening procedures at the Overseas Terminal screening location at Honolulu International Airport in 2010. (Case Number TSA 13-0321.)
- On January 18, 2013, **Brendan Dunn**, an individual in Clinton, New York, requested from the Department of Homeland Security (DHS) records from the State of Washington from January 2006 through the present pertaining to: (1) Port Militarization Resistance (PMR); (2) The Evergreen State College; (3) Students for a Democratic Society (SDS); (4) Occupy Wall Street (OWS); (5) Industrial Workers of the World (IWW); (6) Olympia Movement for Justice and Peace (OMJP); (7) Tacoma Pitchpipe Infoshop; and (8) “ANARCHISTS” including anarchy and anarchism. (Case Number 2013-HQFO-00370.)
- On January 22, 2013, **Michael Ravnitzsky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) records pertaining to steps being taken by DHS to address the large number of tax delinquencies among agency employees. (Case Number 2013-HQFO-00364.)
- On January 22, 2013, **Michael Ravnitzsky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of the sequestration plan at DHS. (Case Number 2013-HQFO-00366.)
- On January 22, 2013, **Jeff Stachewicz**, an attorney with **FOIA Group, Inc.** in Depew, New York, requested from the Department of Homeland Security (DHS) a copy of the following records submitted by the agency’s Chief Information Officer to the Office of Management and Budget (OMB), as required by OMB memorandum titled “Increased Shared Approaches to Information Technology Services,” dated May 2, 2012: (1) all Enterprise Roadmaps; (2) all Appendix submissions covering the Business and Technology Architecture; (3) IT Asset Inventory; (4) Commodity IT Consolidation Plan; and (5) the Line of Business Service Plan. (Case Number 2013-HQFO-00367.)
- On January 23, 2013, **Steve Reilly**, a reporter with the *Press & Sun-Bulletin* in Binghamton, New York, requested from U.S. Immigration and Customs

Enforcement (ICE) a copy of the “Detainee Death Review” report pertaining to a review conducted by the ICE Office of Professional Responsibility, Office of Detention Oversight of the July 27, 2011 death of French citizen Irene Bamenga at the Albany County Jail in Albany, New York. (Case Number ICE 2013FOIA10504.)

- On January 23, 2013, **Samuel Brooke**, an attorney with the **Southern Poverty Law Center (SPLC)** in Montgomery, Alabama, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the 58 I-213 forms issued to individuals arrested during a targeted enforcement operation in and around Jackson, Mississippi by the Fugitive Operations Program, from February 18, 2011 through February 21, 2011. (Case Number ICE 2013FOIA10505.)
- On January 23, 2013, **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the alleged delayed arrest of an intern in the office of Senator Bob Menendez (D-NJ). (Case Number ICE 2013FOIA10567.)

### Late requests

- On January 15, 2013, **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to volume one of the new online USCIS Policy Manual, regarding Citizenship & Naturalization. (Case Number USCIS COW2013000022.)
- On January 15, 2013, **Esther Kaplan**, an investigative editor with *The Nation Institute* in New York, New York, requested from the Department of Homeland Security (DHS) various records pertaining to the shooting of Sergio Adrian Hernandez Guereca at the El Paso/Ciudad Juarez Border crossing on June 7, 2012. (Case Number 2013-HQFO-00369.)
- On January 17, 2013, **Daniel Carrillo**, a representative with **Service Employees International Union** in Chicago, Illinois, requested from the Transportation Security Administration (TSA) records pertaining to specific violations at Chicago’s O’Hare and Midway Airports in the following months and years: (1) March 2006; (2) April 2006; (3) October 2006; (4) March 2010; and (5) October 2010. (Case Number TSA 13-0320.)
- On January 17, 2013, **Chris Glorioso**, a reporter with **WNBC-TV** in New York, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to Hurricane Sandy recovery funds intended for New York University Hospitals Center (aka New York University Medical Center). (Case Number FEMA 13-244.)

### **III. FOIA Releases**

- On January 18, 2013, the Department of Homeland Security (DHS) issued to **Andrea McCarren**, a reporter with **WUSA-TV** in Washington, DC, a no records determination in response to her request seeking 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 January 22, 2013, the Transportation Security Administration (TSA) released to **Laura Rotolo**, a staff attorney with the **American Civil Liberties Union (ACLU) of Massachusetts** in Boston, Massachusetts, six pages of records consisting of an incident report and e-mail correspondence regarding an incident which occurred on August 14, 2011, at Logan International Airport pertaining to **(b) (6)**. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6, and Privacy Act Exemption (k)(2). (Case Number TSA 12-0069.)
- On January 23, 2013, the Department of Homeland Security (DHS) released to **Abraham Payton**, Due Diligence Director with **American Bridge 21st Century** in Washington, DC, an 11-page correspondence log for former Senator Scott Brown (R-MA). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00345.)

#### IV. FOIA Appeals

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

#### V. FOIA Appeals Releases

- NSTR

#### VI. Litigation

- In the matter of *Perez-Rodriguez v. DOJ, et al.*, (D.D.C. 11-cv-556), plaintiff claimed constructive denial with regard to a FOIA request filed with U.S. Immigration and Customs Enforcement (ICE) on December 14, 2010, seeking records relating to himself. On December 27, 2012, the Court issued a default judgment in ICE's favor, dismissing the case, after plaintiff failed to file an opposition to ICE's Motion for Summary Judgment.
- In the matter of *American Immigration Council v. DHS*, (D.D.C. 12-cv-00856), plaintiffs filed a FOIA request on March 14, 2011, seeking records pertaining 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 of their FOIA request. On January 22, 2013, ICE filed a declaration with the Court describing ICE's search for responsive records and withholdings, along with a *Vaughn* index further describing ICE's withholdings.

- In the matter of *Carrier v. ICE*, (D. Mass. 12-cv-11244), plaintiff filed a FOIA request on February 8, 2012, seeking records pertaining to: (1) statements made by the children who were sexually abused by Douglas Perlitz at his school in Cap-Haitien, Haiti; (2) statements made by a Haitian radio personality who played a role in bringing the allegations against Mr. Perlitz to light; and (3) records relating to the disbursement of funds in restitution to Mr. Perlitz's 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 January 22, 2013, ICE released its second interim response, consisting of 159 pages of responsive records to the plaintiff.
- In the matter of *ACLU of Southern California v. ICE*, (C.D. Cal. 11-cv-10148), plaintiffs filed a FOIA request on January 19, 2011, seeking records pertaining to a worksite enforcement action conducted at Terra Universal in June 2010. Plaintiffs filed suit on December 7, 2011, challenging U.S. Immigration and Customs Enforcement's (ICE) denial of their fee waiver, and asking the Court to declare the ACLU to be a member of the media. On January 24, 2013, ICE provided plaintiffs with a supplemental *Vaughn* index containing detailed descriptions of the information withheld in 69 documents identified by the plaintiffs. ICE also made revisions to three of the documents previously released. ICE released the newly revised documents which consisted of a total of 402 pages 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 January 25 - 31, 2013

Privacy Office

February 4, 2013

### 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 25, 2013, **Fred Lucas**, a reporter with *Cybercast News Service (CNS) News* in Alexandria, Virginia, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the apprehension of a former intern in the office of Senator Bob Menendez (D-NJ). (Case Number ICE 2013FOIA10900.)
- On January 25, 2013, **Kandiss Crone**, a reporter with *KMTV Action 3 News* in Omaha, Nebraska, requested from U.S. Immigration and Customs Enforcement (ICE) data concerning the investigation of I-9 violations for the past five years as follows: (1) nationwide; and (2) for the States of Nebraska and Iowa. (Case Numbers ICE 2013FOIA11358 and 2013FOIA11361.)
- On January 28, 2013, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) statistics concerning the number of stipulated removal orders issued nationwide from fiscal years 2011 through 2012. (Case Number ICE 2013FOIA11354.)
- On January 28, 2013, **Theodoric Meyer**, a reporter with *ProPublica* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) a list of the number of disasters to which FEMA responded for each year since 1980, as well as the amount of money spent for each disaster. (Case Number FEMA 13-260.)
- On January 28, 2013, **Chuck Bennett**, a reporter with the *New York Post* in New York, New York, requested from the United States Coast Guard (USCG) records pertaining to inspections of various cruise liners arriving in New York Harbor/Port of New York and New Jersey since 2009. (Case Number USCG 2013-1130.)
- On January 29, 2013, **Inkoo Kang**, a researcher with *MuckRock News* in Boston, Massachusetts, requested from the United States Coast Guard (USCG) records pertaining to: (1) the 2012 documentary “The Invisible War;” and (2) the director, Kirby Dick. (Case Number USCG 2013-1146.)
- On January 30, 2013, **John Greenwald, Jr.**, a researcher with *The Black Vault* in Northridge, California, requested from the Federal Emergency Management Agency (FEMA) records pertaining to a mock disaster training operation that took place on or around January 17, 2013 in Portsmouth, Ohio. (Case Number FEMA 13-268.)

### Late requests

- On January 14, 2013, **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) various records pertaining to USCIS' expansion of its National Customer Service Center's (NCSC) hours. (Case Number USCIS COW2013000023.)
- On January 18, 2013, **Jennifer Scholtes**, a reporter with *Congressional Quarterly* in Washington, DC, requested from the United States Coast Guard (USCG) records pertaining to engineering assessments performed on the USCGC STRATTON since January 1, 2012. (Case Number USCG 2013-1136.)

### III. FOIA Releases

- On January 14, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Shane Harris**, a senior writer with the *Washingtonian* in Washington, DC, a response notifying him that a DHS-OIG inspection report, pertaining to findings related to United States Secret Service (USSS) agents who allegedly paid for prostitutes while in Colombia, is available online. DHS-OIG notified the requester that a separate Report of Investigation is also complete and will be posted to the website after processing is complete. (Case Number OIG 2013-038.)
- On January 28, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Mary Cox**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington DC, six pages of records consisting of correspondence to DHS from Congressman Cornelius McGillicuddy IV (R-FL). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number NPPD 12F421.)
- On January 28, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, 45 pages of records consisting of contracts between DHS and private entities providing FOIA services. Portions of the release were withheld pursuant to FOIA Exemptions 2, 4, and 6. (Case Number OIG 2013-017.)
- On January 28, 2013, the Federal Law Enforcement Training Center (FLETC) released to **Karen Troutman**, a business manager with **Dewey Publications, Inc.** in Arlington, Virginia, a three-page spreadsheet containing the names and e-mail addresses for various component directors and chiefs. These records were released in full. (Case Number FLETC FOIA 13-025.)
- On January 29, 2013, the Federal Law Enforcement Training Center (FLETC) issued to **Stephen Janis**, a journalist with *Sinclair Broadcasting WBFF* in Baltimore, Maryland, a no records determination in response to his request seeking the following records paid for by the Department of Homeland Security during fiscal years 2010, 2011, and 2012: (1) parking tickets; (2) speeding tickets; (3) red light camera citations; (4) speed camera citations; and (5) other moving violations. (Case Number FLETC FOIA 13-041.)
- On January 29, 2013, the Department of Homeland Security (DHS) issued to **Amie Stepanovich**, Associate Litigation Counsel with the **Electronic Privacy**

**Information Center (EPIC)** in Washington, DC; **Ellen Nakashima**, a reporter with *The Washington Post* in Washington, DC; and **Scott MacFarlane**, a correspondent with *COX News* in Washington, DC, a full denial on behalf of the National Security Staff (NSS) regarding their requests seeking records pertaining to Presidential Policy Directive 20. These records were withheld pursuant to FOIA Exemptions 1 and 5. (Case Numbers 2013-HQFO-00271, 2013-HQFO-00272, and 2013-HQFO-00331.)

- On January 30, 2013, the Federal Law Enforcement Training Center (FLETC) released to **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, six pages of records pertaining to the possible Presidential Transition for the year 2013 and consisting of biographies of the FLETC Director and Deputy Director, FLETC Mission Statement, Global Impact of FLETC Mission Map and Organizational Chart. These records were released in full. (Case Number FLETC FOIA 13-030.)
- On January 31, 2013, the Federal Law Enforcement Training Center (FLETC) released to **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, 21 pages of records consisting of e-mails sent by FLETC staffers in 2012 to and from the office of Senator Tom Udall (D-NM). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number FLETC FOIA 13-031.)
- On January 31, 2013, the Department of Homeland Security (DHS) released to **Abraham Payton**, Due Diligence Manager with **American Bridge 21<sup>st</sup> Century** in Washington, DC, four pages of records consisting of letters between Secretary Napolitano and Kenneth Thomas Cuccinelli II. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00344.)
- On January 31, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **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, 4 pages of records consisting of FOIA case notes pertaining Case Numbers OIG 2013-029 and 2013-033. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number OIG 2013-033.)
- On January 31, 2013, 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 a copy of 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 2013-039.)
- On January 31, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Jason Ryan**, a reporter with *ABC News* in Washington, DC, 130 pages of records consisting of 12 closing reports of investigation concerning the investigation of allegations that ICE employees and agents solicited prostitutes. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2013FOIA00707.)
- On January 31, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Steve Reilly**, a reporter with the *Press & Sun-Bulletin* in Binghamton, New

York, 154 pages consisting of a copy of the ICE Office of Professional Responsibility (OPR) report of investigation concerning the July 27, 2011 death of Irene Bamenga at the Albany County Jail in Albany, New York. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2013FOIA10504.)

- On January 31, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Ryan Reilly**, a reporter with *Talking Points Memo* in Washington, DC, 20 pages of records consisting of a copy of the U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) report of investigation concerning the identity of the individual who leaked the immigration status of the aunt of President Obama, in the days before the 2008 presidential election. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2013FOIA01909.)
- On January 31, 2013, the Federal Emergency Management Agency (FEMA) released to **David Perera**, an editor with *FierceHomeland Security* in Washington, DC, 798 pages of records consisting of e-mails pertaining to FEMAStat meetings. Portions of the release were withheld pursuant to FOIA Exemption 5, 6, and 7(E). (Case Number FEMA 12-425.)
- On January 31, 2013, the Federal Emergency Management Agency (FEMA) issued to **Dan Mihalopoulos**, a reporter with *The Chicago Sun-Times* in Chicago, Illinois, a no records determination in response to his request seeking: (1) records regarding **(b) (6)**; and (2) records regarding the North Atlantic Treaty Organization (NATO) summit meeting held in May 2012. (Case Number FEMA 12-730.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

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

#### VI. Litigation

- 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 pertaining to all instances where prosecutorial discretion had been considered, exercised, and/or requested from January 1, 2010 through the present. Plaintiff filed suit on June 18, 2012, claiming constructive denial. On January 25, 2013, U.S. Immigration and Customs Enforcement (ICE) released its second interim response, consisting of 124 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 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. On January 31, 2013, ICE released its seventh interim response, consisting of 500 pages of responsive records to the plaintiff.

- In the matter of *Judicial Watch v. DHS* (D.D.C. 12-02016), plaintiff filed a FOIA request with U.S. Immigration and Customs Enforcement (ICE) on September 24, 2012, seeking records relating to health care services for transgender detainees in ICE custody. Plaintiff filed suit on December 17, 2012, claiming constructive denial. On January 31, 2013, ICE informed the plaintiffs that the ICE Health Service Corps (IHSC) does not have systems or procedures in place to monitor the care provided to specific groups of the ICE detainee population, and while it is possible to identify individuals who were provided medications that could conceivably be prescribed for transgender individuals, those medications are also prescribed for other conditions and do not necessarily mean that the individual receiving them was transgendered.
- In the matter of *ACLU of Massachusetts v. DOJ, et al* (D. Mass. 12-cv-11776), plaintiff filed a FOIA request on July 30, 2012, seeking records regarding the use of automatic license plate readers (ALPRs). Plaintiff filed suit on September 25, 2012, claiming constructive denial. On January 31, 2013, U.S. Immigration and Customs Enforcement (ICE) released its first interim response, consisting of 91 pages of responsive records to the plaintiff.
- In the matter of *Electronic Frontier Foundation vs. U.S. Department of Transportation* (CV 12-0164 N.D. Calif), plaintiff filed a FOIA request, dated April 14, 2011, seeking records regarding certificates of authorization (COA) for the operation of unmanned aircraft systems (UAS). Plaintiff filed suit on January 10, 2012, claiming the Federal Aviation Administration (FAA) failed to comply with the statutory time limit of the FOIA. On January 30, 2013, U.S. Customs and Border Protection (CBP) responded to a request for consultation from the FAA and provided its views on the redaction and release of four disks of materials consisting of 33 COAs. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H234224.)

## 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 1 - 7, 2013**  
**Privacy Office**  
**February 11, 2013**  
**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 1, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the FY 2012 DHS Freedom of Information Act (FOIA) Report to the Attorney General (36 pages).

**II. FOIA Requests**

- On February 4, 2013, **Megan Wilson**, a reporter 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 to DHS from January 1, 2013 through the present. (Case Number 2013-HQFO-00408.)
- On February 4, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to communications between DHS staffers and operators/employees of the Superdome in New Orleans, Louisiana on February 2, 2013, February 3, 2013, and February 4, 2013 regarding Super Bowl XLVII and/or the facility's electrical/power system. (Case Number 2013-HQFO-00409.)
- On February 4, 2013, **Eric Lipton**, a reporter with *The New York Times* in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to correspondence between Senator Robert Menendez (D-NJ) and his staff and the DHS Office of the Secretary or other officials in the central office of DHS regarding port security in the Caribbean or the Dominican Republic from 2008 through the present, including e-mails or correspondence from staff from the Senate Foreign Relations Committee. (Case Number 2013-HQFO-00410.)
- On February 4, 2013, **Heather Haddon**, a reporter with the *Wall Street Journal* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) a list of names and addresses of all New Jersey and New York residents who have received disaster assistance through FEMA under the declaration for Superstorm Sandy to date, as well as the amount received. (Case Number FEMA 13-282.)
- On February 4, 2013, **Stewart Powell**, a reporter with *Hearst Newspapers* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of data provided by ICE to the Treasury Department to track seizure and disposition of individual items handled through the Treasury Forfeiture Fund. (Case Number ICE 2013FOIA11983.)
- On February 5, 2013, **Andrew Medici**, a reporter with the *Federal Times* in Springfield, Virginia, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) records pertaining

to the number of federal incidents at all Federal Protective Service (FPS)-covered facilities in fiscal year 2012. (Case Number NPPD 13F127.)

- On February 5, 2013, **Joshua Israel**, a senior investigative reporter with **ThinkProgress Center for American Progress Action Fund** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of all “lettermarks” and similar correspondence to the Secretary in support of specific expenditures and projects, sent by U.S. Representatives and Senators from January 21, 2011 through the present. (Case Number 2013-HQFO-00416.)
- On February 6, 2013, **Brad Heath**, a reporter with *USA Today* in McLean, Virginia requested from the Department of Homeland Security (DHS) the following records: (1) A complete electronic copy of the “Office of the Secretary Tasker” database, which is used to track requests made by the Office of the Secretary; and (2) copies of any unclassified responses to Office of the Secretary Tasker requests since January 1, 2009. (Case Number 2013-HQFO-00418.)
- On February 6, 2013, **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 January 1, 2013 through January 31, 2013. (Case Number ICE 2013FOIA12571.)
- On February 6, 2013, **Santiago Wills**, a reporter with *Univision* in Miami, Florida, requested from the United States Coast Guard (USCG) the following records pertaining to the Merida Initiative and the “Beyond Merida” plan from FY 2008 through the present: (1) contracts; (2) invoices; and (3) bill payments. (Case Number USCG 2013-1234.)
- On February 6, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records from December 14, 2012 through the present: (1) records pertaining to Secretary of Homeland Security Janet Napolitano's participation in gun policy discussions in the wake of the Newtown, Connecticut school shooting; and (2) records pertaining to any policy proposals made by Secretary Napolitano following the Newtown, Connecticut school shooting. (Case Number 2013-HQFO-00422.)
- On February 7, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to agency efforts to reduce the rate of tax delinquency among federal employees. (Case Number 2013-HQFO-00428.)
- On February 7, 2013, **Brad Heath**, a reporter with *USA Today* in McLean, Virginia requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG), the United States Coast Guard (USCG), and the United States Secret Service (USSS) the following: (1) records concerning incidents in which weapons owned by or under the control of the agency were lost or stolen; (2) records containing statistics on the frequency with which agency weapons are reported lost or stolen; and (3) records identifying incidents in which lost or stolen weapons were subsequently used in the commission of a crime. (Case Numbers

OIG 2013-050, USCG 2013-1242, USSS 201330347, USSS 201330348, and USSS 201330349.)

- On February 7, 2013, **Ron Ewart**, an individual in Fall City, Washington, requested from the Department of Homeland Security (DHS) various records pertaining to the acquisition of ammunition and automatic weapons by DHS. (Case Number 2013-HQFO-00426.)

#### Late requests

- On January 22, 2013, the Department of State (DOS) referred to U.S. Customs and Border Protection (CBP) records responsive to a request from **Dolia Estevez**, a reporter with *Ponder* in Reston, Virginia, seeking records pertaining to (b) (6), from January 2000 through June 2005. (Case Number CBP 2013F04691.)
- On January 31, 2013, **Jon Street**, an intern reporter with *Cybercast News Service (CNS) News* in Alexandria, Virginia, requested from the Transportation Security Administration (TSA) records pertaining to communication between the TSA “Pre-Check” office(s) and the Canadian government or Canadian Embassy, from March 1, 2012 through November 15, 2012. (Case Number TSA 13-0363.)
- On January 31, 2013, **Katie Hammond**, an assignment manager with *WKRG TV-5* in Mobile, Alabama, requested from the United States Coast Guard (USCG) records pertaining to a helicopter crash in Mobile Bay on February 28, 2012. (Case Number USCG 2013-1177.)

### III. FOIA Releases

- On January 31, 2013, U.S. Customs and Border Protection (CBP) released to **G. W. Schulz**, a researcher with the *Center for Investigative Reporting (CIR)* in Austin, Texas, 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). Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). CBP also released this information on September 13, 2012 in Case Number CBP H211301. (Case Number CBP 2013F01715.)
- On February 1, 2013, Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **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, 239 pages of records consisting of spreadsheets itemizing Acting Inspector General Charles Edwards’ travel, along with the Acting Inspector General’s travel vouchers, receipts, and SF-50s. Portions of the release were withheld pursuant to FOIA Exemptions 2 and 6. (Case Number OIG 2013-029.)
- On February 1, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, 391 pages of records consisting of contract records between the USCIS and contractors, Clearavenue, LLC, TDB Communications, Inc., and

Information Management Consultants, Inc. regarding FOIA support. Portions of the release were withheld pursuant to FOIA Exemptions 3, 4, and 6. (Case Number USCIS COW2012000977.)

- On February 4, 2013, the Federal Emergency Management Agency (FEMA) released to **Brad Heath**, a reporter with *USA Today* in McLean, Virginia, 439 pages of records consisting of contracts, invoices, FEMA Task Monitor Certification Statements and Task Order Assignment Hours and Cost Summaries, e-mails, and memoranda pertaining to FEMA's administration of the Public Assistance program. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FEMA 09-330.)
- On February 5, 2013, the Transportation Security Administration (TSA) released to **Andy Humbles**, a reporter with *The Tennessean* in Nashville, Tennessee, 13 pages of records consisting of the incident report involving the screening of Senator Rand Paul (R-KY) on January 23, 2012, at the Nashville International Airport. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number TSA 12-0236.)
- On February 6, 2013, the Transportation Security Administration (TSA) issued to **Bob Mackin**, a columnist with *2010 Gold Rush* in North Vancouver, British Columbia, a no records determination in response to his request seeking a copy of the 2010 Olympics Joint Threat Assessment. (Case Number TSA 11-0620.)
- On February 6, 2013, the Transportation Security Administration (TSA) released to **Michael Grabell**, a staff writer with *ProPublica* in New York, New York, 17 pages of records consisting of correspondence from TSA Administrator John Pistole, Congressman John Mica (R-FL), Congressman Kenny Marchant (R-TX), Gale Rossides, Senator Susan Collins (R-ME), and Alexander Garza to the Secretary in 2010 and 2011. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number TSA 12-0215.)
- On February 6, 2013, the Transportation Security Administration (TSA) released to **Kristin Thorne**, a reporter with *CBS 2 News* in Washington, DC, 27 pages of records consisting of sworn affidavits/statements given by TSA agents involved in the private screening of a passenger on November 28, 2011, and two passengers on November 29, 2011, at John F. Kennedy International Airport. Portions of the release were withheld pursuant to FOIA Exemptions 3 and 6. (Case Number TSA 12-0189.)
- On February 6, 2013, the Transportation Security Administration (TSA) released to **Holly Maynard**, an anchor and reporter with *WSOC-TV* in Charlotte, North Carolina, a one-page document regarding weapons seized at the TSA security checkpoints at Charlotte-Douglas International Airport from 2009 through 2012. These records were released in full. (Case Number TSA 12-0329.)
- On February 6, 2013, the Transportation Security Administration (TSA) released to **Sean Dunagan**, a senior investigator with *Judicial Watch* in Washington, DC, eight pages of records consisting of communication 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 TSA and/or any of the claims contained in the

video. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number TSA 12-0379.)

- On February 7, 2013, the United States Coast Guard (USCG) released to **Lisa Song**, a reporter with *Inside Climate News* in Somerville, Massachusetts, 1,011 pages of records consisting of case reports, e-mails, and photographs concerning the Enbridge 6B pipeline failure in Marshall, Michigan that occurred on or about July 25, 2010. These records were released in full. (Case Number USCG 2012-2801.)
- On February 7, 2013, the United States Coast Guard (USCG) released to **Inkoo Kang**, a researcher with *MuckRock News* in Boston, Massachusetts, 22 pages of records consisting of a production assistance agreement, a cost estimate, story boards, and planning meeting notes pertaining to the film “Jeff, Who Lives at Home.” Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCG 2012-3264.)
- On February 7, 2013, the Department of Homeland Security (DHS) and the DHS, National Protection and Programs Directorate (NPPD) issued to **Stephen Janis**, a journalist with *Sinclair Broadcasting WBFF* in Baltimore, Maryland, a no records determination in response to his request seeking the following records paid for by DHS 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 Numbers 2013-HQFO-00308 and NPPD13F177.)

#### IV. FOIA Appeals

- On February 6, 2013, **Rebecca Engel**, an attorney with the **New York Civil Liberties Union (NYCLU)** in New York, New York, appealed the Department of Homeland Security (DHS), Office of Inspector General’s (OIG) decision to deny her request for a fee waiver pertaining to her request seeking the following records from January 1, 2004, through December 15, 2012: (1) all complaints and records pertaining to actions by CBP employees operating out of the Ogdensburg, New York and Oswego, New York stations; (2) all I-44 forms issued for persons stopped by these employees; and (3) all I-213 forms issued for persons arrested by these employees. (Case Number OIG 2013-A09.)

#### 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 February 8 - 14, 2013

### Privacy Office

February 19, 2013

### 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 13, 2013, the Transportation Security Administration (TSA) posted to the TSA FOIA Library the FOIA Logs from January 2012 through August 2012 (21 pages).
  - On February 13, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library a copy of the Intergovernmental Service Agreement with York County, Pennsylvania (73 pages).
  - On February 14, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library a report on ICE detainees who did not seek asylum in 2009 and 2010 (56 pages).
  - On February 14, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the January 2013 FOIA Log (10 pages).
  - On February 14, 2013, the Department of Homeland Security (DHS) FOIA Office began using GovDelivery. GovDelivery allows website visitors to subscribe to information of specific interest to them. Individuals are able to create a personalized subscription list of content. When this content changes, GovDelivery automatically sends alerts informing subscribers that the information has changed.
- II. FOIA Requests**
- On February 8, 2013, **Jason Cherkis**, a reporter with *The Huffington Post* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following information: (1) the current number of immigrants being detained; (2) a breakdown of those detainees by: (a) crime type; (b) crime level; and (c) length of time in detention; (3) the number of immigrants currently held in isolation; and (4) the current longest length of stay in isolation. (Case Number ICE 2013FOIA13214.)
  - On February 8, 2013, **Catherine Crump**, a staff attorney with the **New York Civil Liberties Union (NYCLU)** in New York, New York, requested from the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) records pertaining to the Civil Rights/Civil Liberties Impact Assessment on Border Searches of Electronic Devices prepared by CRCL. (Case Number CRCL 13-019.)
  - On February 8, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Transportation Security Administration (TSA) records pertaining to 11 TSA claims filed in 2011 and 2012. (Case Number TSA 13-0395.)

- On February 8, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of the following “Congressional files” held by DHS, including documents/filings from January 21, 2009 through the present pertaining to: (1) Representative John Mica (R-FL); (2) Senator Sherrod Brown (D-OH); (3) Senator Rob Portman (R-OH); (4) Representative John Lewis (D-GA); (5) Senator Saxby Chambliss (R-GA); (6) Representative Ander Crenshaw (R-FL); (7) Representative Steve Pearce (R-NM); (8) Representative Tim Murphy (R-PA); and (9) Senator Bob Casey (D-PA). (Case Number 2013-HQFO-00436.)
- On February 11, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to DHS’ “Annual Report on Conference Spending over \$100,000” in 2011 and 2012. (Case Number 2013-HQFO-00435.)
- On February 11, 2013, **Tarmo Vahter**, a journalist with *Eesti Ekspress* in Estonia, Europe, requested from the United States Citizenship and Immigration Services (USCIS) all records pertaining to **(b) (6)** (Case Number USCIS NRC2013012993.)
- On February 11, 2013, **Keith Judd**, an individual in Texarkana, Texas, requested from the United States Citizenship and Immigration Services (USCIS) all records pertaining to whether President Barack Obama was born a citizen of Kenya, East Africa. (Case Number USCIS NRC2013012968.)
- On February 11, 2013, **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Woodstock, Georgia, requested from the Department of Homeland Security (DHS) the following statistical information pertaining to Deferred Action for Childhood Arrivals (DACA) for each of the 50 states and for each of the United States territories: (1) the total number of people who have been approved for the DACA program; (2) the total number of people who have been denied approval for the DACA program; (3) the total number of people who have been approved for the DACA program and who have received authorization to work legally in the United States; and (4) the total number of people who have been approved for the DACA program and who have been denied authorization to work legally in the United States. (Case Number 2013-HQFO-00429.)
- On February 11, 2013, **Julia Angwin**, an author and journalist with *The Wall Street Journal* in New York, New York, requested from the Transportation Security Administration (TSA) records, excluding e-mails, pertaining to TSA’s use of risk-based rules for domestic travelers. (Case Number TSA 13-0394.)
- On February 12, 2013, **Jamie Schell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of former Montana State Senator Corey Stapleton (R-MT) from 2000 through 2008. (Case Number 2013-HQFO-00438.)
- On February 12, 2013, **Jamie Schell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of: (1) South Dakota Governor Marion Michael “Mike” Rounds (R-SD) from January 7, 2003 through January 8, 2011; and (2) South

Dakota State Senator Marion Michael “Mike” Rounds (R-SD) from January 3, 1991 through January 3, 2001. (Case Number 2013-HQFO-00439.)

- On February 12, 2013, **Stephen Reilly**, a reporter with the *Press & Sun-Bulletin* in Binghamton, New York, requested from the Federal Emergency Management Agency (FEMA) the following records: (1) records listing the addresses of all properties approved for Hazard Mitigation Assistance property acquisitions under: (a) DR-4031, Tropical Storm Lee/New York; and (b) DR-4020, Hurricane Irene/New York; and (2) the monetary amount approved for each acquisition. (Case Number FEMA 13-302.)
- On February 13, 2013, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS), Office of Inspector General (OIG) records for consultation responsive to a request from **Tegan Millspaw**, a representative with **Judicial Watch**, in Washington, DC, seeking records pertaining to Sheriff Joseph Arpaio, of Maricopa County, Arizona. (Case Number OIG 2013-052.)
- On February 13, 2013, **Steve Friess**, a journalist with *Politico* in Fairfax, Virginia, requested from the Department of Homeland Security (DHS) records pertaining to assistance provided by the DHS Office of Multimedia regarding the creation of motion pictures and television programming during calendar years 2011 and 2012. (Case Number 2013-HQFO-00440.)
- On February 13, 2013, **Danielle Ivory**, a reporter with *Bloomberg News* in Washington, DC, requested from the Department of Homeland Security (DHS) records from 2009 through the present containing the following key words or phrases: (1) Salomon Emilio Melgen; (2) Salomon Melgen; (3) Salomon E. Melgen; (4) Melgen; (5) Sal Melgen; (6) Flor Melgen; (6) 2521 Metrocentre; (7) 12096 Captains; (8) Vitreo Retinal; (9) Vitreo-Retinal; (10) SFM Investments; (11) DRM Med assist; (12) La Vox; (13) Boarder Support Services; (14) Melsan Export-Import; (15) Melgen Retina Eye Center; and (16) Melgen Eye Center. (Case Number 2013-HQFO-00441.)
- On February 13, 2013, **Kevin Bogardus**, a reporter with *The Hill* in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to communications between DHS and the following individuals or entities from January 1, 2009 through the present: (1) Senator Robert Menendez (D-NJ) and/or any individual employed by or affiliated with his office; (2) Dr. Salomon E. Melgen and/or any individual employed by or affiliated with him; (3) Pedro Pablo Kuczynski; and (4) any individual employed by or affiliated with ICSSI or Boarder Support Services. (Case Number 2013-HQFO-00442.)
- On February 13, 2013, **Josh Loewenstein**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS), records of correspondence to DHS from or on behalf of Senator Addison Mitchell “Mitch” McConnell Jr. (R-KY) from January 3, 1985 through the present. (Case Number 2013-HQFO-00443.)
- On February 13, 2013, **Josh Loewenstein**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS

from or on behalf of Representative Shelley Moore Capito (R-WV) from January 3, 2001 through the present. (Case Number 2013-HQFO-00444.)

### Late requests

- On December 21, 2012, **Jessica Vaughan**, Director of Policy Studies with the **Center for Immigration Studies** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to Temporary Protected Status (TPS) adjudications pursuant to a 2010 USCIS policy memorandum from five specific USCIS offices: (1) New York City District Office; (2) Miami District Office; (3) Boston District Office; (4) San Francisco Field Office; and (5) Baltimore District Office. (Case Number USCIS COW2012001081.)
- On January 22, 2013, **Marc Auerbach**, a researcher with the **United Food and Commercial Workers International Union** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) a copy of all I-129 petitions submitted by Wal-Mart from 2009 through 2012. (Case Number USCIS COW2013000045.)
- On February 6, 2013, **Jose Angel Gutierrez**, a professor of political science with the **University of Texas at Arlington (UTA-POLS)** in Arlington, Texas, requested from the Department of Homeland Security (DHS) the following records: (1) a copy of the first page of the applications first filed and accepted under the Deferred Action for Childhood Arrivals (DACA) process by state in 2012; (2) a copy of the first page of the applications first accepted and rejected under the DACA process by state in 2012; (3) a statistical breakdown by state of DACA applications accepted and rejected in 2012; (4) a statistical breakdown by reason or non-compliance with specific criteria for rejected applications in 2012 (e.g., incomplete, not of age, failed to attend interview, no biometrics); and (5) a statistical breakdown by country of residence and state of the number of applicants in 2012 represented by an attorney. (Case Number 2013-HQFO-0430.)
- On February 6, 2013, **Joey Garrison**, a reporter with *The Tennessean* in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) the following information: (1) the number of people from Tennessee approved for the federal government's deferred action program; and (2) the number of people in Davidson County, Tennessee approved for the federal government's deferred action program. (Case Number 2013-HQFO-00431.)
- On February 6, 2013, **Allan Gregory Auclair**, a blogger with **Near Eastern Languages and Cultures (NELC)** in Bloomington, Indiana, requested from the United States Citizenship and Immigration Services (USCIS) all records pertaining to the Entrepreneurs in Residence (EIR) program. (Case Number USCIS NRC2013012812.)
- On February 6, 2013, **Matt Smith**, a staff journalist with the *Center for Investigative Reporting (CIR)* in San Francisco, California, requested from the United States Citizenship and Immigration Services (USCIS) H-1B visa data from 2008 through 2013. (Case Number USCIS COW2013000099.)
- On February 7, 2013, **Anne Weismann**, Chief Counsel with **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, DC,

requested from the Department of Homeland Security (DHS) records of communications from January 1, 2011 through the present to, from, and/or between officials at DHS, through the Office of the Executive Secretary, and the following Representatives and Senators and their staff acting on their behalf: (1) Representative Peter King (R-NY); (2) Representative Bennie Thompson (D-MS); (3) Senator Joseph Lieberman (I-CT); and (4) Senator Susan Collins (R-ME). (Case Number 2013-HQFO-00433.)

### III. FOIA Releases

- On February 11, 2013, the Department of Homeland Security (DHS) released to the Department of Justice (DOJ), 100 pages of records consisting of Congressional correspondence pertaining to the Defense of Marriage Act, responsive to a request from **Beth Werlin**, a Deputy Director with the **American Immigration Council (AIC)** in Washington, DC. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQCO-00010.)
- On February 13, 2013, the Transportation Security Administration (TSA) released to **Doug Irving**, a reporter with *The Orange County Register* in Anaheim, California, six pages of records consisting of utilization data for Advanced Imaging Technology units from 2010 through 2012. These records were released in full. (Case Number TSA 12-0496.)
- On February 13, 2013, U.S. Customs and Border Protection (CBP) released to **Dolia Estevez**, a reporter with *PODER Magazine* in Reston, Virginia, four pages of records consisting of a Declaration on Joint Customs Initiatives between the U.S. Customs Service and the Administration General of Customs of Mexico and talking points. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP 2013F04691.)
- On February 13, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Wendy Guardado**, a researcher with **The National Security Archive** in Washington, DC, 100 pages of records consisting of e-mails and applications pertaining to Mexican human rights activists. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number USCIS COW2012001014.)
- On February 13, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Stephen Janis**, a journalist with *Sinclair Broadcasting WBFF* in Baltimore, Maryland, one page of records consisting of an e-mail pertaining to the payment of: (1) parking tickets; (2) speeding tickets; (3) red light camera citations; (4) speed camera citations; and (5) other moving violations. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCIS COW2013000058.)
- On February 14, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Brendan Borrell**, a reporter with *The American Prospect* in Brooklyn, New York, 56 pages of records consisting of printouts and deportation documents pertaining to the deportation of **(b) (6)** on May 11, 2012. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number USCIS COW2012001071.)

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

- NSTR

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

- NSTR

#### **VI. Litigation**

- In the matter of *Americans for Immigrant Justice v. ICE* (D.D.C. 12-cv-00038), plaintiffs filed a FOIA request on December 22, 2010, seeking records regarding U.S. Immigration and Customs Enforcement's (ICE) resumption of deportations to Haiti. Plaintiffs filed suit on January 10, 2012, claiming ICE improperly denied them a fee waiver, and sought an injunction for the release of records. Plaintiffs entered into a settlement agreement with ICE on June 22, 2012, in which ICE agreed to release responsive records. On February 7, 2013, pursuant to an Order of Voluntary Dismissal, the Court dismissed the case with prejudice.
- In the matter of *Conti v. DHS* (S.D.N.Y. 12-cv-5827), plaintiff, a former U.S. Immigration and Customs Enforcement (ICE) employee, filed a FOIA request on April 12, 2011, seeking information relating to several investigations initiated based on complaints he made against other employees, as well as records relating to investigations of himself. Plaintiff appealed ICE's response, and the appeal was granted, with a supplemental search ordered. Plaintiff filed suit on July 30, 2012, claiming constructive denial. On February 14, 2013, ICE released its first interim response to the plaintiff, consisting of 25 pages of responsive records, including investigative records and e-mails.

## **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 15 – 21, 2013

### Privacy Office

February 25, 2013

### 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 21, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the Working Group to Safeguard Privacy, Civil Rights, and Civil Liberties in the Department's Use and Support of Unmanned Aerial Systems (UAS) Memorandum, dated September 14, 2012 (three pages).

## II. FOIA Requests

- On February 15, 2013, **Peter Markowitz**, an attorney with the **Immigration Justice Clinic at the Cardozo School of Law** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) new detainer policy records; (2) new detainer policy communications with local and state law enforcement; (3) immigration arrest warrant guidance; (4) records pertaining to the issuance of a “Notice to Appear or other charging document,” as listed on Form I-247, Immigration Detainer – Notice of Action; and (5) new detainees issued by ICE to New York City law enforcement entities on or after December 21, 2012. (Case Number ICE 2013FOIA13974.)
- On February 15, 2013, **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Woodstock, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the records released to the **American Civil Liberties Union (ACLU) of North Carolina** in another FOIA case regarding “immigration tactics aimed at boosting deportations.” (Case Number ICE 2013FOIA14007.)
- On February 15, 2013, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) statistics for the Chicago Area of Responsibility (AOR) for fiscal year 2012 regarding: (1) visa waiver removals; (2) administrative removals; and (3) reinstated final order removals. (Case Number ICE 2013FOIA14045.)
- On February 15, 2013, **Fred Lucas**, a reporter with *Cybercast News Service (CNS) News* in Alexandria, Virginia, requested from the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) all records pertaining to Onyango Obama from January 1, 2004 through the present. (Case Numbers 2013-HQFO-00454 and ICE 2013FOIA14089.)
- On February 15, 2013, **Lee Zurik**, an anchor and chief investigative reporter with *WVUE-TV (Fox 8)* in New Orleans, Louisiana, requested from the Department of Homeland Security (DHS) a list that shows all missing inventory at DHS. (Case Number 2013-HQFO-00452.)
- On February 15, 2013, **Bill Allison**, an editorial director with **The Sunlight Foundation** in Washington, DC, requested from the Department of Homeland

Security (DHS) a copy of the Data Asset Catalog, as described on pages 12 through 13 of the Open Government Plan 2.0 of the Department of Homeland Security. (Case Number 2013-HQFO-00453.)

- On February 19, 2013, **William Selway**, a reporter with *Bloomberg News* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records of correspondence between department officials and Corrections Corporation of America and/or Geo Group regarding the following: (1) “Operation Streamline”, the enhanced border enforcement program created in 2005; and (2) the Comprehensive Immigration Reform Act of 2007. (Case Number ICE 2013FOIA14096.)
- On February 19, 2013, **Tony Romm**, a reporter with *Politico* in Arlington, Virginia, requested from the Department of Homeland Security (DHS) the following records: (1) congressional correspondence logs from June 1, 2012 through the present; and (2) specific correspondence between DHS and the following members of Congress: (a) Representative Roscoe Bartlett (R-MD); (b) Senator Mark Kirk (R-IL); (c) Representative Ben Lujan (D-NM); (d) Senator Tom Udall (D-CO); (e) Representative Frank Wolf (R-VA); (f) Senator Richard Blumenthal (D-CT); (g) Representative Ted Deutch (D-FL); (h) Senator Mary Landrieu (D-LA); (i) Representative Bennie Thompson (D-MS); (j) Senator Jay Rockefeller (D-WV); (k) Representative Carolyn Maloney (D-NY); (l) Representative Emanuel Cleaver (D-MO); (m) Senator Mark Pryor (D-AR); and (n) Representative Bob Goodlatte (R-VA). (Case Number 2013-HQFO-00458.)
- On February 19, 2013, **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) any correspondence from or on behalf of the following individuals: (1) Senator Al Franken (D-MN) from July 7, 2009 through the present; (2) Senator Mark Udall from January 1, 1996 through the present including correspondence while he was: (a) a Congressman (D-CO); and (b) Colorado State Assemblyman; (3) Senator Mark Begich (D-AK) from January 1, 1988 through the present including correspondence while he was: (a) Mayor of Anchorage, Alaska; (b) a member of the University of Alaska Board of Regents; (c) a member of Alaska Student Loan Corporation; (d) a member of Alaska Commission of Post-secondary Education; and (e) Assemblyman of Anchorage, Alaska; and (4) Congressman Paul Broun (R-GA) from January 1, 2007 through the present. (Case Number 2013-HQFO-00467.)
- On February 19, 2013, **Christine Brenner**, an associate professor and chair with the **University of Massachusetts Boston** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) the following data for the State of Massachusetts: (1) the number of people who applied for deferred action status; (2) the number of applicants accepted; and (3) the number of applicants rejected. (Case Number 2013-HQFO-00468.)
- On February 19, 2013, **Alex Dominguez**, a correspondent with *The Associated Press* in Baltimore, Maryland, requested from the Transportation Security Administration (TSA) records pertaining to **(b) (6)**, Case Number N2010LAS0148. (Case Number TSA 13-0409.)

- On February 20, 2013, **Rachel Estabrook**, a journalist with *Peninsula Press* in Stanford, California, requested from the Department of Homeland Security (DHS) the following data pertaining to the Deferred Action for Childhood Arrivals (DACA) program from August 15, 2012, through January 15, 2013, sorted by state, and by applicants' country of origin: (1) the number of DACA applications received by the United States Citizenship and Immigration Services (USCIS); (2) the number of approvals made; (3) the number of denials made; and (4) the number of cases still under review. (Case Number 2013-HQFO-00469.)
- On February 20, 2013, **David North**, a fellow with the **Center for Immigration Studies** in Arlington, Virginia, requested from the Department of Homeland Security (DHS) the following data pertaining to Deferred Action for Childhood Arrivals (DACA): (1) the number of I-821D forms accepted; (2) of the I-821D forms accepted, the number with a "yes" response to question 21a, regarding service in the military; (3) of those responding "yes" to question 21a, the number that identified themselves with specific branches of the services. (Case Number 2013-HQFO-00470.)
- On February 20, 2013, **Matthew Kownacki**, a researcher with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) all records pertaining to Secretary Napolitano's meeting on February 7, 2013 on immigration with President Obama, other Cabinet members, and advisors in the Roosevelt Room of the White House, from January 1, 2013 through the present. (Case Number 2013-HQFO-00462.)
- On February 20, 2013, **Steven Miller**, a reporter with the *New York Post* in Stevenson, Maryland, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) records pertaining to the production of the active shooter educational video titled "Options for Consideration." (Case Number NPPD 13F149.)
- On February 20, 2013, **Dave Stewart**, an editor with *KSPR-TV* in Springfield, Missouri requested from the Federal Emergency Management Agency (FEMA) records pertaining to shelters and safe rooms in counties in Missouri and Arkansas for which FEMA provided funding. (Case Number FEMA 13-315.)
- On February 21, 2013, **Kaomi Goetz**, a reporter with *WSHU Public Radio* in Fairfield, Connecticut, requested from the Department of Homeland Security (DHS) the following records for the State of Connecticut for the Deferred Action for Childhood Arrivals (DACA) program, from August 1, 2012 through the present: (1) the number of applicants, rejections, and approvals; and (2) correspondence between the State of Connecticut, DHS, and the United States Citizenship and Immigration Services (USCIS) regarding the use of that data. (Case Number 2013-HQFO-00471.)
- On February 21, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records of communication pertaining to an Irish National charged with assault and battery on a child, between ICE employees and officials with: (1) the Dorchester County Police Department; (2) the Cambridge Police Department; and/or (3) any other law enforcement agency or official. (Case Number ICE 2013FOIA14269.)

### Late requests

- On January 8, 2013, **Bob Ortega**, a senior reporter with the *Arizona Republic* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: (1) records pertaining to 20 specified deaths attributed to the Border Patrol or CBP from 2010 through 2012; and (2) any disciplinary actions taken against agents involved in any of these incidents. (Case Number CBP 2013F05737.)
- On January 15, 2013, **Wilson Ring**, a correspondent with the *Associated Press* in Waterbury Center, Vermont, requested from U.S. Customs and Border Protection (CBP) a copy of images of vehicles leaving the United States without stopping at Canada Customs posts located within view of Derby Line, Vermont for the calendar year 2012. (Case Number CBP 2013F05744.)
- On January 23, 2013, **Angus Loten**, a reporter with *The Wall Street Journal* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) a copy of all Form I-924A filings received for fiscal year 2012. (Case Number USCIS COW201300050.)
- On February 5, 2013, **Chris Cantergiani**, a national investigative producer with the *Scripps Howard News Service* in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records pertaining to missing and/or stolen items within CBP from 2007 through 2012. (Case Number CBP 2013F05753.)
- On February 12, 2013, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) referred to the Federal Law Enforcement Training Center (FLETC) records responsive to a request from **David Perera**, an editor with *FierceHomeland Security* in Washington, DC, seeking the most recent schedule pertaining to the National Bio and Agro-Defense Facility (NBAF). (Case Number FLETC FOIA 13-046.)
- On February 12, 2013, **Matthew Sledge**, a reporter with the *Huffington Post* in New York, New York, requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) various records pertaining to the training requirements for fusion center reports officers or analysts. (Case Number 13-OIA-0040.)
- On February 14, 2013, **Jeff Martin**, a journalist with *The Associated Press* in Atlanta, Georgia, requested from the United States Coast Guard (USCG) records pertaining to the CARNIVAL TRIUMPH from February 7, 2013 through the present. (Case Number USCG 2013-1333.)
- On February 15, 2013, **Tom Nash**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the United States Coast Guard (USCG) records pertaining to the HMS BOUNTY from 2002 through 2012. (Case Number USCG 2013-1341.)

### III. FOIA Releases

- On February 19, 2013, U.S. Customs and Border Protection (CBP) issued to **Michael Evans**, a researcher with **The National Security Archive** in Washington, DC, a no records determination in response to his request seeking records pertaining to increased deployment of military and police presence on the

- Guatemala/Mexico border to assist migration officials and secure the border from January 2005 through the present. (Case Number CBP 2013F02409.)
- On February 19, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Jan Susler**, an attorney with **People's Law Office** in Chicago, Illinois, 28 pages of records pertaining to Lyvita Gomes, a deceased Indian national. Portions of the release were withheld pursuant to FOIA Exemptions 7(C) and 7(E). (Case Number USCIS COW2013000054.)
  - On February 19, 2013, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) issued to **Stephen Janis**, a journalist with **Sinclair Broadcasting WBFF** in Baltimore, Maryland, a no records determination in response to his request seeking the following records paid for by DHS 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 S&T 13-02.)
  - On February 20, 2013, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **David Perera**, an editor with **FierceHomeland Security** in Washington, DC, 32 pages of records consisting of memoranda, read ahead briefings, power point presentations, construction schedules, and site images pertaining to the National Bio and Agro-Defense Facility (NBAF). Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number S&T 12-030.)
  - On February 20, 2013, the Federal Law Enforcement Training Center (FLETC) issued to **David Perera**, an editor with **FierceHomeland Security** in Washington, DC, a full denial in response to his request for the most recent schedule pertaining to the National Bio and Agro-Defense Facility (NBAF). These records were withheld pursuant to FOIA Exemption 4. (Case Number FLETC FOIA 13-046.)
  - On February 20, 2013, the United States Coast Guard (USCG) released to **Brian Nearing**, a reporter with the **Albany Times Union** in Albany, New York, four pages of records consisting of an activity log and an incident log concerning an incident on the Hudson River involving the oil tanker STENA PRIMORSK on December 20, 2012. These records were released in full. (Case Number USCG 2013-1058.)
  - On February 20, 2013, the United States Coast Guard (USCG) released to **Jim Haddadin**, a reporter with **Foster's Daily Democrat** in Dover, New Hampshire, 92 pages of records consisting of a case report, certificates, and photographs pertaining to the sinking of the BENJAMIN BAILEY on October 24, 2012 in Portsmouth, New Hampshire. These records were released in full. (Case Number USCG 2013-0972.)
  - On February 20, 2013, the Transportation Security Administration (TSA) issued to **Brad Racino**, a reporter with **Investigative News Source** in San Diego, California, a no records determination in response to his request for a memorandum sent by DHS in December 2011 to either the North County Transit District, Metropolitan Transit System, or Heritage Security Services, regarding patrolling the train tracks for improvised explosive devices. (Case Number TSA 13-0342.)

- On February 21, 2013, the Federal Emergency Management Agency (FEMA) released to **Brad Heath**, a reporter with *USA Today* in McLean, Virginia, 686 pages of records consisting of contracts, invoices, FEMA Task Monitor Certification Statements and Task Order Assignment Hours and Cost Summaries, e-mails, and memoranda pertaining to FEMA's administration of the Public Assistance program. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FEMA 09-330.)
- On February 21, 2013, the Federal Emergency Management Agency (FEMA) released to **Chris Glorioso**, a reporter with *WNBC-TV* in New York, New York, 387 pages of records consisting of insurance documents and a "Request for Public Assistance" application pertaining to Hurricane Sandy recovery funds intended for New York University Hospitals Center (aka New York University Medical Center). Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FEMA 13-244.)

#### **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 February 22 - 28, 2013**  
**Privacy Office**  
**March 4, 2013**  
**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 25, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the DHS National Protection and Programs Directorate (NPPD) Federal Protective Service (FPS) Directive 15.9.3.1, Prohibited Items Program, dated December 10, 2012 (34 pages).

**II. FOIA Requests**

- On February 22, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Department of Homeland Security (DHS) records from DHS' congressional correspondence log pertaining to the following workflow numbers: (1) 948839; (2) 945061; (3) 887890; (4) 940896; (5) 967957; (6) 972783; (7) 912346; and (8) 945302. (Case Number 2013-HQFO-00475.)
- On February 22, 2013, **Derrick Rose**, a reporter with *WPML-TV* in Mobile, Alabama, requested from the United States Coast Guard (USCG) records pertaining to inspections of the CARNIVAL TRIUMPH in 2006, 2007, 2008, and 2012. (Case Number USCG 2013-1401.)
- On February 22, 2013, **Tom Vacar**, a reporter with *KTVU Channel 2 News* in Oakland, California, requested from the United States Coast Guard (USCG) records pertaining to a collapse on the Bay Bridge on February 21, 2013. (Case Number USCG 2013-1412.)
- On February 22, 2013, **John Dyer**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the United States Coast Guard (USCG) records pertaining to semisubmersible vessels used for drug trafficking purposes that were interdicted and detected by the USCG during fiscal years 2000 through 2012. (Case Number USCG 2013-1415.)
- On February 22, 2013, **Aaron Applegate**, a reporter with *The Virginian-Pilot* in Hampton Roads, Virginia, requested from the United States Coast Guard (USCG) records pertaining to the search and rescue regarding the 201 BOUNTY. (Case Number USCG 2013-1417.)
- On February 22, 2013, **John Pruett**, a legislative research analyst with **Service Employees International Union** in Washington, DC, requested from the Transportation Security Administration (TSA) records from the previous five years concerning TSA investigations into and notice of potential violations involving service contractors operating under "aircraft operator" and airport security plans. (Case Number TSA 13-0425.)
- On February 25, 2013, **Jon Street**, an intern reporter with *Cybercast News Service (CNS) News* in Alexandria, Virginia, requested from the Department of Homeland Security (DHS) the following information: (1) number of applications to date following President Obama's announcement for deferred deportation of

illegal immigrants; and (2) the number of applicants who have been approved under the same executive order. (Case Number 2013-HQFO-00476.)

- On February 25, 2013, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the current “snapshot” of the Enforcement Integrated Database (EID) prepared for U.S. Customs and Border Protection’s (CBP) data warehouse. (Case Number ICE 2013FOIA14431.)
- On February 25, 2013, **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 person-by-person data covering all ICE detainers issued from October 1, 2011 through January 31, 2013. (Case Number ICE 2013FOIA14446.)
- On February 25, 2013, **Jamie Corey**, a research analyst with the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) various records including investigations pertaining to: (1) Representative Gary Miller (R-CA); (2) Lands Bend, LLC; (3) Long Term Bend Investors, LLC; (4) G. Miller Development; (5) G. Miller Masonry; (6) G. Miller Framing; (7) Hemet 1 Partners, LP; (8) Hemet 2 Partners, LP; and (9) Caroline Pacific Corps. (Case Number ICE 2013FOIA14447.)
- On February 25, 2013, **Liz Wagner**, an investigative producer with **NBC Bay Area News** in San Jose, California, requested from the United States Coast Guard (USCG) a copy of the inspections for the following cruise vessels: (1) DISNEY WONDER; (2) SEA PRINCESS; (3) CELEBRITY MILLENIUM; (4) CELEBRITY CENTURY; (5) ZUIBERDAM; and (6) AURORA. (Case Number USCG 2013-1430.)
- On February 26, 2013, **Liz Wagner**, an investigative producer with **NBC Bay Area News** in San Jose, California, requested from the United States Coast Guard (USCG) a copy of the inspections for the following cruise vessels: (1) COSTA ALLEGRA; (2) CARNIVAL TRIUMPH; and (3) CARNIVAL SPENDOR. (Case Number USCG 2013-1439.)
- On February 26, 2013, **Matthew Kownacki**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) the following records: (1) records pertaining to First Lady Michelle Obama appearing in the Diplomatic Room of the White House to present the Academy Award for Best Picture on February 24, 2013 (Case Number USSS 20130397); (2) all records of communications or correspondence between the USSS and any of the following entities and/or individuals pertaining to Michelle Obama's aforementioned appearance: (a) the Office of First Lady Michelle Obama; (b) the Executive Office of the President; (c) the White House; (d) Office of Management and Budget (OMB); (e) the General Services Administration (GSA); (f) any branch of the military; (g) Harvey Weinstein; (h) Lily Weinstein; (i) Craig Zadan; (j) Neil Meron; (k) Robert Moritz; and (l) Hawk Koch (Case Number USSS 20130398); (3) all records of communication or correspondence pertaining to visits to the White House in February 2013, by any of the following individuals:

- (a) Harvey Weinstein (Case Number USSS 20130399); (b) Lily Weinstein (Case Number USSS 20130400); (c) Craig Zadan (Case Number USSS 20130401); (d) Neil Meron (Case Number USSS 20130402); (e) Robert Moritz (Case Number USSS 20130403); and (f) Hawk Koch (Case Number USSS 20130404) (Case Numbers USSS 20130397-20130404.)
- On February 26, 2013, **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of: (1) Lieutenant Governor Mead Treadwell (R-AK) from December 6, 2010 through the present; (2) U.S. Arctic Research Commissioner Mead Treadwell from January 1, 2001 through January 1, 2011; and (3) Deputy Commissioner of Alaska's Department of Environmental Conservation Mead Treadwell from January 1, 1990 through January 1, 1995. (Case Number 2013-HQFO-00479.)
  - On February 26, 2013, **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington DC, requested from the Department of Homeland Security (DHS) any records of correspondence to DHS from or on behalf of Senator Susan Collins (R-ME) from January 3, 1996 through the present. (Case Number 2013-HQFO-00480.)
  - On February 26, 2013, **Thomas Burr**, a journalist with *The Salt Lake Tribune* in Washington DC, requested from the Department of Homeland Security (DHS) correspondence logs or indices of letters sent to the Office of the Secretary or through the Office of Congressional and Intergovernmental Affairs from January 1, 2011 through the present from the offices of: (1) Senator Orrin Hatch (R-UT); (2) Senator Mike Lee (R-UT); (3) Representative Rob Bishop (R-UT); (4) Representative Jason Chaffetz (R-UT); (5) Representative Chris Stewart (R-UT); and (6) Representative Jim Matheson (D-UT). (Case Number 2013-HQFO-00481.)
  - On February 27, 2013, **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: (1) President Obama and any companions during his February 2013 trip to Palm Beach, Florida (Case Number USSS 20130405); (2) First Lady Michelle Obama and any companions during her February 2013 trip to Aspen, Colorado (Case Number USSS 20130406); and (3) Vice President Biden and any companions during his February 2013 trip to Aspen, Colorado. (Case Number USSS 20130407) (Case Numbers USSS 20130405-20130407.)
  - On February 27, 2013, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of the current snapshot prepared for the Enforcement Alien Removals Module (EARM) Data Mart. (Case Number ICE 2013FOIA14533.)
  - On February 27, 2013, **Perla Trevizo**, a reporter with the *Arizona Daily Star* in Tucson, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) the following statistical information concerning individuals released from

custody since February 20, 2013 due to budget cuts: (1) the individual's name; (2) the detention facility; (3) the reason for detention; (4) classification; (5) criminal conviction; (6) date of detention; and (7) date of release for the following detention facilities: (a) Central Arizona Correctional Center; (b) Eloy Detention Center; (c) Florence Correctional Center; (d) Florence Service Processing Center; and (e) Pinal County Adult Detention Center. (Case Number ICE 2013FOIA14653.)

- On February 27, 2013, **Alison Auld**, a reporter and editor with *The Canadian Press* in Toronto, Ontario, Canada, requested from the United States Coast Guard (USCG) records pertaining to the search for the FV Miss Ally from February 17, 2013 through the present. (Case Number USCG 2013-1447.)
- On February 27, 2013, **Christine Armario**, a staff writer with *The Associated Press* in Miami, Florida, requested from the United States Coast Guard (USCG) a copy of the inspections of the vessel ANA CECILIA. (Case Number USCG 2013-1451.)
- On February 27, 2013, **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) records of all e-mail accounts, e-mail addresses and aliases associated with the DHS political appointees, including, but not limited to, employee name, employee job title, employee department, and all affiliated e-mail addresses, accounts and aliases, covering both active and inactive e-mail accounts, addresses and aliases created, addresses, accounts and aliases listed in the DHS online staff directory, from January 20, 2009 through the present; and (2) records of all e-mail messages sent to or from information technology (IT) or similar personnel in which a federal government employee has requested the creation of an alternate e-mail address, account or alias for a political appointee. (Case Number 2013-HQFO-00483.)
- On February 27, 2013, **Paula Melton**, a managing editor with *BuildingGreen.com* requested from the Department of Homeland Security (DHS) all e-mails on the topic of DHS green building policies and regulations sent between the DHS Management Directorate and the following people and organizations from January 1, 2011 through the present: (1) U.S. Green Building Council (USGBC); (2) Green Building Initiative (GBI); (3) Strategic Advocacy Solutions; (4) (b) (6); (5) Hubbell Communications; (6) (b) (6); (7) Podesta Group; (8) BGRGroup; (9) Capitol Solutions; (10) (b) (6); and (11) (b) (6). (Case Number 2013-HQFO-00484.)
- On February 28, 2013, **Bill Allison**, an editorial director with *The Sunlight Foundation* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all correspondence from December 1, 2012 through the present to Gary Mead, Executive Associate Director of Enforcement and Removal Operations, that refers to the following terms: (1) sequester; (2) sequestration; or (3) budget cuts. (Case Number ICE 2013FOIA14688.)
- On February 28, 2013, **Mark Hansel**, a reporter with *The Kentucky Enquirer* in Fort Mitchell, Kentucky, requested from U.S. Immigration and Customs Enforcement (ICE) the names, as well as any criminal records information on the illegal immigrants that were released from the Boone County Immigration

Detention Facility from February 1, 2013 through February 28, 2013. (Case Number ICE 2013FOIA14764.)

- On February 28, 2013, **Spencer Hsu**, a staff writer with *The Washington Post* in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to the DHS-OIG investigation concerning an alleged conflict of interest during the Federal Emergency Management Agency's (FEMA) procurement to support TopOff 5 including: (1) the results of the investigation; (2) records pertaining to the results of DHS-OIG's review and/or any corrective actions, to and from the following: (a) the Senate Homeland Security Committee; (b) Senator Joseph Lieberman (I-CT); (c) Senator Susan Collins (R-ME); and (d) Science Applications International Corporation (SAIC); and (3) records pertaining to potential or actual disciplinary or corrective actions regarding individual employees, contractors, or grant recipients. (Case Number OIG 2013-057.)
- On February 28, 2013, **Spencer Hsu**, a staff writer with *The Washington Post* in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records from January 1, 2003 through the present: (1) a copy of DHS-OIG investigations including audits and inspection reports pertaining to homeland security funds awarded to specific Kentucky institutions; (2) records pertaining to a third party; (3) records pertaining to actual or potential corrective actions to and from the organizations named in the request; and (4) records pertaining to potential or actual disciplinary or corrective actions regarding individual employees, contractors, or grant recipients. (Case Number OIG 2013-058.)

#### Late requests

- On February 14, 2013, the Department of Defense (DoD) referred to the Department of Homeland Security (DHS) National Protection and Programs Directorate (NPPD) records responsive to a request from **Ted Bridis**, a reporter with the *The Associated Press* in Washington DC, seeking records pertaining to DoD's participation in the "Cyber Storm" Internet Security exercise during February 2006. (Case Number NPPD13F157.)
- On February 21, 2013, **Thomas Winter**, a producer with *NBC News* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) any correspondence from or on behalf of Senator Robert Menendez (D-NJ) to the Department of Homeland Security (DHS) pertaining to: (1) the Dominican Republic's ports of entry and security at those ports; and (2) records sent by Senator Menendez on behalf of Dr. Salomon Melgen and any of his associated entities, including: (a) Boarder Support Services and (b) International Container Security Systems. (Case Numbers ICE 2013FOIA14534 and CBP 2013F06200.)
- On February 21, 2013, **Philip Hirst**, an assistant producer with the *British Broadcasting Corporation (BBC)* in Manchester, England, requested from the United States Coast Guard (USCG) records pertaining to an incident that occurred on July 13, 2011 on the Tennessee Valley Beach involving five teenagers. (Case Number USCG 2013-1397.)

- On February 21, 2013, **Ginger McCall**, Open Government Project Director 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 contracts with Pacific Northwest National Laboratory (PNNL) and any other researchers or companies for the development of Biometric Optical Surveillance Systems (BOSS) technology; (2) all statements of work associated with BOSS technology; and (3) and all technical specifications related to BOSS technology. (Case Number S&T 13-04.)

### III. FOIA Releases

- On February 21, 2013, U.S. Customs and Border Protection (CBP) released to **Amie Stepanovich**, Associate Litigation Counsel, and **Ginger McCall**, Open Government Project Director with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, 961 pages of records consisting of contract records, interagency agreements, and memoranda of agreement pertaining to CBP's use of drones. Portions of the release were withheld pursuant to FOIA Exemptions 3 (26 U.S.C. § 6103), 4, 5, 6, 7(A), and 7(E). (Case Number CBP 2012F24997.)
- On February 21, 2013, 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, 931 pages of records consisting of contract records and interagency agreements pertaining to CBP's use of unmanned aircraft systems. Portions of the release were withheld pursuant to FOIA Exemptions 3 (26 U.S.C. § 6103), 4, 5, 6, 7(A), and 7(E). (Case Number CBP 2012F28743.)
- On February 21, 2013, U.S. Customs and Border Protection (CBP) issued to **Esther Kaplan**, an investigative editor with **The Nation Institute** in New York, New York, a no records determination in response to her request seeking records pertaining to the shooting of Sergio Adrian Hernandez Guereca on June 7, 2010 near El Paso, Ciudad Juarez border crossing. (Case Number CBP 2013F05741.)
- On February 22, 2013, the Department of Homeland Security (DHS) released to **Scott MacFarlane**, a correspondent with **Cox TV** in Washington, DC, 45 pages of Congressional correspondence logs from January 21, 2009 through the present pertaining to: (1) Representative John Mica (R-FL); (2) Senator Sherrod Brown (D-OH); (3) Senator Rob Portman (R-OH); (4) Representative John Lewis (D-GA); (5) Senator Saxby Chambliss (R-GA); (6) Representative Ander Crenshaw (R-FL); (7) Representative Steve Pearce (R-NM); (8) Representative Tim Murphy (R-PA); and (9) Senator Bob Casey (D-PA). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00436.)
- On February 22, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Brad Heath**, a reporter with **USA Today** in McLean, Virginia, 211 pages of records consisting of job descriptions and responsibilities, performance evaluations and criteria for all public information officers, public affairs specialists, communications specialists, and social media specialists for the past three years. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCIS COW2012001001.)

- On February 27, 2013, the Department of Homeland Security (DHS) released to **Robert Deasy**, Director of Liaison and Information with the **American Immigration Lawyers Association** in Washington, DC, 26 pages of records consisting of memoranda, Frequently Asked Questions, and guidance pertaining to Deferred Action for Childhood Arrivals (DACA). Portions of the release were withheld pursuant to FOIA Exemption 5. (Case Number CBP 2013F01406.)
- On February 27, 2013, the Transportation Security Administration (TSA) issued to **Scott MacFarlane**, a correspondent with **Cox TV** in Washington, DC, a no records determination in response to his request pertaining to communications between TSA staffers and employees of the Superdome in New Orleans, Louisiana from February 2, 2013 through February 5, 2013, regarding Super Bowl XLVII and/or the facility's electrical/power system. (Case Number TSA 13-0390.)
- On February 27, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Fred Lucas**, a reporter from **Cybercast News Service (CNS) News** in Alexandria, Virginia, 325 pages of records pertaining to Onyango Obama that ICE previously released in response to FOIA requests from **Judicial Watch** and **The Boston Globe**. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number ICE 2013FOIA14089.)
- On February 28, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Matt O'Brien**, a reporter with the **San Jose Mercury News** in San Jose, California, three pages of records consisting of the closing report of investigation for the ICE worksite enforcement investigation of Securitas Security Services. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2013FOIA08055.)
- On February 28, 2013, the United States Coast Guard (USCG) released to **James Fanelli**, a reporter with **DNAinfo.com** in New York, New York, 225 pages consisting of case reports and photographs concerning Seastreak, LLC in the last decade. These records were released in full. (Case Number USCG 2013-0591.)
- On February 28, 2013, the United States Coast Guard (USCG) released to **Chuck Bennett**, a reporter with the **New York Post** in New York, New York, 129 pages of records consisting of inspections of various cruise liners arriving in New York Harbor or the Port of New York or New Jersey since 2009. These records were released in full. (Case Number USCG 2013-1130.)
- On February 28, 2013, the United States Coast Guard (USCG) released to **Katie Hammond**, an assignment manager with **WKRG TV-5** in Mobile, Alabama, 427 pages of records consisting of radio logs, photos, charts, notes, a case report, and audio recordings pertaining to a helicopter crash in Mobile Bay on February 28, 2012. These records were released in full. (Case Number USCG 2013-1177.)
- On February 28, 2013, the Federal Emergency Management Agency (FEMA) released to **Lee Zurik**, an anchor and chief investigative reporter with **WVUE-TV (Fox 8)** in New Orleans, Louisiana, 85 pages of records consisting of Contract Work Summary Records, Contract Labor Sign-in Sheets, and payment drafts pertaining to Frederick Yorsch, LLC. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FEMA 11-614.)

- On February 28, 2013, the Federal Emergency Management Agency (FEMA) released to **Adam Serwer**, a reporter with *Mother Jones* in Washington, DC, 77 pages of records consisting of contracts pertaining to the counterterrorism training curricula used to train local and state law enforcement. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FEMA 11-778.)
- On February 28, 2013, the Federal Emergency Management Agency (FEMA) released to **Josh Wade**, a reporter with *WSB-TV (Channel 2 Atlanta)* in Atlanta, Georgia, 132 pages of records consisting of Department of Homeland Security (DHS)/FEMA NonProfit Security Grant Program Investment Justification Templates for Georgia recipients for various years. Portions of the release were withheld pursuant to FOIA Exemptions 7(C) and 7(E). (Case Number FEMA 12-359.)
- On February 28, 2013, the Federal Emergency Management Agency (FEMA) released to **John Sullivan**, a reporter with the *Times Herald-Recorder* in Middletown, New York, 371 pages of records consisting of FEMA Project Worksheets, e-mails, location maps, invoices, and receipts pertaining to public assistance provided for flood relief or flood damage related to Hurricane Irene. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FEMA 12-480.)
- On February 28, 2013, the Federal Emergency Management Agency (FEMA) released to **Craig Cheatham**, an investigative reporter with *KMOV-TV* in St Louis, Missouri, 51 pages of records consisting of letters, memoranda, and talking points pertaining to grants and major disaster declarations for the State of Mississippi. Portions of the release were withheld pursuant to FOIA Exemption 5. (Case Number FEMA 12-660.)
- On February 28, 2013, the Federal Emergency Management Agency (FEMA) released to **Monica Buchanan**, an investigative reporter with *NBC Connecticut News* in West Hartford, Connecticut, a one-page spreadsheet pertaining to flood insurance claims filed by major insurance companies after Tropical Storm Irene in the State of Connecticut. These records were released in full. (Case Number FEMA 12-700.)
- On February 28, 2013, the Federal Emergency Management Agency (FEMA) released to **Theodoric Meyer**, a reporter with *ProPublica* in New York, New York, one page of records containing a list of the number of disasters, the year, and the amount of funds awarded by FEMA during each year beginning in 1980. These records were released in full. (Case Number FEMA 13-260.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- NSTR

#### VI. Litigation

- In the matter of *ACLU of Massachusetts v. DOJ, et al* (D. Mass. 12-cv-11776), plaintiff filed a FOIA request on July 30, 2012, seeking records regarding the use of automatic license plate readers (ALPRs). Plaintiff filed suit on September 25, 2012, claiming constructive denial of her FOIA request. On February 27, 2013, U.S. Immigration and Customs Enforcement (ICE) released its second interim response, consisting of 27 pages of responsive records to the plaintiff.
- In the matter of *WECOUNT!, INC. v. DHS* (D.D.C. 11-00143), plaintiffs filed a FOIA request on November 19, 2009 seeking records pertaining to enforcement actions in the Miami area from November 18, 2008 through November 20, 2008. On March 8, 2010, U.S. Immigration and Customs Enforcement (ICE) withheld the records in their entirety pursuant to FOIA Exemption 7(A). Plaintiffs contested the use of this exemption as overly broad. After the appeal was denied on July 29, 2010, plaintiffs filed suit on January 21, 2011 seeking to compel the release of the records. On February 28, 2013, ICE released its twentieth interim response, consisting of 1,791 pages of investigatory records to the plaintiff.
- 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 suit on April 27, 2010 claiming constructive denial with regard to ICE FOIA 10-2674 and that U.S. Immigration and Customs Enforcement (ICE) improperly denied their fee waiver and request for expedited processing. On February 28, 2013, ICE and plaintiffs agreed to dismiss the case with prejudice, in a stipulation filed with the Court. In the stipulation, ICE agreed to: (1) conduct additional searches of the Office of the Director and the Office of Enforcement and Removal Operations for records relating to the use of mobile fingerprint readers by state and local law enforcement officers to access immigration databases; and (2) provide statistical data on ICE detainers.
- In the matter of *Judicial Watch v. Department of Justice and Department of Homeland Security*, (12-cv-01350), plaintiffs filed a FOIA request on June 28, 2012, seeking records regarding the Department of Homeland Security (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. Plaintiffs filed suit on August 10, 2012, claiming constructive denial. On February 27, 2013, DHS released its first interim release, consisting of 175 pages of responsive records with portions of the release withheld pursuant to FOIA Exemptions 5 and 6.

## 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 1 – 7, 2013**  
**Privacy Office**  
**March 11, 2013**  
**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 1, 2013, **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 (including returns) covering February 2013. (Case Number ICE 2013FOIA14914.)
- On March 1, 2013, **Daniel Gonzalez** a reporter with *The Arizona Republic* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) the following information pertaining to the 303 immigration detainees released from ICE detention facilities in Pinal County as part of efforts to manage the budget ahead of sequester cuts: (1) names, (2) ages, (3) criminal histories, (4) reasons for detention, and (5) criteria used for their release. (Case Number ICE 2013FOIA14926.)
- On March 1, 2013, **Matthew Frank**, Director of Science Source with the **University of Montana School of Journalism** in Missoula, Montana, requested from the Federal Emergency Management Agency (FEMA) records pertaining to: (1) the donation and distribution of FEMA trailers to Tribal Governments in Montana since the passage of the Post-Katrina Emergency Management Reform Act of 2006; (2) results of the air-quality tests FEMA conducted on trailers distributed to Tribal Governments in Montana, including formaldehyde levels; and (3) agreements or contracts between FEMA and any Tribal Government in Montana upon donation of the trailers. (Case Number FEMA 13-332.)
- On March 1, 2013, **Jeff Preval**, a reporter with **WGRZ-TV** in Buffalo, New York, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to the DHS-OIG audit titled “FEMA Should Recover \$48 Million of Public Assistance Grant Funds Awarded to Erie County, New York – Severe Weather October 2006.” (Case Number OIG 2013-059.)
- On March 4, 2013, **Adam Butschek**, Deputy Director of Investigations and Research with **Cause of Action** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records for fiscal years 2009 through the present: (1) all records of communication between politically or presidentially-appointed employees at DHS and any contractors, consultants or non-politically-or presidentially-appointed agency (or SES career appointees including SES positions classified above GS-15) employees pertaining to discretionary, non-formula grants; grant recipients; the grant process; legislation or Congressional districts and to specific terms listed in the request; (2) all records

of communication between the agency and any employee or officer of the Executive Office of the President of Congressional members and their government staff pertaining to discretionary, non-formula grants; grant recipients; the grant process; legislation; or Congressional districts and to specific terms listed in the request; (3) all records of communication between political campaign staff or White House Office of Political Affairs and any agency employees, contractors or consultants; and (4) all schedules and calendars of the Secretary of DHS or politically-appointed employees which identify specific members of Congress listed in the request. (Case Number 2013-HQFO-00494.)

- On March 4, 2013, **Daniel Gonzalez** a reporter with *The Arizona Republic* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) the type of supervision ordered for each of the 303 immigration detainees released from ICE detention facilities from February 21, 2013 through February 27, 2013 in Pinal County. (Case Number ICE 2013FOIA15069.)
- On March 4, 2013, **Daniel Gonzalez**, a reporter with *The Arizona Republic* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) all e-mails between the office of Gary Mead, Executive Associate Director of Enforcement and Removal Operations and the Department of Homeland Security (DHS) Secretary Janet Napolitano relating to the release of immigration detainees that took place from all detention facilities in the U.S. (Case Number ICE 2013FOIA15058.)
- On March 5, 2013, **Garrett Roe**, Executive Director with **The Immigration Reform Law Institute** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records pertaining to the release of detained illegal aliens in preparation for sequester. (Case Number ICE 2013FOIA15221.)
- On March 5, 2013, **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the projected effects of the potential budget sequestration mandated by the Budget Control Act of 2011 and the American Taxpayer Relief Act of 2012. (Case Number ICE 2013FOIA15222.)
- On March 5, 2013, **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the release of prisoners from ICE detention facilities from February 22, 2013 through February 25, 2013. (Case Number ICE 2013FOIA15223.)
- On March 5, 2013, **Alicia Caldwell**, a reporter with *The Associated Press* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) all records pertaining to planned releases from ICE jails from February 25, 2013 through March 31, 2013. (Case Number ICE 2013FOIA15224.)
- On March 5, 2013, **Tom Wong**, an assistant professor with the **University of California, San Diego** in La Jolla, California, requested from the Department of Homeland Security (DHS) a copy of all I-821D forms submitted to the United States Citizenship and Immigration Services (USCIS) from October 1, 2012 through the present, distinguishing between applications that have been: (1) approved; (2) rejected; and (3) denied, including the reason for the negative decision. (Case Number 2013-HQFO-00492.)

- On March 5, 2013, **Megan Wilson**, a reporter 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 to DHS from February 1, 2013 through the present. (Case Number 2013-HQFO-00495)
- On March 7, 2013, **George Bruno**, an attorney with **LawServe** in Manchester, New Hampshire, requested from the Department of Homeland Security (DHS) statistics on the total number of Deferred Action for Childhood Arrivals (DACA) applications filed in the United States, as well as the total number of DACA applications filed in the State of New Hampshire. (Case Number 2013-HQFO-00497.)
- On March 7, 2013, **Gregory Korte**, a reporter with *USA Today* in Washington, DC, requested from the Department of Homeland Security (DHS) various records pertaining to correspondence with the Office of Management and Budget (OMB) regarding agency plans for sequestration as a result of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Budget Control Act of 2011. (Case Number 2013-HQFO-00499.)

#### Late requests

- On February 20, 2013, **Steve Friess**, a reporter with *Politico* in Fairfax, Virginia, requested from the United States Citizenship and Immigration Services (USCIS) sections 1, 2, and 5 of all I-129 forms submitted to USCIS for H-1B or H-1B1 immigrant workers filed in fiscal years 2011 and 2012. (Case Number USCIS COW2013000140.)
- On February 21, 2013, **Tom Wong**, an assistant professor with the **University of California, San Diego** in La Jolla, California, requested from the Department of Homeland Security (DHS) a copy of all I-821D forms submitted to the United States Citizenship and Immigration Services (USCIS) from October 1, 2012 through October 31, 2012, distinguishing between applications that: (1) have been approved; (2) are pending decision; and (3) have been denied, including the reason for the negative decision. (Case Number 2013-HQFO-00490.)
- On February 28, 2013, **Jennifer Crompton**, a reporter with *WMUR-TV* in Manchester and Portsmouth, New Hampshire, requested from the United States Coast Guard (USCG) records pertaining to the sinking of the BENJAMIN BAILEY on or about October 24, 2012. (Case Number USCG 2013-1477.)

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

- On February 25, 2013, U.S. Customs and Border Protection (CBP) issued to **Wilson Ring**, a reporter with *The Associated Press* in Montpelier, Vermont, a full denial in response to his request seeking electronic images of vehicles leaving the United States without stopping at Canadian Customs posts located within camera range of the Derby Line, Vermont Port of Entry. These records were withheld pursuant to FOIA Exemption 7(E). (Case Number CBP 2013F05744.)
- On March 1, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Emily Willard**, a researcher with **The National Security Archive** in Washington, DC, 1,115 pages of records pertaining to interference with and restrictions on noncitizens' access to legal counsel. Portions of the

release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number USCIS COW2012000782.)

- On March 4, 2013, the Department of Homeland Security (DHS) released to **Shoba Sivaprasad Wadhia**, a clinical professor and director with the **Center for Immigrants' Rights** at the **Pennsylvania State University** in State College, Pennsylvania, 459 pages of records pertaining to Deferred Action for Childhood Arrivals (DACA). Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number USCIS COW2012000939/2013-HQFO-00305.)
- On March 4, 2013, the Department of Homeland Security (DHS) provided to **David Perera**, an editor with **FierceGovernmentIT** in Washington, DC, the following link: <http://www.dhs.gov/homeland-security-presidential-directive-12> in response to his request seeking 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-00273.)
- On March 5, 2013, the Department of Homeland Security (DHS) issued to **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington DC, a no records determination in response to her request seeking records of correspondence to DHS from or on behalf of: (1) Lieutenant Governor Mead Treadwell (R-AK) from December 6, 2010 through the present; (2) U.S. Arctic Research Commissioner Mead Treadwell from January 1, 2001 through January 1, 2011; and (3) Deputy Commissioner of Alaska's Department of Environmental Conservation Mead Treadwell from January 1, 1990 through January 1, 1995. (Case Number 2013-HQFO-00479.)
- On March 7, 2013, the Department of Homeland Security (DHS) released to **Molly Matthews**, a representative with **Fox News** in Washington, DC, and **Danielle Ivory**, a reporter with **Bloomberg News** in Washington, DC, a 33-page document containing conference and event information which was prepared in response to the Congressman Darrell Issa (R-CA) inquiry. These records were released in full. (Case Numbers DHS/MGT 12-92 and DHS/MGT 12-95.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- NSTR

#### VI. Litigation

- In the matter of *Qatanani v. DHS* (D.N.J. 12-cv-00498), plaintiff filed FOIA requests with U.S. Immigration and Customs Enforcement (ICE) and the United States Citizenship and Immigration Services (USCIS), both dated January 10, 2012. ICE initially denied the request due to the existence of an ongoing investigation. 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 March 1, 2013, ICE released 2,848 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 on 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 March 1, 2013, ICE released its ninth interim response, consisting of 500 pages of responsive records to the plaintiff.
- In the matter of *Judicial Watch v. Department of Justice and Department of Homeland Security*, (12-cv-01350), plaintiffs filed a FOIA request on June 28, 2012, seeking records regarding the Department of Homeland Security (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. Plaintiffs filed suit on August 10, 2012 claiming constructive denial. On March 1, 2013, DHS released its second interim release, consisting of 235 pages of responsive records with portions of the release with pursuant to FOIA Exemptions 5, 6, and 7(E). On March 4, 2013, DHS released its third and final release, consisting of 1,629 pages of records with portions of the release withheld pursuant to FOIA 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 March 8 – 14, 2013

Privacy Office

March 18, 2013

### Weekly FOIA Report

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

- On March 8, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) posted to the DHS-OIG FOIA library the congressional correspondence logs for the second, third, and fourth quarters of calendar year 2012 (three pages).
- On March 11, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the 2013 Chief Freedom of Information Act (FOIA) Officer Report to the Attorney General (39 pages).

### II. FOIA Requests

- On March 8, 2013, **Amy Bennett**, an assistant director with **OpenTheGovernment.org** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to what DHS has done to implement the recently created FOIA related job series, Government Information Series, 0306. (Case Number 2013-HQFO-00504.)
- On March 8, 2013, **Kayla Turner**, an editor with *MarEx News* in Fort Lauderdale, Florida, requested from the United States Coast Guard (USCG) records pertaining to Marine Information Safety and Law Enforcement (MISLE) Activity Number 4461224, regarding the loss of two barges. (Case Number USCG 2013-1563.)
- On March 11, 2013, **Rusty Carter**, an editor with *The Virginia Gazette* in Williamsburg, Virginia, requested from the United States Secret Service (USSS) the budgeted allocation (dollar amount) for the current fiscal year for the purpose of monitoring the movements and actions of John Hinckley, Jr. (Case Number USSS 20130447.)
- On March 11, 2013, **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, requested from the Transportation Security Administration (TSA) records regarding the projected effects of the potential budget sequestration mandated by the Budget Control Act of 2011 and the American Taxpayer Relief Act of 2012, as well as any and all records of communication between any official, employee, or representative of the Executive Office of the President and/or any of its component entities, from August 2, 2011, through the present. (Case Number TSA 13-0463.)
- On March 11, 2013, **Brad Heath**, a reporter with *USA Today* in McLean, VA, requested from the Department of Homeland Security (DHS) the following records: (1) e-mails sent or received by the following individuals or offices since January 1, 2013 referencing the sequester or the release of aliens from detention: (a) Janet Napolitano; (b) Jane Holl Lute; (c) Noah Kroloff; (d) John Sandweg; (e) Rafael Borrás; (f) Peggy Sherry; (g) David Heyman; (h) David Pressman; (i)

Alan D. Cohn; and (j)the Office of Intergovernmental Affairs; (2) records pertaining to the budget concerning U.S. Immigration and Customs Enforcement's (ICE) decision to release detainees, including those estimating the total number of releases or the estimated savings; (3) any records pertaining to the sequester sent or received by any employee in the Office of the Secretary to or from the Executive Office of the President or the Office of Management and Budget; and (4) any records in the Office of the Secretary Tasker database related to ICE's decision to release detainees. (Case Number 2013-HQFO-00508.)

- On March 11, 2013, **Matthew Kownacki**, a researcher with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) all records pertaining to White House tour cancellations due to the Budget Control Act of 2011, more commonly known as sequestration. (Case Number USSS 20130442.)
- On March 11, 2013, **Jarrett Renshaw**, a reporter with *The Star-Ledger* in Trenton, New Jersey, in Trenton, NJ, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) all records pertaining to any audits and investigations of funds spent by the Federal Emergency Management Agency (FEMA) that involve AshBritt, Inc. (Case Number OIG 2013-063.)
- On March 12, 2013, **Nancy Cohen**, a reporter with *Vermont Public Radio* in Colchester, Vermont, requested from the Federal Emergency Management Agency (FEMA) records between FEMA and Vermont's Emergency Management and Vermont's municipalities pertaining to the demolition of flood damaged homes from August 28, 2011, through November 30, 2011. (Case Number FEMA 13-348.)
- On March 12, 2013, **Alana Goodman**, a reporter with the *Washington Free Beacon* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of all correspondence between the Office of Senator Robert Menendez (D-NJ) and DHS from January 1, 2007, through November 1, 2011. (Case Number 2013-HQFO-00516.)
- On March 12, 2013, **Josh Margolin**, a reporter with the *New York Post* in New York, New York, requested from the Transportation Security Administration (TSA) records pertaining to Red Team Reviews conducted at Newark Liberty International Airport during January and February of 2013, and corresponding after-action, follow-on and disciplinary reports. (Case Number TSA 13-0467.)
- On March 12, 2013, **Josh Margolin**, a reporter with the *New York Post* in New York, New York, requested from the Transportation Security Administration (TSA) records concerning Red Team Reviews conducted by TSA from 2010 through 2012. (Case Number TSA 13-0468.)
- On March 12, 2013, **Josh Margolin**, a reporter with the *New York Post* in New York, New York, requested from the Transportation Security Administration (TSA) records concerning a process described by TSA's Public Information staff as "retraining." (Case Number TSA 13-0469.)
- On March 12, 2013, **Joel Millman**, a reporter with *The Wall Street Journal* in Portland, Oregon, requested from the United States Citizenship and Immigration Services (USCIS) statistical information, by country, for both Affirmative and

Defensive Asylum applications filed for fiscal years 2002 through 2011. (Case Number USCIS COW2013000178.)

- On March 12, 2013, **Jarrett Renshaw**, a reporter with *The Star-Ledger* in Trenton, New Jersey, requested from the Federal Emergency Management Agency (FEMA) all records between FEMA and the office of Senator Frank Lautenberg (D-NJ) pertaining to the no-bid debris removal contract with AshBritt, Inc. for post Hurricane Sandy clean-up. (Case Number FEMA 13-347.)
- On March 13, 2013, **Jarrett Renshaw**, a reporter with *The Star-Ledger* in Trenton, New Jersey, requested from the Federal Emergency Management Agency (FEMA) all records of correspondence between FEMA and the following offices from October 15, 2012, through March 12, 2013: (1) the office of Senator Robert Menendez (D-NJ); and (2) the office of Congressman Chris Smith (R-NJ). (Case Number FEMA 13-350.)
- On March 13, 2013, **Jafar Siddiqui**, a representative with **American Muslims of Puget Sound** in Lynwood, Washington, requested from the Federal Law Enforcement Training Center (FLETC) the following records: (1) a list of all instructors currently approved by FLETC as being qualified to teach on Islam, terrorism, or any combination of the two; (2) a list of all organizations or departments of the instructors; and (3) all curricula taught by the instructors as they relate to Islam, Muslims, or Arabs. (Case Number FLETC FOIA 13-055.)
- On March 13, 2013, **Nancy Watzman**, a consultant to **The Sunlight Foundation** in Denver, Colorado, requested from the Transportation Security Administration (TSA) records pertaining to meetings of the internal working group established by TSA to “review the prohibited items list based on an overall risk-based security approach,” that then provided recommendations to the Secretary. (Case Number TSA 13-0475.)
- On March 13, 2013, **Scott Noll**, an investigative reporter with *KHOU 11 News* in Houston, Texas, requested from the Transportation Security Administration (TSA) copies of civil enforcement actions taken, incident reports, claims filed, and the customer complaint database entries, from January 1, 2009, through the present, and associated with Houston Hobby Airport and George Bush Intercontinental Airport. (Case Number TSA 13-0476.)
- On March 13, 2013, **Scott Noll**, an investigative reporter with *KHOU 11 News* in Houston, Texas, requested from the Transportation Security Administration (TSA) copies of results and summaries of access control process, special operations testing, TSA employee disciplinary action taken, and testing results of certified bomb dogs, from January 1, 2006, through the present, and associated with Houston Hobby Airport and George Bush Intercontinental Airport. (Case Number TSA 13-0477.)
- On March 13, 2013, **Curtis Tate**, a national correspondent with *McClatchy Newspapers* in Washington, DC, requested from the Transportation Security Administration (TSA) all internal TSA communications in the past year regarding the pending policy change that would allow passengers to carry small knives on passenger aircraft. (Case Number TSA 13-0478.)
- On March 13, 2013, **Curtis Tate**, a national correspondent with *McClatchy Newspapers* in Washington, DC, requested from the Transportation Security

Administration (TSA) all communications received by the TSA from the public in the past year regarding the pending policy change that would allow passengers to carry small knives on passenger aircraft. (Case Number TSA 13-0479.)

- On March 13, 2013, **Jason Cherkis**, a reporter with *The Huffington Post* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to all ICE detainees released on February 25, 2013. (Case Number ICE 2013FOIA15649.)
- On March 13, 2013, **Navideh Forghani**, a reporter with *KNXV-TV* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) records relating to all ICE detainees released on February 25, 2013. (Case Number ICE 2013FOIA15651.)
- On March 13, 2013, **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 relating to all “business rules” that assign criminal offense levels in ICE’s Enforcement Integrated Database. (Case Number ICE 2013FOIA15734.)
- On March 13, 2013, **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 relating to all “business rules” that recommend a custodial status for every person who has been detained by ICE. (Case Number ICE 2013FOIA15735.)

#### Late requests

- On December 13, 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) a copy of yearly reports or figures of the number of migrants who have alleged rape while illegally crossing the border; and (2) the number of migrants who have sought and received abortion services following the 2011 policy change by U.S. Immigration and Customs Enforcement (ICE) from 2003 through the present. (Case Number CBP 2013F08027.)
- On February 4, 2013, U.S. Immigration and Customs Enforcement (ICE) referred to U.S. Customs and Border Protection (CBP) a request from **Stewart Powell**, a reporter with *Hearst Newspapers* in Washington, DC, seeking a copy of data provided to the Treasury Department to track seizure and disposition of individual items handled through the Treasury Forfeiture Fund. (Case Number CBP 2013F07255.)
- On March 4, 2013, **Wei Lu**, a researcher with *Bloomberg* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) a two-dimensional table of H-1B beneficiaries by country of birth and occupation for the years of 2002 through 2011. (Case Number USCIS COW2013000153.)
- On March 5, 2013, **Colin Freeze**, a reporter with *The Globe and Mail* in Toronto, Ontario, Canada, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) all records pertaining to how DHS agencies responded to a massive advanced and persistent cyber attack

targeting the Canadian government agencies in the winter of 2011. (Case Number NPPD 13F167.)

- On March 7, 2013, **Matt Smith**, a reporter with the *Center for Investigative Reporting (CIR)* in San Francisco, California, requested from the United States Citizenship and Immigration Services (USCIS) all records pertaining to: (1) the San Francisco Bay Area Regional Center; (2) Golden State Renaissance Ventures LLC; (3) the Bay Area Regional Center; (4) applications for designation as regional centers for EB-5 immigrant visas; and (5) full reports submitted by these entities and their subsidiaries to USCIS on a quarterly basis of each federal fiscal year from 2009 through the present. (Case Number USCIS COW2013000164.)
- On March 7, 2013, **Sarah Wunsch**, a staff attorney with the **American Civil Liberties Union (ACLU) Foundation of Massachusetts** in Boston, Massachusetts, requested from the Transportation Security Administration (TSA) records pertaining to Dr. Kenneth Boatner's complaint dated July 10, 2012, to TSA about his treatment by TSA employees on July 9, 2012, at Boston Logan Airport. (Case Number TSA 13-0454.)

### III. FOIA Releases

- On March 7, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Andy Medici**, a reporter with the *Federal Times* in Washington, DC, an electronic spreadsheet containing the number of federal incidents at all FPS-covered facilities in fiscal year 2012 by building code, type, and response. These records were released in full. (Case Number NPPD 13F127.)
- On March 11, 2013, the U.S. Customs and Border Protection (CBP) released to **Catherine Crump**, a staff attorney with the **American Civil Liberties Union (ACLU) Foundation** in New York, New York, 961 pages of records consisting of contract records, interagency agreements, and memoranda of agreement pertaining to CBP's use of unmanned aircraft vehicles. Portions of the release were withheld pursuant to FOIA Exemptions 3 (26 U.S.C. § 6103), 4, 5, 6, 7(A), and 7(E). (Case Numbers CBP 2013F01211 and CBP 2013F02936.)
- On March 12, 2013, the Department of Homeland Security (DHS) released to **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, 459 pages of records pertaining to the implementation of deferred action and/or prosecutorial discretion procedures for undocumented individuals who entered the United States as minors. Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number USCIS COW2012000822/2013-HQFO-00303.)
- On March 13, 2013, the United States Coast Guard (USCG) released to **Daniel Gilbert**, a reporter with *The Wall Street Journal* in Houston, Texas, one Excel spreadsheet consisting of information pertaining to companies that have sought exemptions from the USCG under the authority of 33 CFR§141.20. These records were released in full. (Case Number USCG 2013-0828.)
- On March 13, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) issued to **Rick Hind**, Legislative Director with **Greenpeace** in Washington, DC, a full denial in response to his request seeking the most complete listing of chemical facilities that have reduced

their holdings of threshold quantities of “chemicals of interest” (COI). These records were withheld pursuant to FOIA Exemptions 5, 7(E), and 7(F). (Case Number NPPD 12F251)

- On March 14, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington DC, and **Kriss Perras Running Waters**, a publisher and editor with **Malibu Arts Journal Magazine** in Malibu, California, 32 pages of records pertaining to the Occupy Wall Street demonstrations and activities occurring in New York. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Numbers NPPD 12F337 and NPPD 12F338.)
- On March 14, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Scott MacFarlane**, a correspondent with **Cox TV** in Washington DC, and **Roger Tansey**, a Deputy Public Defender with the **Law Offices of the Public Defender** in Riverside, California, 57 pages of records pertaining to the Occupy Wall Street demonstrations and activities occurring in California. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Numbers NPPD 12F344 and NPPD 12F349.)
- On March 14, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) provided to **Moriah Balingit**, a staff writer with the **Pittsburgh Post-Gazette** in Pittsburgh, Pennsylvania, the following link, <http://www.dhs.gov/xlibrary/assets/foia/occupy-wall-street-redacted-1.pdf> in response to her request seeking all records released to the website Gawker on March 21, 2012, pertaining to Occupy Wall Street and other Occupy protests. (Case Number NPPD 12F345)
- On March 14, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) issued to **Will Campbell**, a freelance journalist in Ottawa, Ontario, Canada, a no records determination in response to his request seeking records relating to Occupy Toronto. (Case Number NPPD 12F348)

#### IV. FOIA Appeals

- On February 4, 2013, **Rebecca Engel**, an attorney with the **New York Civil Liberties Union (NYCLU)** in New York, New York, appealed the decision by U.S. Customs and Border Protection (CBP) to deny her request for a fee waiver related to her request for complaints regarding CBP employees operating out of the Ogdensburg, New York and Oswego, New York stations, as well as the enforcement actions taken by these same employees. (Case Number CBP H239593.)

#### V. FOIA Appeals Releases

- On August 23, 2012, **Ryan Lincoln**, an attorney representing **Human Rights Watch (HRW)** in San Francisco, California, appealed the denial by U.S. Customs and Border Protection (CBP) of a fee waiver related to HRW’s request seeking data on all non-citizens referred by CBP for criminal prosecution under 8 U.S.C §

1325 for “Improper Entry by Alien,” and/or under 8 U.S.C § 1326 for “Reentry of Removed Aliens,” from FY 2004, through the present. On March 12, 2013, CBP granted HRW’s fee waiver. (Case Number CBP H239089.)

## **VI. Litigation**

- In the matter of the *Public Employees for Environmental Responsibility v. United States Coast Guard* (D.D.C. 13-cv-00249), plaintiffs filed a FOIA request dated November 1, 2012, seeking records pertaining to the United States Coast Guard’s (USCG) involvement in the Royal Dutch Shell PLC’s (“Shell”) plans and operations, including a failure of a containment dome during testing, in the Beaufort Sea Outer Continental Shelf (“OCS”), Contiguous State Waters, and on the Chukchi Sea OCS. Plaintiffs filed suit on February 26, 2013, claiming constructive denial for non-responsiveness to their FOIA request.
- In the matter of *Tulane Environmental Law Clinic v. United States Coast Guard* (D.D.C. 13-cv-00289), plaintiffs filed an administrative appeal August 20, 2012, requesting the agency reverse its decision to withhold documents under FOIA Exemptions 5 and 7(A) regarding information requested in 2012 about leaking wells 11 miles from Louisiana’s coast that were damaged in 2004 during an underwater landslide. On June 25, 2012, the United States Coast Guard (USCG) released 19 of 256 pages of records to the plaintiff. Plaintiffs filed suit on March 5, 2013, claiming constructive denial.
- In the matter of *Stanley J. Miller v. Transportation Security Administration* (D.D.C.. 13-cv-00244), plaintiff filed multiple FOIA requests on October 26, 2009, seeking records pertaining to his prior whistleblower action, the disciplinary actions taken by the TSA against plaintiff, and actions by the agency pertaining to plaintiff’s security clearance status. Plaintiff filed suit on February 25, 2013, claiming constructive denial.

## 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 15 - 21, 2013

Privacy Office

March 25, 2013

### 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 15, 2013, **Chris Strohm**, a reporter with *Bloomberg News* in Washington, DC, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) a copy of the Memoranda of Agreement (MOA) signed between DHS and Lockheed Martin and Raytheon pertaining to the DHS Enhanced Cybersecurity Services program. (Case Number NPPD13F176.)
- On March 18, 2013, **Jeffrey Pillets**, a reporter with the *North Jersey Media Group* in Trenton, New Jersey, requested from U.S. Immigration and Customs Enforcement (ICE) all correspondence to ICE from Senator Robert Menendez (D-NJ) or his staff since January 1, 2009. (Case Number ICE 2013FOIA15967.)
- On March 18, 2013, **Alexander Heinrich**, a representative with **Americans for Progressive Government** in Terrytown, Louisiana, requested from U.S. Immigration and Customs Enforcement (ICE) various records pertaining to the release of “several hundred” illegal immigrants which occurred during the month of February 2013. (Case Number ICE 2013FOIA15972.)
- On March 18, 2013, **Mark Scheer**, a reporter with the *Niagara Gazette* in Niagara Falls, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the apprehension of undocumented workers at Greenpac Mill in Niagara Falls, from January 1, 2013, through March 12, 2013. (Case Number ICE 2013FOIA15989.)
- On March 18, 2013, **Jason Clayworth**, a reporter with *The Des Moines Register*, in Des Moines, Iowa, requested from the Federal Emergency Management Agency (FEMA) records from the National Emergency Management Information System (NEMIS) database pertaining to the 2008 flood and tornado for Iowa, DR-1763. (Case Number FEMA 13-360.)
- On March 18, 2013, **Jack Gillum**, a reporter with *The Associated Press* in Washington, DC, requested from U.S. Customs and Border Protection (CBP) a copy of all departure manifests for which Senator Robert Menendez (D-NJ) is listed as a passenger or crew member from July 1, 2009, through the present. (Case Number CBP 2013F08374.)
- On March 19, 2013, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) all records on all deportations from 2008 through 2012. (Case Number ICE 2013FOIA16072.)

- On March 19, 2013, **George Brennan**, a reporter with the *Cape Cod Times* in Hyannis, Massachusetts, requested from the United States Coast Guard (USCG) records pertaining to the former chief officer of the Provincetown Coast Guard station. (Case Number USCG 2013-1641.)
- On March 19, 2013, **Aaron Applegate**, a reporter with *The Virginian-Pilot* in Hampton Roads, Virginia, requested from the United States Coast Guard (USCG) records pertaining to the USCG's response on October 3, 1998, to the ship HMS BOUNTY off the coast of South Carolina. (Case Number USCG 2013-1655.)
- On March 19, 2013, **Jamie Schell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence, on or on behalf of Daniel B. Winslow, as a private citizen, or on behalf of or as a representative of the following organizations: (1) Massachusetts State Representative from 2010 through the present; (2) Chief Legal Counsel for Governor Mitt Romney (R-MA) from November 1, 2002, through December 31, 2004; (3) Managing Civil Justice for District Courts in Southeastern Massachusetts, Cape & Islands from 1998 through 2002; and (4) Presiding Judge for Wrentham District Court from 1995 through 2002. (Case Number 2013-HQFO-00529.)
- On March 19, 2013, **Jamie Schell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence, on or on behalf of Michael J. Sullivan, as a private citizen, or on behalf of or as a representative of the following organizations: (1) Acting Director of the Bureau of Alcohol, Tobacco and Firearms from 2006 through January 2009; (2) US Attorney for the District of Massachusetts from 2001 through 2009; (3) District Attorney of Plymouth County, Massachusetts from 1995 through 2001; and (4) Massachusetts State Representative from 1991 through 1995. (Case Number 2013-HQFO-00530.)
- On March 19, 2013, **Vriti Jain**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence: (1) on or on behalf of Representative Thomas B. Cotton (R- AR); and (2) on or on behalf of Thomas B. Cotton, as a private citizen, or on behalf of or as a representative of the following organizations: (a) McKinsey & Company, from January 1, 2010, through the present; (b) Cooper & Kirk, from January 1, 2004, through January 1, 2005; and (c) Gibson Dunn & Crutcher, from January 1, 2003, through December 31, 2004. (Case Number 2013-HQFO-00534.)
- On March 19, 2013, **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of: (1) Senator Tom Udall (D-NM) from 2008 through February 25, 2013; (2) Representative Tom Udall (D-NM) from 1998 through 2008; and (3) New Mexico Attorney General Tom Udall from 1990 through 1998. (Case Number 2013-HQFO-00535.)

- On March 20, 2013, **Abraham Payton**, Due Diligence Manager with **American Bridge 21st Century** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence between Representative Michele Bachmann (R-MN) and the Secretary and Deputy Secretary of Homeland Security from January 3, 2007, through the present. (Case Number 2013-HQFO-00538.)
- On March 20, 2013, **Kevin Brancato**, an analyst with **Bloomberg Government** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of a list of every program, project and activity (PPA) in the Department of Homeland Security's budget, and the amounts required to be sequestered from each PPA in fiscal year 2013, consistent with "OMB Report to Congress on the Joint Committee Sequestration for Fiscal Year 2013," released March 1, 2013. (Case Number 2013-HQFO-00528.)
- On March 20, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the decision to release approximately 5,000 currently detained illegal immigrants from February 22, 2013, through March 31, 2013. (Case Number ICE 2013FOIA16164.)
- On March 20, 2013, **Jonathan Street**, an intern reporter with **Cybercast News Service (CNS) News**, in Alexandria, Virginia, requested from the Transportation Security Administration (TSA) records of correspondence between TSA and the White House which discuss the potential or expected impacts of sequester on TSA, from January 1, 2013, through the present. (Case Number TSA 13-0499.)

#### Late requests

- On February 19, 2013, **Josh Margolin**, a reporter with the **New York Post** in New York, New York, requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) a copy of all Joint Intelligence Bulletins and corresponding records issued from January 1, 2011, through the present for: (1) New York; (2) New Jersey; and (3) the District of Columbia/National Capital Region. (Case Number 13-OIA-0044.)
- On February 28, 2013, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Customs and Border Protection (CBP) case-by-case data on apprehensions and dispositions by the U.S. Border Patrol from February 1, 2013, through February 28, 2013. (Case Number CBP 2013F08339.)
- On March 13, 2013, **Michael Volpe**, a reporter with **Front Page Magazine** in Sherman Oaks, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) all communications between the ICE Office of the Public Advocate and the following entities: (a) El Centro Hispano in Durham; (b) International House in Charlotte; (c) the Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA); and (d) the International Institute of Connecticut; (2) financial records reflecting obligations, payments, or reimbursements for lodging, travel, local transportation, meals, and per diem flowing from the Public Advocate Team's visits to: (a) Arizona; (b) California; (c) Oregon; and (d) Washington; and (3) records pertaining to the Public Advocate

- Team's tour of: (a) the Florence Service Processing Center and Pinal County Jail in Arizona; (b) the Adelanto County Jail and Santa Ana City Jail in California; (c) the Northwest Detention Center in Washington; and (d) any other processing centers, jails, or detention centers visited. (Case Number ICE 2013FOIA15994.)
- On March 13, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) records pertaining to a joint case study between I&A and Europol on the 2011 terrorist attacks in Norway. (Case Number 13-OIA-0045.)
  - On March 14, 2013, **Lynae Gruber**, an individual in Des Moines, Iowa, requested from the Department of Homeland Security (DHS) all records of correspondence between DHS and the following members of Congress: (1) Representative Mike Honda (D-CA); (2) Representative Anna Eshoo, (D-CA); and (3) Representative Zoe Lofgren (D-CA) from 2009 through the present. (Case Number 2013-HQFO-00520.)
  - On March 14, 2013, **Stephen Stirling**, a reporter with *The Star-Ledger* in Newark, New Jersey, requested from the Federal Emergency Management Agency (FEMA) records from the National Emergency Management Information System (NEMIS) database pertaining to Hurricane Sandy for New Jersey, DR-4086. Case Number FEMA 13-355.)
  - On March 14, 2013, **Jonathan Woods**, a journalist with *Time Magazine*, in New York, New York, requested from the Transportation Security Administration (TSA) a copy of surveillance camera footage at Austin International Airport, baggage screening for checked baggage, section 8, on the morning of March 12, 2013. (Case Number TSA 13-0482.)
  - On March 14, 2013, **Matthew Kownacki**, a researcher with *Judicial Watch* in Washington, DC, requested from the Department of Homeland Security (DHS) and the United States Secret Service (USSS) various records from January 1, 2005, through the present, between these agencies and the following companies pertaining to satellite imagery and/or high-resolution aerial photography for internet mapping services: (1) Google; (2) Microsoft (Bing); (3) Yahoo; (4) Vexcel; (5) Astrium; (6) GeoEye; (7) DigitalGlobe; and (8) Orbital Sciences Corporation. (Case Numbers 2013-HQFO-00521, USSS 20130476, and USSS 20130477.)
  - On March 14, 2013, **Spencer Hsu**, a staff writer with *The Washington Post* in Washington, DC, requested from the Department of Homeland Security (DHS) all contract records pertaining to the following contracts: (1) HSHQDC07d00039; (2) HSHQDC07J00555; (3) HSHQSL08J0003; (4) HSFEMW09P0416; (5) HSHQDC07300005A; ( 6) HSHQDC06C00068; (7) HSHQDC06R00041 (Solicitation ID); (8) N6523606D7872; (9) N6523604C7602; (10) N6523602D7047; (11) N6523605P3878; (12) N6523606P0054; (13) N6523606P0927; (14) N6523601P0207; (15) N6523601P3188; (16) N6523602P1615; (17) N6523604P7970; (18) N6523605P1619; (19) N6523606P1920; (20) N6523606P1921; (21) N6523606P9715; (22) N6523607P4145; (23) N6523607P4171; and (24) N6523607P4707. (Case Number 2013-HQFO-00527.)

### III. FOIA Releases

- On March 15, 2013, the Federal Emergency Management Agency (FEMA) released to **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, 22 pages of records consisting of e-mail correspondence and a spreadsheet with updates for the Outstanding High-Dollar Overpayment Report. Portions of the release were withheld pursuant to FOIA Exemptions 6. (Case Number FEMA 13-028.)
- On March 15, 2013, the Federal Emergency Management Agency (FEMA) released to **Jarrett Renshaw**, a reporter with *The Star-Ledger* in Trenton, New Jersey, 267 pages of records consisting of Project Worksheets for New Jersey regarding Hurricane Sandy. These records were released in full. (Case Number FEMA 13-237.)
- On March 15, 2013, the Federal Emergency Management Agency (FEMA) released to **Nick Hytrek**, a reporter with the *Sioux City Journal* in Sioux City, Iowa, 61 pages of records consisting of Project Worksheets and FEMA disbursements to the Omaha Indian Tribe in Macy, Nebraska for 2011 and 2012 flood damage. These records were released in full. (Case Number FEMA 13-240.)
- On March 18, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Jack Gillum**, a reporter with *The Associated Press* in Washington DC, 1,228 pages of records consisting of e-mails and faxes pertaining to correspondence to or from Congressman Paul Ryan (R-WI) or his staff from January 3, 1999, through the present. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number USCIS COW2012000802.)
- On March 19, 2013, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **Catherine Crump**, a staff attorney with the **American Civil Liberties Union (ACLU)** in New York, New York, 39 pages of records consisting of invoices, unmanned aircraft competition memoranda, and contract modifications regarding unmanned aircraft systems. Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, 6, 7(C), and 7(E). (Case Number S&T 12-025.)
- On March 19, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Mara Verheyden-Hilliard**, a co-founder and attorney with the **Partnership for Civil Justice Fund** in Washington DC; **Jason Leopold**, a managing editor and investigative reporter with *Truthout* in Beverly Hills, California; **Grace Wyler**, a reporter with *Business Insider* in New York, New York; **John Cook**, a reporter with *Gawker Media* in Brooklyn, New York; and **Rachel Leven**, a reporter with *The Hill* in Washington DC, 251 pages of records pertaining to Occupy Wall Street. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), 7(E), and 7(F). (Case Numbers NPPD12F341, NPPD 12F336, NPPD 12F339, NPPD 12F340, and NPPD 12F350.)
- On March 19, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **William Selway**, a reporter with *Bloomberg News* in Washington, DC, 1,413

pages of records pertaining to ICE enforcement operations in Jackson County, North Carolina and detention facilities in Georgia. These records were previously released in response to other FOIA requests. (Case Number ICE 2013FOIA15986.)

- On March 19, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with the *Atlanta Journal-Constitution* in Woodstock, Georgia, 546 pages of records pertaining to ICE enforcement operations in Jackson County, North Carolina. These records were previously released in response to other FOIA requests. (Case number ICE 2013FOIA14007.)
- On March 19, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **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, 14 pages of travel vouchers and receipts pertaining to Deputy Inspector General Charles Edwards and a third party. Portions of the release were withheld pursuant to FOIA Exemptions 2 and 6. (Case Number OIG 2013-029.)
- On March 19, 2013, the Department of Homeland Security (DHS) released to **Trevor Timm** and **Parker Higgins**, representatives with the *Electronic Frontier Foundation* in San Francisco, California, 26 pages of records consisting of e-mails and a campaign overview pertaining to the Department’s campaign titled “If you see something, say something.” Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number 2013-HQFO-00363.)
- On March 19, 2013, the Department of Homeland Security (DHS) released to **David North**, a representative with the **Center for Immigration Studies**, in Arlington, Virginia a one-page document containing the number of I-821D forms pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Number USCIS COW2013000075/2013-HQFO-00470.)
- On March 19, 2013, the Department of Homeland Security (DHS) released to **Anna Macias**, a reporter with *Al Dia* in Dallas, Texas, 52 pages of records containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Number USCIS COW2012001006/2013-HQFO-00301.)
- On March 19, 2013, the Department of Homeland Security (DHS) released to **Matt O’Brien**, a reporter with *Bay Area News Group* in Hayward, California, and **Rachel Estabrook**, a journalist with the *Peninsula Press* in Stanford, California, a seven-page document containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Numbers USCIS COW2012001010/2013-HQFO-00302 and USCIS COW2013000075/2013-HQFO-00469.)
- On March 19, 2013, the Department of Homeland Security (DHS) released to **Christine Brenner**, an associate professor with the **University of Massachusetts** in Boston, Massachusetts, a one-page document containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA) for the State of

Massachusetts. These records were released in full. (Case Number USCIS COW2012001078/2013-HQFO-00468.)

- On March 19, 2013, the Department of Homeland Security (DHS) released to **Kaomi Goetz**, a representative with *WSHU Public Radio* in Fairfield, Connecticut, a one-page document containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA) for the State of Connecticut. These records were released in full. (Case Number USCIS COW2013000091/2013-HQFO-00471.)
- On March 19, 2013, the Department of Homeland Security (DHS) released to **Jonathan Street**, an intern reporter with *Cybercast News Service (CNS) News* in Alexandria, Virginia, a one-page document containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Number USCIS COW2013000102/2013-HQFO-00476.)
- On March 19, 2013, the United States Coast Guard (USCG) released to **Derrick Rose**, a reporter with *WPML-TV* in Mobile, Alabama, 10 pages of records consisting of inspection records for the CARNIVAL TRIUMPH. These records were released in full. (Case Number USCG 2013-1401.)
- On March 19, 2013, the United States Coast Guard (USCG) released to **Jeremy Rogalski**, an investigative reporter with *KHOU-TV CBS 11* in Houston, Texas, 29 pages of records consisting of inspection records for the CARNIVAL TRIUMPH. These records were released in full. (Case Number USCG 2013-1309.)
- On March 19, 2013, the United States Coast Guard (USCG) released to **Christine Armario**, a staff writer with *The Associated Press* in Miami, Florida, 20 pages of records consisting of inspection records for the vessel ANA CECILIA. These records were released in full. (Case Number USCG 2013-1451.)
- On March 20, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Tan**, an attorney with the **American Civil Liberties Union (ACLU)** in San Francisco, California, 378 pages of records pertaining to ICE's examination of detained individuals' claims to United States citizenship. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number ICE 2012FOIA13686.)
- On March 21, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Matt Smith**, a staff journalist with the *Center for Investigative Reporting (CIR)* in San Francisco, California, a compact disk containing an excel spreadsheet pertaining to H-1B visa data for fiscal years 2012 through 2013. Portions of the release were withheld pursuant to FOIA Exemption 3. (Case Number USCIS COW2013000099.)
- On March 21, 2013, the Federal Law Enforcement Training Center (FLETC) issued to **Adam Butschek**, Deputy Director of Investigations and Research with **Cause of Action** in Washington, DC, a no records determination in response to his request seeking the following records for fiscal years 2009 through the present: (1) all records of communication between politically or presidentially-appointed employees at DHS and any contractors, consultants or non-politically- or presidentially-appointed agency (or SES career appointees including SES

positions classified above GS-15) employees pertaining to discretionary, non-formula grants; grant recipients; the grant process; legislation or Congressional districts and to specific terms listed in the request; (2) all records of communication between the agency and any employee or officer of the Executive Office of the President of Congressional members and their government staff pertaining to discretionary, non-formula grants; grant recipients; the grant process; legislation; or Congressional districts and to specific terms listed in the request; (3) all records of communication between political campaign staff or White House Office of Political Affairs and any agency employees, contractors or consultants; and (4) all schedules and calendars of the Secretary of DHS or politically-appointed employees which identify specific members of Congress listed in the request. (Case Number FLETC FOIA 13-053.)

- On March 21, 2013, the Department of Homeland Security (DHS) released to **Jamie Schell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, 10 pages of records consisting of correspondence pertaining to South Dakota Governor Marion Michael “Mike” Rounds (R-SD). These records were released in full. (Case Number 2013-HQFO-00439.)
- On March 21, 2013, the Department of Homeland Security (DHS) released to **Josh Loewenstein**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, 48 pages of records consisting of a log of correspondence to DHS from or on behalf of Senator Addison Mitchell “Mitch” McConnell, Jr. (R-KY) from January 24, 2003, through February 14, 2013. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number 2013-HQFO-00443.)

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

- NSTR

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

- NSTR

#### **VI. Litigation**

- In the matter of *National Immigrant Justice Center v. DHS* (N.D. Ill. 12-cv-05358), plaintiff filed a FOIA request on April 27, 2011, seeking copies of all Intergovernmental Service Agreements (IGSA) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On March 15, 2013, ICE released its tenth interim response, consisting of 361 pages of responsive records to the plaintiff.
- 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 March 19,

2013, U.S. Immigration and Customs Enforcement (ICE) released its third interim response, consisting of 227 pages of responsive records to the plaintiff.

- In the matter of *Dr. Abbas Ali Etamadi v. Janet Napolitano, et al* (SACV 13-00393 CJC(MLGx)), plaintiff filed a FOIA request dated December 11, 2011, seeking records pertaining to himself. On May 24, 2012, U.S. Customs and Border Protection (CBP) released 14 pages of records with portions of the release withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). Plaintiff filed an appeal dated August 27, 2012, contesting the redactions and the adequacy of the search. On October 12, 2012, CBP released an additional 33 pages of records with portions of the release withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). Plaintiff filed suit on March 6, 2013, claiming that the defendants are either denying the existence of records or refusing to produce the 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 March 21 – 27, 2013**  
**Privacy Office**  
**April 1, 2013**  
**Weekly FOIA Report**

- I. Efficiency and Transparency**—Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA-related items:
- On March 25, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the following: (1) the year-to-date Secure Communities Nationwide Interoperability Statistics; and (2) copies of Student Exchange and Visitor Program (SEVP) reports documenting: (a) the number of Mainland China and Hong Kong students studying in the U.S; (b) high school students with F-1 Visas entering the U.S. from 2007 through 2011; and (c) all SEVP-certified schools in California.
  - On March 25, 2013, U.S. Immigration and Customs Enforcement (ICE) created two new tabs for the ICE FOIA Library: (1) a Recent Testimony tab, with links to ICE Director John Morton’s testimony before the House Appropriations Subcommittee on Homeland Security on March 14, 2013, and his testimony before the House Committee on the Judiciary on March 19, 2013; and (2) a Questions for the Record tab, which includes questions submitted by a member of Congress to ICE or an individual, often after the agency has testified before Congress.

**II. FOIA Requests**

- On March 22, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Transportation Security Administration (TSA) a copy of all correspondence sent and received from March 4, 2013, through March 6, 2013, for the following: (1) the TSA Administrator; (2) TSA Chief of Staff; (3) head of Legislative Affairs; and (4) head of Public Affairs. (Case Number TSA 13-0503.)
- On March 22, 2013, **Sean Holstege**, a reporter with the *Arizona Republic* in Phoenix, Arizona, requested from the Transportation Security Administration (TSA) the following records: (1) any camera footage of Gate C, Terminal Four, security checkpoints between 11:45 a.m. and 12:30 p.m. on March 13, 2013, at Sky Harbor International Airport; and (2) correspondence from disabled passengers and/or veterans about the TSA screening process at Sky Harbor International Airport from January 2, 2011, through the present. (Case Number TSA 13-0504.)
- On March 25, 2013, **Jarrett Renshaw**, a reporter with the *Star-Ledger* in Trenton, New Jersey, requested from the Federal Emergency Management Agency (FEMA) records pertaining to Community Disaster Loan applications submitted by the State of New Jersey for Hurricane Sandy. (Case Number FEMA 13-377.)
- On March 25, 2013, **Lester Black**, a reporter with *The Leaf Chronicle* in Clarksville, Tennessee, requested from the Federal Emergency Management

Agency (FEMA) records pertaining to FEMA assistance claims submitted by the city of Clarksville, Tennessee from January 1, 2008, through the present. (Case Number FEMA 13-378.)

- On March 25, 2013, **Sharon Rondeau**, an editor with *The Post & Email* in Stafford Springs, Connecticut, requested from the United States Secret Service (USSS) the following records: (1) records pertaining to the type(s) of weapons carried by USSS agents who protect the president and other dignitaries in the normal course of their duties (Case Number USSS 20130486); and (2) records pertaining to threats made on Twitter against Willard Mitt Romney (R) from September 1, 2012, through November 6, 2012, analyzed and followed up by the USSS. (Case Numbers USSS 20130486 and 20130487.)
- On March 26, 2013, **Abraham Payton**, Due Diligence Manager with **American Bridge 21st Century** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence between Representative Michael Coffman (R-CO) and the Secretary and the Deputy Secretary from 2009 through the present. (Case Number 2013-HQFO-00539.)
- On March 26, 2013, **Allie Shah**, a reporter with the *Star Tribune* in Minneapolis, Minnesota, requested from the Department of Homeland Security (DHS) data showing the total number of Deferred Action for Childhood Arrivals (DACA) applications received from the State of Minnesota that have been approved, from August 15, 2012, through March 14, 2013. (Case Number 2013-HQFO-00542.)
- On March 26, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) records of communication between the Centers for Medicare and Medicaid Services (CMS) and Salomon Melgen and/or Vitreo Retinal Consultants; and (2) records of communication between CMS and Senator Robert Menendez (D-NJ) regarding Salomon Melgen and/or Vitreo Retinal Consultants. (Case Number 2013-HQFO-00546.)
- On March 26, 2013, **Ryan Ruggiero**, an assignment desk manager with **CNBC Business News** in Englewood Cliffs, New Jersey, requested from the United States Coast Guard (USCG) records pertaining to incident reports for the CARNIVAL DREAM for March 2013. (Case Number USCG 2013-1725.)
- On March 26, 2013, **Zachary Rausnitz**, an editor with *FierceHomeland Security* in Washington, DC, requested from U.S. Customs and Border Protection (CBP) a copy of the Joint Work Plan that CBP signed with Mexico's Tax Administration Service on January 17, 2013. (Case Number CBP 2013F08514.)
- On March 27, 2013, **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) records pertaining to the CBP Workforce Integrity Study, Final Report, dated December 15, 2011. (Case Number CBP 2013F08548.)
- On March 27, 2013, **Marcus Bailey**, a television producer with *Sunset & Vine* in Oxford, England, requested from the United States Coast Guard (USCG) a copy of the radio communications between the USCG and GERALDTON WESTERN AUSTRALIA leading up to the rescue on April 1, 2012. (Case Number USCG 2013-1732.)

- On March 27, 2013, **Alex Haskell**, a representative with **Skadden, Arps, Slate, Meagher & Flom LLP** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of all records provided by DHS to the United States Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on Contracting Oversight, in response to a letter dated October 7, 2011, from Senator Claire McCaskill to Secretary Janet Napolitano including, but not limited to, the following: (1) detailed reports about DHS' food service contracts for fiscal years 2007 through 2011; (2) records regarding DHS policies pertaining to rebates, discounts, and incentives in food service management procurements; (3) records regarding instances where contractors had protested the use of provisions requiring the return of rebates in contracts; and (4) any audit reports performed by internal audit organizations or the Office of Inspector General regarding contractors withholding rebates. (Case Number 2013-HQFO-00545.)
- On March 27, 2013, **Rachel Ford**, a reporter with *The Parthenon* in Huntington, West Virginia, requested from the Transportation Security Administration (TSA) records pertaining to items confiscated at Huntington Tri-State Airport over the past five years. (Case Number TSA 13-0521.)
- On March 27, 2013, **Adam Butschek**, Deputy Director of Investigations and Research with **Cause of Action** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records: (1) all records released for Case Numbers OIG 2013-11, 2013-29, and 2012-175; (2) travel records pertaining to Acting/Deputy Inspector General Charles Edwards's official travels while occupying any DHS position, including names of third parties who accompanied him, from February 27, 2011, through the present; (3) records pertaining to any complaints against Mr. Edwards received by DHS-OIG, including the subsequent handling of such complaints by OIG Office of Investigations from February 27, 2011, through the present; and (4) all records disclosed to **Andrew Becker**, a journalist with the *Center for Investigative Reporting (CIR)* from February 27, 2011, through the present. (Case Number OIG 2013-073.)

#### Late requests

- On November 23, 2012, **Emanuel Martinez**, a publisher with *Newspaper Tree* in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) a copy of the National Treasury Employees Union (NTEU)/CBP collective bargaining agreement applicable for 2011 and 2012. (Case Number CBP 2013F08391.)
- On November 26, 2012, **Emanuel Martinez**, a publisher with *Newspaper Tree* in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) a copy of CBP's Use of Force Manual. (Case Number CBP 2013F08392.)
- On December 17, 2012, **Nick Georgiou**, an editor with the *Laredo Morning Times* in Laredo, Texas, requested from U.S. Customs and Border Protection (CBP) records pertaining to the shooting death of a Mexican national in a riverside park in Nuevo Laredo, Mexico on September 3, 2012. (Case Number CBP 2013F08480.)

- On January 31, 2013, **Jacqueline Armendariz**, a staff writer with *The Monitor* in McAllen, Texas, requested from U.S. Customs and Border Protection (CBP) data pertaining to the number of I-44 forms for persons arrested within the Rio Grande Valley Sector since 2010, including country of origin and legal status. (Case Number CBP 2013F08529.)
- On January 31, 2013, **Jacqueline Armendariz**, a staff writer with *The Monitor* in McAllen, Texas, requested from U.S. Customs and Border Protection (CBP) arrest statistics and the annual totals for individuals arrested within the Rio Grande Valley Sector since 2010. (Case Number CBP 2013F08542.)
- On January 31, 2013, **Jacqueline Armendariz**, a staff writer with *The Monitor* in McAllen, Texas, requested from U.S. Customs and Border Protection (CBP) records pertaining to complaints and comments submitted since 2010 to the CBP passenger service manager in Brownsville, Texas and at posts in Hidalgo and Cameron counties in Texas. (Case Number CBP 2013F08534.)
- On March 5, 2013, **Fiona Macleod**, a journalist with the *Mail & Guardian* in Johannesburg Gauteng, South Africa, requested from U.S. Customs and Border Protection (CBP) records pertaining to the smuggling of wildlife products from South Africa and Mozambique. (Case Number CBP 2013F08555.)
- On March 20, 2013, **Sandy Friedman**, a representative with *WJZ-TV* in Baltimore, Maryland, requested from the United States Coast Guard (USCG) a copy of the radio transmissions between the USCG and two Annapolis sailors who were rescued on March 6, 2013, in Cape Lookout, North Carolina. (Case Number USCG 2013-1701.)
- On March 20, 2013, **Frank Runyeon**, an assistant producer with *Dateline NBC* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to payments by FEMA to **(b) (6)** and his businesses in New Orleans, Louisiana under the Disaster Housing Assistance Program, section 8. (Case Number FEMA 13-368.)
- On March 20, 2013, **Spencer Hsu**, a reporter with *The Washington Post* in Washington, DC requested from the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) records of communication between specific S&T offices and employees with the following entities: (1) E.L.S. & Associates (ELS), including but not limited to its president, Elizabeth Lavach, from March 1, 2003, through the present; (2) G&H International Services (GHIS) or G&H Global Services (GHGS), including but not limited to the president, Robert Greenberg, from March 1, 2003, through the present; (3) the Memorial Institute for the Prevention of Terrorism in Oklahoma City, Oklahoma, including but not limited to its director, Donald Hamilton, pertaining to GHIS, GHGS, or Robert Greenberg, and a technology clearinghouse; (4) Eastern Kentucky University (EKU) in Richmond, Kentucky; the Rural Law Enforcement Technology Center in Hazard, Kentucky; or the Public Safety and Security Institute for Technology, in Richmond, Kentucky, including but not limited to Pam Collins, head of EKU's Public Safety Center, pertaining to GHIS, GHGS, or Robert Greenberg, and a technology clearinghouse from March 1, 2003, through the present; (5) Center for Rural Development, in Somerset, Kentucky pertaining to GHIS, GHGS, or Robert Greenberg from January 1, 2003, through the present;

and (6) the National Institute for Hometown Security and the Kentucky Critical Infrastructure Protection Program, both in Somerset, Kentucky, pertaining to GHIS, GHGS, or Robert Greenberg from January 1, 2003, through the present. (Case Number S&T 2013-STFO-00011.)

### III. FOIA Releases

- On March 21, 2013, the Transportation Security Administration (TSA) released to **Gary Martin**, a reporter with the *San Antonio Express-News* in San Antonio, Texas, a one-page document consisting of reports on checkpoints incidents occurring on April 16, 2013, and April 22, 2013, at San Antonio International Airport. Portions of the release were withheld pursuant to FOIA Exemptions 3, 6, and 7(C). (Case Number TSA 12-0502.)
- On March 22, 2013, the Department of Homeland Security (DHS) released to **Abraham Payton**, Due Diligence Manager with **American Bridge 21st Century**, three pages of records consisting of correspondence between DHS and Governor Christopher James Christie (R-NJ). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00125.)
- On March 22, 2013, the U.S. Customs and Border Protection (CBP) issued to **Keisha Slaughter**, a researcher with **The National Security Archive** in Washington, DC, a no records determination in response to her request seeking records regarding migrant rape victims' alleged lack of access to abortions while in U.S. Immigration and Customs Enforcement (ICE) detention facilities prior to the 2011 policy change outlined in Performance-Based National Detention Standards (PBNDS) 2011. (Case Number CBP 2013F08027.)
- On March 27, 2013, the Department of Homeland Security (DHS) released to **Lee Zurik**, an anchor and chief investigative reporter with *WVUE-TV (Fox 8)* in New Orleans, Louisiana, 332 pages of records consisting of the DHS Loss, Damaged or Destruction (LDD) List from fiscal years 2006 through 2012. These records were released in full. (Case Number 2013-HQFO-00452.)
- On March 27, 2013, the Department of Homeland Security (DHS) released to **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, 99 pages of records consisting of a log of correspondence to DHS from or on behalf of Senator Susan Collins (R-ME) from January 3, 1996, through the present. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number 2013-HQFO-00480.)
- On March 27, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Rebecca Engel**, an attorney with the **New York Civil Liberties Union (NYCLU)** in New York, New York, four pages of records consisting of complaint narratives pertaining to actions by U.S. Customs and Border Protection (CBP) employees operating out of the Ogdensburg, New York and Oswego, New York stations from January 1, 2004, through December 15, 2012. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number OIG 2013-031.)
- On March 27, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Angus Loten**, a reporter with *The Wall Street Journal* in New York City, New York, 1,576 pages of records consisting of I-924-A forms

and supporting documents for fiscal year 2012. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number USCIS COW2013000050.)

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

- On February 4, 2013, **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, appealed the U.S. Customs and Border Protection's (CBP) response to her request seeking records pertaining to: (1) a shooting incident that occurred on July 7, 2012, along the Rio Grande across from Brownsville, Texas, close to the Tomates-Veterans border crossing in Matamoras, Mexico that resulted in the death of a Mexican citizen; (2) 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 (3) 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. In response to the initial request, CBP withheld an undisclosed number of pages in their entirety pursuant to FOIA Exemption 7(A). The requester is challenging the application of the exemption. (Case Number CBP H239995.)

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

- NSTR

#### **VI. Litigation**

- In the matter of *Conti v. DHS* (S.D.N.Y. 12-cv-5827), plaintiff, a former U.S. Immigration and Customs Enforcement (ICE) employee, filed a FOIA request on April 12, 2011, seeking records pertaining to several investigations initiated based on complaints he made against other employees, as well as records of investigations pertaining to him. Plaintiff appealed ICE's response, and the appeal was granted, with a supplemental search ordered. Plaintiff filed suit on July 30, 2012, claiming constructive denial. On March 25, 2013, ICE released its final response to the plaintiff, consisting of 1,531 pages of investigative records and e-mails.

## 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 28 – April 3, 2013

Privacy Office

April 8, 2013

### 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 3, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library compliance inspection reports for the following detention facilities: (1) Bristol County Jail (21 pages); (2) Delaney Hall Detention Facility (19 pages); (3) East Hidalgo Detention Center (18 pages); (4) James A. Musick Facility (20 pages); (5) Johnson County Law Enforcement Center (25 pages); and (6) Karnes County Civil Detention Center (12 pages).
- On April 3, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the March 2013 FOIA log (182 pages).

## II. FOIA Requests

- On March 28, 2013, **Hudson Gill**, an attorney with the **Law Offices of Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.** in Fort Lauderdale, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) records describing the “several considerations” ICE relied upon in deciding that it would not pursue a facility in the Town of Southwest Ranches, Florida. (Case Number ICE 2013FOIA16673.)
- On March 28, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) records relied upon by ICE Director John Morton in determining that national security and public safety were not compromised by the release of 2,228 illegal immigrants due to budget concerns; and (2) records pertaining to budgetary measures that were considered in lieu of the aforementioned releases. (Case Number ICE 2013FOIA16677.)
- On March 28, 2013, **Charlie Speight**, an individual in Glen Burnie, Maryland, requested from the Department of Homeland Security (DHS), the Federal Law Enforcement Training Center (FLETC), and DHS Office of Inspector General (OIG) records of correspondence to DHS from members of either house of the United States Congress regarding acquisition of firearms and/or ammunition from November 1, 2012, through March 28, 2013. (Case Numbers 2013-HQFO-00551, FLETC 13-059, and OIG 2013-074.)
- On March 28, 2013, **Jake Sherman**, a journalist with **Politico** in Washington, DC, requested from the Transportation Security Administration (TSA) records of correspondence between TSA and members of the House of Representatives and the Senate and their staff pertaining to travel by members of Congress and their families. (Case Number TSA 13-0522.)
- On March 28, 2013, **Philip Molar**, a staff writer with the **Monterey County Herald** in Monterey, California, requested from the United States Coast Guard (USCG) the following records: (1) various records pertaining to USCG Station

Monterey including: (a) the fiscal year 2012 and 2013 budgets, along with the amount of monies cut as a result of sequestration; (b) changes made to its operation as a result of sequestration; (c) the total number of personnel assigned to the station; and (d) all records of disciplinary action at the station from January 2, 2012, through March 28, 2013; and (2) the salary of the Public Affairs Officer at the USCG Public Affairs Detachment in San Diego, California. (Case Number USCG 2013-1746.)

- On March 29, 2013, **Patrick Cassidy**, a reporter with the *Cape Cod Times* in Cape Cod, Massachusetts, requested from the United States Coast Guard (USCG) records pertaining to scheduled and surprise inspections conducted by the USCG of Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority vessels from February 28, 2013, through the present. (Case Number USCG 2013-1748.)
- On March 29, 2013, **Jason Cherkis**, a reporter with the *Huffington Post* in Washington, DC, requested from the Transportation Security Administration (TSA) records of correspondence between TSA and members of the House of Representatives and the Senate pertaining to budget cuts and/or sequestration. (Case Number TSA 13-0526.)
- On April 1, 2013, **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of: (1) Frank C. Guinta, Alderman in Manchester, New Hampshire, from January 2002, through December 2006; (2) New Hampshire State Representative Frank C. Guinta from December 2000, through December 2004; (3) Mayor Frank C. Guinta from January 2006, through January 2010; and (4) Representative Frank C. Guinta (R-NH) from January 2011, through January 2013. (Case Number 2013-HQFO-00554.)
- On April 2, 2013, **Ron Ewart**, an individual in Fall City, Washington, requested from the Department of Homeland Security (DHS) the following records pertaining to the acquisition by DHS of over one billion rounds of ammunition and at least 7,000 fully automatic AR-15 assault rifles: (1) the name and title of the person who approved the purchases; (2) the names of the federal agencies designated to receive the ammunition and assault rifles; and (3) records reflecting where the money came from to make the purchases. (Case Number 2013-HQFO-00553.)
- On April 2, 2013, **Ed Friedrich**, a journalist with the *Kitsap Sun* in Bremerton, Washington, requested from the United States Coast Guard (USCG) records of correspondence pertaining to the investigation of the ferry WALLA WALLA's damage to a drive motor while at Eagle Harbor Maintenance Facility on November 4, 2012. (Case Number USCG 2013-1771.)
- On April 2, 2013, **Robert Deasy**, Director of Liaison and Information with the **American Immigration Lawyers Association** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the Department of Homeland Security's (DHS) and/or ICE's policy on the interpretation and treatment of false claims to U.S. citizenship as a ground of inadmissibility and/or deportability under the Immigration and Nationality Act

(INA), when made by an alien under the age of 18. (Case Number ICE 2013FOIA16915.)

- On April 3, 2013, **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 pertaining to all individuals who were detained, released, or in ICE custody from March 1, 2013, through March 31, 2013. (Case Number ICE 2013FOIA16997.)
- On April 3, 2013, **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 individual removed by ICE (including returns) from March 1, 2013, through March 31, 2013. (Case Number ICE 2013FOIA16999.)
- On April 3, 2013, **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 person-by-person data on all ICE detainers issued from March 1, 2013, through March 31, 2013. (Case Number ICE 2013FOIA17001.)
- On April 3, 2013, **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 removals and returns derived from Secure Communities from March 1, 2013, through March 31, 2013. (Case Number ICE 2013FOIA17069.)
- On April 3, 2013, **Joe Ryan**, a business writer with *Newsday* requested from the Federal Emergency Management Agency (FEMA) records detailing the number of lawsuits filed against the National Flood Insurance Program (NFIP) since 2008 that were settled or dismissed. (Case Number FEMA 2013-FEFO-00589.)
- On April 3, 2013, **Kevin Rothstein**, a producer with *WFXT FOX 25* in Dedham, Massachusetts, requested from the Federal Emergency Management Agency (FEMA) records from the National Emergency Management Information System (NEMIS) database pertaining to FEMA's individual claims for Hurricane Sandy for the Individual and Household programs for Massachusetts, from October 30, 2012, through the present. (Case Number FEMA 2013-FEFO-00590.)

#### Late requests

- NSTR

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

- On March 26, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Kim Zetter**, a senior reporter with *Wired* in San Francisco, California, 46 pages of records pertaining to the Aurora Project. Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, 6, 7(C), 7(E), and 7(F). (Case Number NPPD12F019.)
- On March 28, 2013, the Department of Homeland Security (DHS) released to **Chris Cantergiani**, an investigative producer with *Scripps Howard News Service* in Washington, DC, 332 pages of records consisting of the DHS Loss, Damaged

or Destruction (LDD) List from fiscal years 2006 through 2012. These records were released in full and previously released in response to another FOIA request. (Case Number 2013-HQFO-00549.)

- On March 28, 2013, the United States Coast Guard (USCG) released to **Randy Billings**, a reporter with the *Portland Press Herald* and *Maine Sunday Telegram* in Portland, Maine, 32 pages of records consisting of a case report, photographs, charts, and forms pertaining to the vessel CITY OF PORTLAND on October 14, 2011. These records were released in full. (Case Number USCG 2013-1009.)
- On March 28, 2013, the United States Coast Guard (USCG) released to **Liz Wagner**, an investigative producer with *NBC Bay Area News* in San Jose, California, 36 pages of records consisting of inspection reports pertaining to the following cruise vessels: (1) DISNEY WONDER; (2) SEA PRINCESS; (3) CELEBRITY MILLENIUM; (4) CELEBRITY CENTURY; (5) ZUIBERDAM; (6) AURORA; and (7) STAR PRINCESS. These records were released in full. (Case Number USCG 2013-1430.)
- On March 28, 2013, the United States Coast Guard (USCG) released to **Liz Wagner**, an investigative producer with the *NBC Bay Area News* in San Jose, California, 32 pages of records consisting of inspection reports pertaining to the following cruise vessels: (1) COSTA ALLEGRA; (2) CARNIVAL TRIUMPH; and (3) CARNIVAL SPENDOR. These records were released in full. (Case Number USCG 2013-1444.)
- On March 28, 2013, the United States Coast Guard (USCG) released to **Alison Auld**, a reporter and editor with *The Canadian Press* in Toronto, Ontario, Canada, 18 pages of records consisting of a case report, photographs, and charts pertaining to the search for the vessel MISS ALLY from February 17, 2013, through the present. These records were released in full. (Case Number USCG 2013-1447.)
- On March 28, 2013, the United States Coast Guard (USCG) released to **Aaron Applegate**, a reporter with *The Virginian-Pilot* in Hampton Roads, Virginia, nine pages of records consisting of a case report pertaining to the USCG's response on October 3, 1998, to the ship HMS BOUNTY off the coast of South Carolina. These records were released in full. (Case Number USCG 2013-1655.)
- On March 28, 2013, the United States Coast Guard (USCG) released to **Sandy Friedman**, a representative with *WJZ-TV* in Baltimore, Maryland, two audio files pertaining to radio transmissions between the USCG and two Annapolis sailors who were rescued on March 6, 2013, in Cape Lookout, North Carolina. These records were released in full. (Case Number USCG 2013-1701.)
- On March 28, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Susan Ferriss**, a reporter with the *Center for Public Integrity (CIR)* in Washington DC, six pages of records consisting of charts and graphs of I-130 denials and I-601 completions. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCIS COW2012000777.)
- On March 29, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Leslie Zaitz**, a senior investigative reporter with *The Oregonian* in Portland, Oregon, 1,027 pages of records consisting of Alien file

material including applications, petitions, investigative reports and memoranda pertaining to the complete immigration file for Bhaqwan Shree Rajneesh (deceased). Portions of the release were withheld pursuant to FOIA Exemptions 3, 5, 6, 7(C), and 7(E). (Case Number USCIS NRC2012012568.)

- On March 29, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Paul Orfanedes**, an attorney with **Judicial Watch** in Washington, DC, two pages of records consisting of an e-mail concerning reports of human smuggling, kidnapping, and home invasions in the Phoenix, Arizona area in 2008 and 2009. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2013FOIA7745.)
- On April 1, 2013, the Department of Homeland Security (DHS) released to **John Connolly**, a contributing editor with **Vanity Fair** in New York, New York, 17 pages of records consisting of e-mails pertaining to Acting DHS Inspector General Charles K. Edwards. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number 2013-HQFO-00380.)
- On April 2, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Jason Leopold**, a managing editor and investigative reporter with **Truthout** in Beverly Hills, California; **Grace Wyler**, a reporter with **Business Insider** in New York, New York; **John Cook**, a reporter with **Gawker Media** in Brooklyn, New York; **Mara Verheyden-Hilliard**, a co-founder and attorney with the **Partnership for Civil Justice Fund** in Washington, DC; and **Rachel Leven**, a reporter with **The Hill** in Washington, DC, 265 pages of records consisting of correspondence pertaining to Occupy Wall Street. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Numbers NPPD 12F336, NPPD 12F339, NPPD 12F340, NPPD 12F341, and NPPD 12F350.)
- On April 2, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Colin Freeze**, a reporter with **The Globe and Mail** in Toronto, Ontario, Canada, two pages of records consisting of a cyber security incident report pertaining to a Canadian website. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(E). (Case Number NPPD13F167.)
- On April 3, 2013, the Department of Homeland Security (DHS) issued to **Paula Melton**, a managing editor with **BuildingGreen.com**, a no records determination in response to her request seeking all e-mails on the topic of DHS green building policies and regulations sent between the DHS Management Directorate and the following people and organizations from January 1, 2011, through the present: (1) U.S. Green Building Council (USGBC); (2) Green Building Initiative (GBI); (3) Strategic Advocacy Solutions; (4) (b) (6); (5) Hubbell Communications; (6) (b) (6); (7) Podesta Group; (8) BGR Group; (9) Capitol Solutions; (10) (b) (6); and (11) (b) (6). (Case Number 2013-HQFO-00484.)

#### IV. FOIA Appeals

- On March 22, 2013, **Deirdre Hykal**, an attorney with **Willkie, Farr & Gallagher, LLC** in New York, New York, appealed the lack of response by U.S. Customs and Border Protection (CBP) to a request from her client, **Danielle**

**Ivory**, a reporter with *Bloomberg News* in Washington, DC, seeking records from 2009 through the present containing the following key words or phrases: (1) Salomon Emilio Melgen; (2) Salomon Melgen; (3) Salomon E. Melgen; (4) Melgen; (5) Sal Melgen; (6) Flor Melgen; (7) 2521 Metrocentre; (8) 12096 Captains; (9) Vitreo Retinal; (10) Vitreo-Retinal; (11) SFM Investments; (12) DRM Med assist; (13) La Vox; (14) Boarder Support Services; (15) Melsan Export-Import; (16) Melgen Retina Eye Center; and (17) Melgen Eye Center. (Case Number CBP H240307.)

## V. FOIA Appeals Releases

- NSTR

## VI. Litigation

- 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), plaintiffs filed a FOIA request on February 3, 2010, seeking records pertaining to Secure Communities. On April 27, 2010, plaintiffs filed suit claiming constructive denial and that U.S. Immigration and Customs Enforcement (ICE) improperly denied their fee waiver and request for expedited processing. On February 28, 2013, ICE and plaintiffs agreed to dismiss the case with prejudice, in a stipulation filed with the Court. On March 28, 2013, ICE received plaintiffs' demand letter, which insisted that plaintiffs were entitled to an exorbitant amount of fees, but indicated that they would be willing to settle the lawsuit for approximately \$1.9 million in attorneys' fees, with additional costs for other fees. ICE and the U.S. Attorney's Office in the Southern District of New York are reviewing plaintiffs' demand letter.
- In the matter of *American Immigration Council v. DHS* (D.D.C. 12-cv-00856), plaintiff filed a FOIA request on 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 March 28, 2013, ICE filed a supplemental declaration further describing ICE's search for responsive records.
- In the matter of *Qatanani v. DHS* (D.N.J. 12-cv-00498), plaintiff filed FOIA requests with U.S. Immigration and Customs Enforcement (ICE) and the United States Citizenship and Immigration Services (USCIS), both dated January 10, 2012. ICE initially denied the request due to the existence of an ongoing investigation. Upon receipt of a referral of the same request from USCIS, ICE processed and released records. Plaintiff filed suit on August 24, 2012, challenging ICE's withholdings. On March 28, 2013, ICE filed a declaration in support of a Motion for Summary Judgment, describing ICE's search, processing of the FOIA request, and exemptions applied.
- In the matter of *ACLU of Massachusetts v. DOJ, et al* (D. Mass. 12-cv-11776), plaintiff filed a FOIA request on July 30, 2012, seeking records regarding the use of automatic license plate readers (ALPR). Plaintiff filed suit on September 25, 2012, claiming constructive denial. On March 29, 2013, U.S. Immigration and

Customs Enforcement (ICE) released its third interim response, consisting of 174 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 April 4 - 10, 2013**  
**Privacy Office**  
**April 15, 2013**  
**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 8, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the February 2013 FOIA Log (12 pages) and March 2013 FOIA Log (11 pages).
- On April 8, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the DHS National Protection and Programs Directorate (NPPD) Fiscal Year 2012 NPPD FOIA Logs (924 pages).
- On April 9, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the DHS National Protection and Programs Directorate's (NPPD) Occupy Wall Street records (516 pages).
- On April 9, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the Fiscal Year 2012 DHS Purchase Card Holders Listing (13,865 pages).

**II. FOIA Requests**

- On April 4, 2013, **Michael Evans**, a representative with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the establishment, construction, operation, oversight and evaluation of the ICE Online Detainee Locator System. (Case Number ICE 2013FOIA17216.)
- On April 5, 2013, **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 Sasha and Malia Obama and any companions during their March 2013 trip to the Atlantis resort on Paradise Island in the Bahamas. (Case Number USSS 20130529.)
- On April 5, 2013, **Scott MacFarlane**, a correspondent with **Cox TV** in Washington, DC, requested from the Transportation Security Administration (TSA) records pertaining to items seized as contraband at the following airports: (1) Atlanta Hartsfield Jackson Airport; (2) Tulsa International Airport; and (3) Jacksonville International Airport from October 1, 2012, through April 5, 2013. (Case Number TSA 13-0545.)
- On April 8, 2013, **Michael Morisy**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the United States Coast Guard (USCG) records pertaining to Qui Tam investigations from January 1, 2010, through the present. (Case Number USCG 2013-1831.)
- On April 8, 2013, **Ed Friedrich**, a journalist with **Kitsap Sun** in Bremerton, Washington, requested from the United States Coast Guard (USCG) records

pertaining to the grounding of RICH PASSAGE 1 on or about January 28, 2013, in Port Hadlock, Washington. (Case Number USCG 2013-1846.)

- On April 8, 2013, **Alicia Caldwell**, a reporter with the *Associated Press* in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to financial disclosure filings submitted by or on behalf of Julia Pierson since her appointment as chief of staff to the director of the USSS in 2008. (Case Number USSS 20130534.)
- On April 8, 2013, **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 Vice President Biden and any companions for weekend trips to Wilmington, Delaware, from January 20, 2009, through the present. (Case Number USSS 20130535.)
- On April 8, 2013, **William Selway**, a reporter with *Bloomberg News* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) updated copies of two documents posted to the ICE FOIA Library which are now out of date: (1) the Facilities List (the names and IDs of all facilities where immigrants are kept); and (2) the most recent average daily population figures for all of those facilities, including the per diem rate paid under the contracts with those facilities. (Case Number ICE 2013FOIA17502.)
- On April 9, 2013, **Nate Stewart**, a reporter with *WSOC-TV* in Charlotte, North Carolina, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) records pertaining to cyber security breaches or cyber infrastructure attacks in North Carolina from January 1, 2013, through the present. (Case Number NPPD 13F207.)
- On April 9, 2013, **Charles Cooper**, an attorney with **Cooper & Kirk, PLLC** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to the decision to close numerous contract airport control towers, including the tower located at W.K. Kellogg Airport in Battle Creek, Michigan. (Case Number 2013-HQFO-00560.)
- On April 10, 2013, **Shannon Maze**, a journalist with *Fox-6 WBRC* in Birmingham, Alabama, requested from the Transportation Security Administration (TSA) records pertaining to an incident at the Birmingham-Shuttlesworth International Airport on March 23, 2013. (Case Number TSA 13-0549.)

### Late requests

- On March 21, 2013, **Zane Farr**, a research project assistant with **Communications Workers of America** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to contracts to operate the USCIS Customer Support Center. (Case Number USCIS CNT2013000002.)
- On April 2, 2013, **Robert Deasy**, Director of Liaison and Information with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the following: (1) USCIS policy on the adjudication of applications

for advance parole (Form I-131) and the issuance of advance parole documents for individuals with pending adjustment of status applications (Form I-485); and (2) USCIS policy on the treatment and adjudication of applications for adjustment of status where the applicant entered without inspection, admission, or parole before filing for adjustment of status, and then departed and returned using an advance parole document while the adjustment of status application was pending. (Case Number USCIS COW2013000229.)

- On April 2, 2013, the Department of Homeland Security (DHS) referred to DHS, Office of Intelligence and Analysis (I&A) a request from **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, seeking records pertaining to training materials on hate groups or hate crimes, distributed or shown to DHS employees, from January 1, 2011, through the present. (Case Number I&A 13-OIA-0053.)
- On April 2, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records pertaining to a decision to allow Saudi Arabian nationals to bypass normal passport security controls under the Global Entry program. (Case Number CBP 2013F08678.)
- On April 2, 2013, the Department of Homeland Security (DHS) referred to U.S. Customs and Border Protection (CBP) a request from **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, seeking records pertaining to the development of the Border Condition Index (BCI). (Case Number CBP 2013F08682.)

### III. FOIA Releases

- On April 4, 2013, U.S. Customs and Border Protection (CBP) issued to **Nick Georgiou**, a reporter with the *Laredo Morning Times* in Laredo, Texas, a full denial in response to his request seeking records pertaining to the shooting death of a Mexican national on September 3, 2012, in a riverside park in Nuevo Laredo, Mexico. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number CBP 2013F08480.)
- On April 5, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Stephen Janis**, a journalist with *Sinclair Broadcasting WBFF* in Baltimore, Maryland, a no records determination in response to his request seeking the following records paid for by DHS 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 OIG 2013-045.)
- On April 5, 2013, the Federal Law Enforcement Training Center (FLETC) released to **Molly Mathews**, an assistant producer with *Fox News Channel* in Washington, DC, 182 pages of records consisting of FLETC purchase requisitions, inventory sheets, and a document index pertaining to weapons and ammunition purchases. Portions of the release were withheld pursuant to FOIA Exemptions 4, 6, 7(E), and 7(F). (Case Number FLETC FOIA 12-086.)
- On April 9, 2013, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **Ginger McCall**, Open Government

Project Director with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, 35 pages of records consisting of contracts and statements of work pertaining to Biometric Optical Surveillance System (BOSS) technology. Portions of the release were withheld pursuant to FOIA Exemptions 3 and 6. (Case Number S&T 13-04.)

- On April 9 2013, the Department of Homeland Security (DHS) released to **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, and **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, 19 pages of records consisting of an estimated training program budget pertaining to Vice President Biden's gun policy discussions in the wake of the Newton, Connecticut school shooting. Portions of the release were withheld pursuant to FOIA Exemptions 5, 7(A), and 7(C). (Case Numbers 2013-HQFO-00352 and 2013-HQFO-00422.)
- On April 9, 2013, the Department of Homeland Security (DHS) issued to **Matthew Kownacki**, a researcher with **Judicial Watch** in Washington, DC, a no records determination in response to his request seeking various records from January 1, 2005, through the present, between DHS and the following companies pertaining to satellite imagery and/or high-resolution aerial photography for internet mapping services: (1) Google; (2) Microsoft (Bing); (3) Yahoo; (4) Vexcel; (5) Astrium; (6) GeoEye; (7) DigitalGlobe; and (8) Orbital Sciences Corporation. (Case Number 2013-HQFO-00521.)
- On April 9, 2013, the Department of Homeland Security (DHS) issued to **Jamie Schell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, a no records determination in response to his request seeking records of correspondence, on or on behalf of Daniel B. Winslow, as a private citizen, or on behalf of or as a representative of the following organizations: (1) Massachusetts State Representative from 2010 through the present; (2) Chief Legal Counsel for Governor Mitt Romney (R-MA) from November 1, 2002, through December 31, 2004; (3) Managing Civil Justice for District Courts in Southeastern Massachusetts, Cape & Islands from 1998 through 2002; and (4) Presiding Judge for Wrentham District Court from 1995 through 2002. (Case Number 2013-HQFO-00529.)
- On April 9, 2013, the Department of Homeland Security (DHS) issued to **Vriti Jain**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, a no records determination in response to his request seeking records: (1) on or on behalf of Representative Thomas B. Cotton (R- AR); and (2) on or on behalf of Thomas B. Cotton, as a private citizen, or on behalf of or as a representative of the following organizations: (a) McKinsey & Company, from January 1, 2010, through the present; (b) Cooper & Kirk, from January 1, 2004, through January 1, 2005; and (c) Gibson Dunn & Crutcher, from January 1, 2003, through December 31, 2004. (Case Number 2013-HQFO-00534.)
- On April 10, 2013, the Department of Homeland Security (DHS) released to **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, 105 pages of records consisting of correspondence logs pertaining to the following members of Congress: (1) Senator Al Franken (D-MN); (2) Senator Mark Udall (D-CO); (3) Senator Mark

Begich (D-AK); and (4) Congressman Paul Broun (R-GA). Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number 2013-HQFO-00467.)

- On April 10, 2013, the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) released to **Matthew Sledge**, a reporter with *The Huffington Post* in New York, New York, 732 pages of records consisting of training materials for fusion center reports officers and their trainers, including Power Point presentations. These records were released in full. (Case Number CRCL 13-021.)
- On April 10, 2013, the Federal Emergency Management Agency (FEMA) released to **Chris McKenna**, a reporter with the *Times Herald-Record* in Middletown, New York, 72 pages of records consisting of a project worksheet, a revised project worksheet, a Damage Description & Scope of Work, and the Subgrant Application pertaining to Orange County Government Center (OCGC) in Goshen, New York. These records were released in full. (Case Numbers FEMA 12-646 and 2013-FEFO-00023.)
- On April 10, 2013, the United States Coast Guard (USCG) released to **Tom Vacar**, a reporter with *KTVU Channel 2 News* in Oakland, California, 12 pages of records consisting of a case report and photos pertaining to a collapse on the Bay Bridge on February 21, 2013. These records were released in full. (Case Number USCG 2013-1412.)

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

- NSTR

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

- NSTR

#### **VI. Litigation**

- NSTR

## FOIA Exemptions

**Exemption 1:** classified national defense and foreign relations 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 April 11 - 17, 2013

Privacy Office

April 22, 2013

### 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 17, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library Office of Detention Oversight Compliance Inspection reports for: (1) the Contra Costa County West Detention Facility (21 pages); and (2) the Otero County Processing Center (16 pages).
- On April 17, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the updated year-to-date Secure Communities Nationwide Interoperability Statistics for FY2013 (59 pages).

## II. FOIA Requests

- On April 11, 2013, **Ian Urbina**, a journalist with *The New York Times* in Washington, DC, requested from the Department of Homeland Security (DHS) records from March 1, 2013, through the present pertaining to the following: (1) segregation; (2) solitary; (3) isolation; (4) solitary confinement; (5) Ian Urbina; (6) *The New York Times*; and (7) Catherine Rentz. (Case Number 2013-HQFO-00568.)
- On April 11, 2013, **Patrick Terpstra**, a news producer with *Cox Media Group* in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) the proposed active shooter guidelines for firefighters and Emergency Medical Services (EMS) from the U.S. Fire Administration. (Case Number FEMA 2013-FEFO-00630.)
- On April 11, 2013, **Barbara Elias**, a research fellow with **The National Security Archive** in Washington, DC, requested from the Transportation Security Administration (TSA) seven documents that originated with the Federal Aviation Administration (FAA), and are referenced in Chapter 1, The 9/11 Commission Report, “We Have Some Planes.” (Case Number TSA13-0553.)
- On April 12, 2013, **Jeannie Nuss**, a reporter with the *Associated Press* in Little Rock, Arkansas, requested from the Department of Homeland Security (DHS) a state-by-state and urban/rural breakdown of the number of people who have applied for Deferred Action for Childhood Arrivals (DACA). (Case Number 2013-HQFO-00572.)
- On April 12, 2013, **Gretchen Paine**, an attorney with **Perkins Coie, LLP**, on behalf of **BAE Systems, Inc.** and **The O’Gara Group**, in Seattle, Washington, requested from the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) various investigative records pertaining to the incident on February 15, 2011, in which Special Agent Jaime Zapata was murdered and Special Agent (b) (6), (b) (7)(C) was shot multiple times. (Case Numbers 2013-HQFO-00579 and ICE 2013FOIA18064.)

- On April 12, 2013, **Mark Noferi**, a professor with **Brooklyn Law School** in Brooklyn, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the risk classification assessment summaries currently or formerly existing in the A-Files of ICE arrestees within the areas of responsibility of the Field Offices in: (1) Baltimore; (2) Washington; and (3) New York. (Case Number ICE 2013FOIA17861.)
- On April 12, 2013, **Ian Urbina**, a journalist with *The New York Times* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to ICE's internal response to his March 23, 2013, March 26, 2013, and March 30, 2013 articles in *The New York Times* concerning the following in ICE detention facilities: (1) segregation; (2) solitary confinement; and (3) isolation. (Case Number ICE 2013FOIA17864.)
- On April 12, 2013, **Mara Berg**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the United States Coast Guard (USCG) records pertaining to guidelines for appropriate office apparel. (Case Number USCG 2013-1917.)
- On April 12, 2013, **John Barry**, a reporter with the *Poughkeepsie Journal* in Poughkeepsie, New York, requested from the United States Coast Guard (USCG) records pertaining to the owner(s) of the barge TIM M and tugboat CAPT. ZEKE. (Case Number USCG 2013-1922.)
- On April 12, 2013, **Holbrook Mohr**, a reporter with the *Associated Press* in Jackson, Mississippi, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to I-190A forms for Gulf Coast Fund Management and Green Tech Automotive. (Case Number USCIS COW2013000263.)
- On April 15, 2013, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) referred to the Federal Bureau of Investigation (FBI) records responsive to a request from **Josh Margolin**, a reporter with the *New York Post* in New York, New York, seeking all Joint Intelligence Bulletins issued for several geographic areas, from January 1, 2011, through the present. (Case Number 13-OIA-0044.)
- On April 15, 2013, **Carl Takei**, an attorney with the **American Civil Liberties Union (ACLU)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to 24 individuals who died in ICE custody from 2010 through 2012. (Case Number ICE 2013FOIA17955.)
- On April 15, 2013, **Melissa Correa**, a reporter with *KRGV-TV* in Weslaco, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the daily cost to house an illegal alien detained at the Port Isabel, Texas Service Detention Center. (Case Number ICE 2013FOIA18108.)
- On April 16, 2013, **David Caruso**, a reporter with the *Associated Press* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to the Public Assistance Grants awarded to the New York University (NYU) Langone Medical Center for damages for Hurricane Sandy. (Case Number FEMA 2013-FEFO-00647.)
- On April 17, 2013, **John Greenwald, Jr.**, a freelance television producer with **The Black Vault** in Northridge, California, requested from the Federal

Emergency Management Agency (FEMA) the After Action and Executive Summary Reports pertaining to the Columbia Space Shuttle incident. (Case Number FEMA 2013-FEFO-00650.)

- On April 17, 2013, **Larry Klayman**, Chairman and General Counsel with **Freedom Watch, Inc.** in Ocala, Florida, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) the following records: (1) records pertaining to the purchase and storage of handguns, rifles, shotguns, and other weapons and ammunition for these weapons; and (2) records pertaining to the use of domestic drones and/or helicopters with regard to a civilian national security force. (Case Numbers 2013-HQFO-00582 and FLETC FOIA 13-070.)
- On April 17, 2013, **Vriti Jain**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of: (1) Representative William M. Cassidy (R-LA) since January, 2009; (2) Louisiana State Senator William M. Cassidy (R-LA) from December 20, 2006, through January 2009; and (3) William M. Cassidy, as a private citizen, or on behalf of or as a representative of the following organizations: (a) Greater Baton Rouge Community Clinic, from January 1, 1998, through the present; (b) Louisiana State University, from January 1, 1983, through the present; and (c) Earl K. Long Medical Center, from January 1, 1983, through the present. (Case Number 2013-HQFO-00583.)

#### Late requests

- On February 1, 2013, **Michael McLaughlin**, a reporter with the *Huffington Post* in New York, New York, requested from the U.S. Customs and Border Protection (CBP) records pertaining to the annual amounts of money budgeted for extra vacation time, bonus pay, and gift cards given to U.S. Border Patrol agents, broken down by sector, from 2003 through 2011. (Case Number CBP 2013F13162.)
- On April 4, 2013, **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of: (1) Representative John E. Sununu (R-NH) from January 1997, through January 2003; (2) Senator John E. Sununu (R-NH) from January 2003, through January 2009; and (3) John E. Sununu from 2009, through the present regarding the following entities: (a) Akin Gump Strauss Hauer & Feld LLP; (b) The Boston Scientific Corporation; (c) BNY ConvergEx Group, LLC; (d) Pricewaterhouse Coopers; (e) Pittiglio Rabin Todd & McGrath (PRTM); and (f) Time Warner Cable Inc. (Case Number 2013-HQFO-00569.)
- On April 8, 2013, **Sarah Crichton**, a reporter with *Newsday* in Islip, New York, requested from the Federal Emergency Management Agency (FEMA) Project Worksheets and disbursements pertaining to debris removal operations in the State of New York. (Case Number FEMA 2013-FEFO-00614.)
- On April 9, 2013, **Janet Babin**, a reporter with *WNYC, New Jersey Public Radio* in New York, New York, requested from the Federal Emergency Management

Agency (FEMA) records pertaining to FEMA's Risk Reduction and Individual Assistance Grants disbursements for properties in Ortley Beach, New Jersey from October 30, 2012, through the present. (Case Number FEMA 2013-FEFO-00615.)

- On April 9, 2013, **Edward Beeson**, a reporter with the *Star-Ledger* in Newark, New Jersey, requested from the Federal Emergency Management Agency (FEMA) records pertaining to the National Flood Insurance Program and compensation for Hurricane Sandy. (Case Number FEMA 2013-FEFO-00619.)
- On April 9, 2013, **Scott Dolan**, a reporter with the *Portland Press Herald* in Portland, Maine, requested from the United States Coast Guard (USCG) records pertaining to an incident involving the CALYPSO N on or about October 6, 2008, at the Merrill Marine Terminal in Portland, Maine. (Case Number USCG 2013-1885.)
- On April 10, 2013, **Jacqueline Stevens**, Director, Deportation Research Clinic and a professor with **Northwestern University** in Evanston, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) various records pertaining to the new automated risk classification assessment instrument. (Case Number ICE 2013FOIA17862.)

### III. FOIA Releases

- On April 3, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Erin Siegal**, a reporter with **The Schuster Institute for Investigative Journalism** in Waltham, Massachusetts, one spreadsheet consisting of information concerning individuals removed from the United States after being convicted of an aggravated felony. These records were released in full. (Case Number ICE 2013FOIA04250.)
- On April 11, 2013, the Department of Homeland Security (DHS) released to **Allie Shah**, a reporter with the *Star Tribune* in Minneapolis, Minnesota, a one-page table containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA) for the State of Minnesota. These records were released in full. (Case Number 2013-HQFO-00542.)
- On April 11, 2013, the Department of Homeland Security (DHS) released to **Christine Brenner**, an associate professor and chair with the **University of Massachusetts Boston** in Boston, Massachusetts, a one-page table containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA) for the State of Massachusetts. These records were released in full. (Case Number 2013-HQFO-00468.)
- On April 11, 2013, Department of Homeland Security (DHS) released to **David North**, a fellow with the **Center for Immigration Studies** in Arlington, Virginia, a one-page table containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Number 2013-HQFO-00470.)
- On April 11, 2013, the Department of Homeland Security (DHS) released to **Kaomi Goetz**, a reporter with *WSHU Public Radio* in Fairfield, Connecticut, a one-page table containing statistical information pertaining to Deferred Action for

Childhood Arrivals (DACA) for the State of Connecticut. These records were released in full. (Case Number 2013-HQFO-00471.)

- On April 11, 2013, the Department of Homeland Security (DHS) released to **Megan Wilson**, a reporter with *The Hill* in Washington, DC, 27 pages of records consisting of a log of correspondence from members of Congress to DHS from February 1, 2013, through March 31, 2013. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00495.)
- On April 11, 2013, the Department of Homeland Security (DHS) released to **Lynae Gruber**, an individual in Des Moines, Iowa, 21 pages of records consisting of a log of correspondence between DHS and the following members of Congress: (1) Representative Mike Honda (D-CA); (2) Representative Anna Eshoo (D-CA); and (3) Representative Zoe Lofgren (D-CA) from January 1, 2009, through March 31, 2013. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00520.)
- On April 11, 2013, the Department of Homeland Security (DHS) released to **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, nine pages of records consisting of a log of correspondence for Senator Tom Udall (D-NM) and Representative Tom Udall (D-NM) to DHS from January 1, 2004, through March 31, 2013. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00535.)
- On April 11, 2013, the Department of Homeland Security (DHS) released to **Andrew Medici**, a journalist with the *Federal Times* in Springfield, Virginia, 33 pages of records consisting of DHS' 2011 Human Capital Management Report. These records were released in full. (Case Number 2013-HQFO-00198.)
- On April 11, 2013, the Federal Emergency Management Agency (FEMA) released to **Andrew Medici**, a journalist with the *Federal Times* in Springfield, Virginia, 12 spreadsheets of records consisting of FEMA Region III employees' travel logs to offsite meetings for fiscal years 2005 through 2012. These records were released in full. (Case Number FEMA 2013-FEFO-00182.)
- On April 12, 2013, U.S. Customs and Border Protection (CBP) issued to **Robert Ortega**, a reporter with the *Arizona Republic* in Phoenix, Arizona, a no records determination in response to his request seeking records pertaining to "friendly fire" incidents involving U.S. Border Patrol agents in the past 10 years; and a full denial in response to his request for various records pertaining to the incident involving Border Patrol agent Nicholas Ivie. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number CBP 2013F01375.)
- On April 12, 2013, U.S. Customs and Border Protection (CBP) released to **Emanuel Martinez**, a publisher with the *Newspaper Tree* in El Paso, Texas, 89 pages of records consisting of the Use of Force Policy Handbook (2010). Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP 2013F08392.)
- On April 12, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Joel Millman**, a reporter with *The Wall Street Journal* in Portland, Oregon, five pages of records consisting of tables and statistics pertaining to affirmative and defensive asylum applications filed for fiscal years

2002 through 2011. These records were released in full. (Case Number USCIS COW2013000178.)

- On April 15, 2013, Department of Homeland Security (DHS) released to **Jeremy Redmon**, a reporter with the *Atlanta Journal-Constitution* in Woodstock, Georgia; **Rachel Estabrook**, a journalist with *Peninsula Press* in Stanford, California; **Jonathan Street**, an intern reporter with *Cybercast News Service (CNS) News* in Alexandria, Virginia; and **Matt O'Brien**, a reporter with the *San Jose Mercury News/Bay Area News Group* in Hayward, California, seven pages of records containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Numbers 2013-HQFO-00429, 2013-HQFO-00469, 2013-HQFO-00476, and 2013-HQFO-00302.)
- On April 15, 2013, the Department of Homeland Security (DHS) released to **Joey Garrison**, a reporter with *The Tennessean* in Nashville, Tennessee, four pages of records containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA) for the cities in Tennessee. These records were released in full. (Case Number 2013-HQFO-00431.)
- On April 15, 2013, the Department of Homeland Security (DHS) released to **George Bruno**, an attorney with **LawServe** in Manchester, New Hampshire, a one-page table containing the total number of Deferred Action for Childhood Arrivals (DACA) applications filed in the United States, as well as the total number of DACA applications filed in the State of New Hampshire. These records were released in full. (Case Number 2013-HQFO-00497.)
- On April 17, 2013, the Department of Homeland Security (DHS) released to **Megan Wilson**, a reporter with *The Hill* in Washington, DC, 59 pages of records consisting of a log of correspondence from members of Congress to DHS from January 1, 2013, through February 28, 2013. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00408.)
- On April 17, 2013, the Department of Homeland Security (DHS) released to **David Perera**, an editor with *FierceGovernmentIT* in Washington, DC, 59 pages of records consisting of powerpoint presentations to congressional committees pertaining to the status of OneNet implementation and migration to the Networx contract. These records were released in full. (Case Number 2013-HQFO-00099.)
- On April 17, 2013, the Department of Homeland Security (DHS) released to **Jose Angel Gutierrez**, a professor of political science with the **University of Texas at Arlington (UTA-POLS)** in Arlington, Texas, four pages of records containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Number 2013-HQFO-00430.)
- On April 17, 2013, the Department of Homeland Security (DHS) released to **Joshua Israel**, a senior investigative reporter with **ThinkProgress Center for American Progress Action Fund** in Washington, DC, 1,004 pages of records consisting of Congressional correspondence logs from January 1, 2011, through August 31, 2012. Portions of the release were withheld pursuant to FOIA Exemption 6. These records were previously released in response to other FOIA requests. (Case Number 2013-HQFO-00416.)

- On April 17, 2013, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **David Perera**, an editor with *FierceHomeland Security* in Washington, DC, 85 pages of records consisting of correspondence, memoranda, e-mails, and site images pertaining to the National Bio Agro Defense Facility (NBAF). Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number S&T 12-030.)
- On April 17, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Spencer Hsu**, a staff writer with *The Washington Post* in Washington, DC, 100 pages of records consisting of the following three audit reports: (1) “Kentucky's Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded Fiscal Years 2008-2010 (OIG-13-41);” (2) “Design and Implementation of the Federal Emergency Management Agency's Emergency Management Performance Grant (OIG-11-78);” and (3) “An Audit of Distributing and Spending ‘First Responder’ Grant Funds (OIG-14-15).” These records were released in full. (Case Number OIG 2013-058.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- On April 16, 2013, U.S. Customs and Border Protection (CBP) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, 38 pages of records consisting of a corruption-related tracking chart and screenshots of the “Trust Betrayed” webpage pertaining to criminal misconduct by CBP employees. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H235830.)

#### VI. Litigation

- In the matter of *National Immigrant Justice Center v. DHS* (N.D. Ill. 12-cv-05358), plaintiff filed a FOIA request on April 27, 2011, seeking copies of all Intergovernmental Service Agreements (IGSA) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On April 12, 2013, ICE released its eleventh interim response, consisting of 279 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 April 18 - 24, 2013

Privacy Office

April 29, 2013

### 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 24, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the FY 06 to FY12 DHS Loss, Damaged or Destruction (LDD) List (332 pages).

## II. FOIA Requests

- On April 18, 2013, **Mark Greenblatt**, a correspondent with *Scripps Howard News Service* in Washington, DC, requested from the Transportation Security Administration (TSA) various records pertaining to canine teams contained in TSA's Canine Website System from 2010 through the present. (Case Number TSA 13-0571.)
- On April 18, 2013, **Sean Cockerham**, a correspondent with the *McClatchy Newspapers* in Washington, DC, requested from the United States Coast Guard (USCG) records pertaining to inspections of the NOBLE DISCOVERER from January 2012, thorough October 2012. (Case Number USCG 2013-1959.)
- On April 18, 2013, **Kaitlyn Keisel-Stagnone**, a director with the **Polaris Project** in Newark, New Jersey, requested from U.S. Immigration and Customs Enforcement (ICE) data on human trafficking throughout the State of New Jersey. (Case Number ICE 2013FOIA18353.)
- On April 18, 2013, **Grace Meng**, a researcher with **Human Rights Watch** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) statistical information on all non-citizens referred to ICE for federal criminal prosecution for immigration offenses from fiscal year 2004 through the present. (Case Number ICE 2013FOIA18327.)
- On April 18, 2013, **Robert Muise**, a co-founder and senior counsel with the **American Freedom Law Center** in Chandler, Arizona, requested from the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) the following records: (1) records pertaining to a DHS report titled "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment;" and (2) records pertaining to the Southern Poverty Law Center in an advisory role to I&A. (Case Number I&A 13-OIA-0057.)
- On April 18, 2013, **Malia Litman**, an individual in Dallas, Texas, requested from the United States Secret Service (USSS) various records pertaining to: (1) David Chaney's resignation; (2) Mark Sullivan's retirement; (3) any attempt to, and/or actual meeting of, any man and Todd Palin, when discussion occurred regarding the use of, or availability of prostitutes; and (4) any use of prostitutes, as a result of any involvement of Todd Palin with such prostitute and/or such customer. (Case Numbers USSS 20130560-20130568.)

- On April 19, 2013, **Linda Lye**, a staff attorney with the **American Civil Liberties Union (ACLU) of Northern California** in San Francisco, California, requested from the Department of Homeland Security (DHS) National Protection and Programs Directorate (NPPD), Office of Intelligence and Analysis (I&A), Federal Law Enforcement Training Center (FLETC), and the United States Secret Service records pertaining to DHS' use of mobile tracking technology commonly known as a StingRay but more generically known as an IMSI Catcher, in reference to the International Mobile Subscriber Identity number unique to each mobile device. (Case Numbers NPPD13F399, I&A 13-OIA-0058, FLETC FOIA 13-071, and USSS 20130569-20130572.)
- On April 19, 2013, **Jeremy Redmon**, a reporter with the **Atlanta Journal-Constitution** in Woodstock, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to ICE detainees who were placed in administrative segregation, both nationwide and at specific detention facilities in the State of Georgia. (Case Number ICE 2013FOIA18446.)
- On April 19, 2013, **Jenny-Brooke Condon**, an associate professor with the **Seton Hall University School of Law** in Newark, New Jersey, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of each individual Immigration Alien Query (IAQ) from Essex County law enforcement officers and the ICE Law Enforcement Support Center's (LESC) response to each IAQ. (Case Number ICE 2013FOIA18450.)
- On April 22, 2013, **Steven Miller**, a reporter with the **New York Post** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) all records pertaining to the decision to cancel contract Original Buy #309420\_04 Detainee Meals for Tucson Enforcement Removal Operations; and (2) records pertaining to the awarding of the contract to Arcos Delairvngton d/b/a McDonalds. (Case Number ICE 2013FOIA18519.)
- On April 22, 2013, **Maria Sacchetti**, a reporter with **The Boston Globe** in Boston, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to Tamerlan Tsarnaev, the man killed in the shootout with police in Massachusetts following the Boston Marathon bombing on April 15, 2013. (Case Number ICE 2013FOIA18521.)
- On April 22, 2013, **Katy Steinmetz**, a reporter with **Time Magazine** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to Dzakhar Tsarnaev, the suspect in the Boston Marathon bombing. (Case Number 2013-HQFO-00602.)
- On April 22, 2013, **Courtney Mabeus**, a staff writer with **The Frederick News-Post** in Frederick Maryland requested from the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) the following records: (1) a copy of photos documenting ricin letters received by the National Biodefense Analysis and Countermeasures Center (NBACC); (2) records pertaining to correspondence between DHS, the White House, and the NBACC; (3) records pertaining to documentation of delivery of packages that confirm the arrival of ricin letters at the NBACC; and (4) records pertaining to the analysis of the suspected ricin letters. (Case Number S&T 2013-STFO-00015.)

- On April 22, 2013, **Ashley Carswell**, a newsroom desk assistant with **WWL-TV** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) search and rescue records pertaining to an incident that occurred on April 19, 2013, in Grand Isle, Louisiana. (Case Number USCG 2013-1975.)
- On April 23, 2013, **Betty Ming Liu**, a reporter with **NewYork.Newsday.com** in Westchester, New York, requested from the United States Coast Guard (USCG) records pertaining to the USCG Bridge Permit for the Tappan Zee Bridge. (Case Number USCG 2013-2001.)
- On April 23, 2013, **David Borer**, General Counsel with the **American Federation of Government Employees (AFGE)** in Washington, DC, requested from the Transportation Security Administration (TSA) records pertaining to meetings and/or communications between agents or representatives of TSA and agents or representatives of: (1) the American Knife and Tool Institute; (2) Columbia River Knife and Tool; (3) Buck Knives; (4) Victorinox Swiss Army; (5) Leatherman Tools; (6) Gerber Gear; and (7) Congressman Matt Salmon (R-AZ). (Case Number TSA 13-0582.)
- On April 23, 2013, **Joshua Israel**, an investigative reporter with **ThinkProgress Center for American Progress Action Fund** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of specific letters sent by members of Congress to DHS as listed in Congressional logs received in Case Number 2013-HQFO-00416. (Case Number 2013-HQFO-00588.)
- On April 23, 2013, **Jason Leopold**, an investigative reporter with **Truthout** in Beverly Hills, California, requested from the Department of Homeland Security (DHS) a copy of each written response or letter from DHS and all of its sub agencies to a Congressional Committee from January 1, 2002, through the present. (Case Number 2013-HQFO-00589.)
- On April 23, 2013, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of each written response or letter from DHS to a Congressional Committee from January 1, 2012, through the present. (Case Number 2013-HQFO-00590.)
- On April 23, 2013, **Lindsey Miller**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of Phil Gingrey, as a private citizen, or as a member of the: (1) United States House of Representatives (R-GA) from 2003 through the present; (2) Georgia State Senate (R-GA) from 1999 through 2003; and (3) Marietta City School Board President from 1993 through 1997. (Case Number 2013-HQFO-00591.)
- On April 23, 2013, **Lindsey Miller**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of Jack Kingston, as a private citizen, or as a member of the: (1) United States House of Representatives (R-GA) from 1993 through the present; and (2) Georgia State House of Representatives (R-GA) from 1985 through 1993. (Case Number 2013-HQFO-00594.)

- On April 23, 2013, **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of Congressman Steve King (R-IA) from January 3, 2003, through April 11, 2013; and (2) Iowa State Senator Steve King (R-IA) from January 3, 1997, through January 3, 2003 (Case Number 2013-HQFO-00596); and from U.S. Immigration and Customs Enforcement (ICE) records of correspondence to ICE on or behalf of Congressman Steve King (R-IA) from June 1, 2011, through April 11, 2013. (Case Number ICE 2013FOIA18523.)
- On April 23, 2013, **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, requested from the Department of Homeland Security (DHS), statistical data pertaining to the applicants of the Deferred Action for Childhood Arrivals (DACA) program since it was approved in 2012. (Case Number 2013-HQFO-00600.)
- On April 23, 2013, **Amy Isackson**, a reporter with *National Public Radio (NPR)* in Cardiff, California, requested from U.S. Immigration and Customs Enforcement (ICE) records detailing the number of people repatriated through each Southwest border port of entry from fiscal year 2003 through the present. (Case Number ICE 2013FOIA18570.)
- On April 23, 2013, **Amy Isackson**, a reporter with *National Public Radio (NPR)* in Cardiff, California, requested from U.S. Immigration and Customs Enforcement (ICE) records detailing the number of convicted criminals and immigration fugitives repatriated to Mexico from fiscal year 2003 through the present. (Case Number ICE 2013FOIA18574.)
- On April 23, 2013, **Sirine Shebaya**, an attorney with the **American Civil Liberties Union (ACLU) of Maryland** in Baltimore, Maryland, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to immigration detainers issued by ICE to law enforcement agencies or correctional facilities located in the State of Maryland. (Case Number ICE 2013FOIA18591.)
- On April 23, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) records pertaining to the number of illegal aliens released from custody since the implementation of the Deferred Action for Childhood Arrivals (DACA) program; and (2) records pertaining to the inclusion of Border Patrol cases in ICE's annual removal statistics. (Case Number ICE 2013FOIA18600.)
- On April 23, 2013, **Todd Cummins**, a reporter with *WLIO-TV* in Wapakoneta, Ohio, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) records describing what universities have to do to monitor the students in the Student and Exchange Visitor Information System; and (2) records pertaining to whether the University of Findlay reported that a named student failed to show up at the university in 2012. (Case Number ICE 2013FOIA18613.)

### Late requests

- On April 8, 2013, **Kenric Ward**, Chief, Virginia Bureau with **Watchdog.org** in Alexandria, Virginia, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to Gulf Coast Funds Management and the Virginia Center for Foreign Investment and Job Creation. (Case Number USCIS COW2013000275.)
- On April 8, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records pertaining to the number of illegal crossings in the Tucson, Arizona sector, as well as the Southern Arizona border as a whole, from January 1, 2012, through the present. (Case Number CBP 2013F13490.)
- On April 9, 2013, **Rikki Mitchell**, a journalist with **KGUN9** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the name of a woman detained by Border Patrol agents who was caught jumping the fence separating the United States and Mexico in Nogales, Arizona on March 27, 2013. (Case Number CBP 2013F13019.)
- On April 15, 2013, **Kenric Ward**, Chief, Virginia Bureau with **Watchdog.org** in Alexandria Virginia, requested from the United States Citizenship and Immigration Services (USCIS) the following records: (1) records of correspondence pertaining to Green Tech Automotive (GTA) and/or Gulf Coast Funds Management (GCFM) between the Department of Homeland Security (DHS) and the following: (a) Senator Mark Warner (D-VA); (b) GTA Chairman Terry McAuliffe; and (c) the California Service Center and Service Center Operations; (2) records pertaining to I-526 applicants through GCFM; and (3) records pertaining to GCFM investors. (Case Number USCIS COW2013000270.)
- On April 17, 2013, **Adam Butschek**, a deputy director with **Cause of Action** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to GreenTech Automotive and Gulf Coast Funds Management. (Case Number USCIS COW2013000282)
- On April 17, 2013, **Robert McCarrson**, a publisher with **La Voz Independiente** in Asheville, North Carolina, requested from the Department of Homeland Security (DHS) the number of Deferred Action for Childhood Arrivals (DACA) approvals and rejections by county of residence in North Carolina and South Carolina. (Case Number 2013-HQFO-00585.)

### **III. FOIA Releases**

- On April 19, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Tan**, an attorney with the **American Civil Liberties Union (ACLU)** in San Francisco, California, 496 pages of records consisting of e-mails, slides, memoranda, and six spreadsheets pertaining to ICE's examination of detained individuals' claims to United States citizenship. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number ICE 2012FOIA13686.)
- On April 19, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Carl Takei**, an attorney with the **American Civil Liberties Union (ACLU)** in

Washington, DC, 154 pages of records pertaining to ICE's investigation of the death of Irene Bamenga on July 27, 2011. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2013FOIA17955.)

- On April 22, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Holbrook Mohr**, a reporter with the *Associated Press* in Jackson, Mississippi, 23 pages of records consisting of I-924A forms for Gulf Coast Funds Management for 2011 and 2012. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number USCIS COW2013000263.)
- On April 22, 2013, U.S. Customs and Border Protection (CBP) issued to **Zachary Rausnitz**, an editor with *FierceHomeland Security* in Washington, DC, a full denial in response to his request seeking a copy of the Joint Work Plan that CBP signed with Mexico's Tax Administration Service on January 17, 2013. These records were withheld pursuant to FOIA Exemption 5. (Case Number CBP 2013F08514.)
- On April 22, 2013, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) released to **Matthew Sledge**, a reporter with the *Huffington Post* in New York, New York, 53 pages of records consisting of e-mails and training material pertaining to training for fusion center reports officers or analysts. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number I&A 13-OIA-0040.)
- On April 23, 2013, the Department of Homeland Security (DHS) released to **Megan Wilson**, a reporter with *The Hill* in Washington, DC, 99 pages of records consisting of a Congressional log of correspondence to DHS from October 1, 2012, through December 30, 2012. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00174.)
- On April 23, 2013, the Department of Homeland Security (DHS) released to **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, five pages of records consisting of e-mails pertaining to the Super Bowl XLVII power outage. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00409.)
- On April 23, 2013, the Department of Homeland Security (DHS) released to **Katie Draphco**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, four pages of records consisting of a log of correspondence to DHS from Representative Frank C. Guinta (R-NH). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00554.)
- On April 24, 2013, the Department of Homeland Security (DHS) released to **Jeannie Nuss**, a reporter with the *Associated Press* in Little Rock, Arkansas, two pages of records containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Number 2013-HQFO-00572.)
- On April 24, 2013, the Department of Homeland Security (DHS) issued to **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, a no records determination in response to her request seeking records of communication between DHS and: (1) Salomon Melgen and/or Vitreo Retinal

- Consultants; and (2) Senator Robert Menendez (D-NJ) regarding Salomon Melgen and/or Vitreo Retinal Consultants. (Case Number 2013-HQFO-00546.)
- On April 24, 2013, the Department of Homeland Security (DHS) issued to **Fred Lucas**, a reporter with *Cybercast News Service (CNS) News* in Alexandria, Virginia, a no records determination in response to his request seeking records pertaining to Onyango Obama from January 1, 2004, through the present. (Case Number 2013-HQFO-00454.)
  - On April 24, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Alicia Caldwell**, a reporter with the *Associated Press* in Washington, DC; **Justin McCarthy**, a researcher with **Judicial Watch** in Washington, DC; and **Fred Lucas**, a reporter with *Cybercast News Service (CNS) News* in Alexandria, Virginia, 334 pages of records consisting of e-mails pertaining to the apprehension of **(b) (6)** on December 6, 2012. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Numbers ICE 2013FOIA06632, ICE 2013FOIA10567, and ICE 2013FOIA10900.)
  - On April 24, 2013, the United States Coast Guard released to **Jennifer Scholtes**, a reporter with *Congressional Quarterly* in Washington, DC, 33 pages of records consisting of a case report pertaining to the USCGC STRATTON. These records were released in full. (Case Number USCG 2013-1136.)

#### IV. FOIA Appeals

- On April 18, 2013, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, appealed the U.S. Customs and Border Protection's (CBP) response to his request for all records pertaining to U.S. Border Patrol agents killed on duty from 1924 through the present. The requester is contesting the determination that the request failed to reasonably describe the records. (Case Number CBP H241007.)

#### V. FOIA Appeals Releases

- On April 19, 2013, U.S. Customs and Border Protection (CBP) released to **Matt Schroeder**, Director, Arms Sales Monitoring Project with the **Federation of American Scientists** in Washington, DC, 207 pages of records consisting of an electronic spreadsheet containing data on outbound seizures of firearms and other weapons and military equipment. These records were released in full. (Case Number CBP H238795.)

#### 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 April 25 – May 1, 2013**  
**Privacy Office**  
**May 6, 2013**  
**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, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the following records pertaining to the Student and Exchange Visitor Program (SEVP): (1) F-1 Visa Students in Secondary Education (seven pages); (2) SEVP-Certified Schools in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia (32 pages); and (3) Schools Registered to Host F-1 and M-1 Visa Students (one page).

**II. FOIA Requests**

- On April 25, 2013, **Ross Levitt**, a representative with *CNN* in New York, New York, requested from the Department of Homeland Security (DHS) records pertaining to immigration and asylum for Anzor Tsarnaev, Tamerlan Tsarnaev, and Dzhokhar Tsarnaev. (Case Number 2013-HQFO-00611.)
- On April 25, 2013, **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, and **Kimberly Mehlman-Orozco**, an individual in Dumfries, Virginia, requested from the Department of Homeland Security (DHS) records pertaining to Tamerlan Tsarnaev. (Case Numbers 2013-HQFO-00615 and 2013-HQFO-00612.)
- On April 26, 2013, **Rebecca Engel**, an attorney with the **New York Civil Liberties Union (NYCLU)** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the use of segregation units on immigration detainees housed under ICE authority in the State of New York. (Case Number ICE 2013FOIA18855.)
- On April 26, 2013, **Jim McElhatton**, an investigative reporter with the *Federal Times* in Alexandria, Virginia, requested from the Federal Law Enforcement Training Center (FLETC) a copy of FLETC's sequestration plan. (Case Number FLETC FOIA 13-074.)
- On April 29, 2013, **Yesenia Robles**, a journalist with the *Denver Post* in Denver, Colorado, requested from the Department of Homeland Security (DHS) data pertaining to applications for Deferred Action for Childhood Arrivals (DACA) submitted by applicants residing in the State of Colorado. (Case Number 2013-HQFO-00614.)
- On April 29, 2013, **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS), Office of Inspector General (OIG) records from October 1, 2009, through the present pertaining to ICE's current and growing FOIA backlog, and plans to remedy the situation. (Case Numbers ICE 2013FOIA19119 and OIG-2013-086.)

- On April 30, 2013, **David Perera**, an editor with *FierceHomeland Security* in Washington, DC requested from the Federal Emergency Management Agency (FEMA) the following records pertaining to FEMA's Reservist and Disaster Assistance Employee programs: (1) force structure; (2) the qualification system; (3) training; (4) recruiting and hiring; (5) deployment time limits; and (6) salaries. (Case Number FEMA 2013-FEFO-00696.)
- On April 30, 2013, **Ashley Gross**, a reporter with *KPLU* in Tacoma, Washington, requested from the United States Coast Guard (USCG) records pertaining to the sinking of LADY CECELIA on March 10, 2012. (Case Number USCG 2013-2054.)
- On April 30, 2013, **Jennifer McDermott**, a staff writer with *The Day* in New London, Connecticut, requested from the United States Coast Guard (USCG) records pertaining to an investigation concerning a lieutenant commander. (Case Number USCG 2013-2056.)
- On May 1, 2013, **William Wilson**, President with **Americans for Limited Government** in Fairfax, Virginia, requested from the United States Secret Service (USSS) records pertaining to visits made to the White House by any member of the American Association for Justice (AAJ) from January 1, 2013, through the present. (Case Number USSS 20130603.)

#### Late requests

- On April 22, 2013, **Paul Nussbaum**, a staff writer with *The Philadelphia Inquirer* in Philadelphia, Pennsylvania, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the I-924 form for the Delaware Valley Regional Center. (Case Number USCIS COW2013000300.)
- On April 22, 2013, **Margaret Brennan**, a correspondent with *CBS News* in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to court proceedings for the asylum requests made by Dzhokhar Tsarnaev and Tamerlan Tsarnaev following their arrival in the United States. (Case Number 2013-HQFO-00607.)
- On April 23, 2013, **Victor Ramos**, a staff writer with *Newsday* in Melville, New York, requested from the Department of Homeland Security (DHS) the following records pertaining to Dzhokhar Tsarnaev and Tamerlan Tsarnaev: (1) a copy of their asylum and naturalization applications; and (2) records pertaining to decisions reached in those cases. (Case Number 2013-HQFO-00608.)
- On April 23, 2013, **David Perera**, an editor with *FierceGovernmentIT* in Washington, DC, requested from the Department of Homeland Security (DHS) records on or after October 1, 2012, through the present, generated by or reviewed by the Office of the Chief Information Officer (CIO), the Office of the Secretary, the Office of the Deputy Secretary, the Office of the Chief of Staff, or the Office of the Under Secretary of Management, regarding the following: (1) the role of the DHS CIO; (2) the authority of the DHS CIO over component CIOs; and (3) the authority of the DHS CIO in centralized information technology purchasing. (Case Number 2013-HQFO-00618.)
- On April 23, 2013, **Fredrick Kunkle**, a staff writer with *The Washington Post* in Washington DC, requested from the United States Citizenship and Immigration

Services (USCIS) records pertaining to its Immigrant Investor Program, otherwise known as its EB-5 program, for the following entities: (1) GreenTech Automotive; (2) Gulf Coast Funds Management; and (3) Dongguan MyCar Electric Vehicle Technology Limited. (Case Number USCIS COW2013000309.)

- On April 24, 2013, **Christopher Johnson**, an individual with the **Reynolds School of Journalism** in Minden, Nevada, requested from the Department of Homeland Security (DHS) the following information pertaining to the applicants for Deferred Action for Childhood Arrivals (DACA): (1) the total number of requests; (2) the state from which the request is made; (3) the number of requests denied; (4) the status of accepted requests; (5) employment status of applicants; (6) educational status of applicants; and (7) current residency status of applicants. (Case Number 2013-HQFO-00609.)

### III. FOIA Releases

- On April 25, 2013, U.S. Customs and Border Protection (CBP) issued to **Jack Gillum**, a reporter with the *Associated Press* in Washington, DC, a full denial in response to his request seeking records under the Advanced Passenger Information System (APIS) pertaining to Senator Robert Menendez (D-NJ) and for departure manifests for aircraft tail number N900GL or decal number 0515565 from July 1, 2009, through the present. These records were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number CBP 2013F0837.)
- On April 25, 2013, the Department of Homeland Security (DHS) released to **Joshua Israel**, an investigative reporter with **ThinkProgress Center for American Progress Action Fund** in Washington, DC, 194 pages of records consisting of Congressional correspondence logs from September 1, 2012, through February 28, 2013. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00416.)
- On April 25, 2013, the Department of Homeland Security (DHS) released to **Alicia Caldwell**, a reporter with the *Associated Press* in Washington, DC, 11 pages of records consisting of e-mails pertaining to the apprehension of **(b) (6)** on December 6, 2012. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Numbers 2013-HQFO-00321 and ICE 2013FOIA06632.)
- On April 26, 2013, the United States Coast Guard (USCG) released to **Scott Dolan**, a reporter with the *Portland Press Herald* in Portland, Maine, 28 pages of records consisting of a case report, form 2692s, and notes pertaining to an incident involving the CALYPSO N on or about October 6, 2008, at the Merrill Marine Terminal in Portland, Maine. These records were released in full. (Case Number USCG 2013-1885.)
- On April 29, 2013, the United States Coast Guard (USCG) released to **Patrick Cassidy**, a reporter with the *Cape Code Times* in Hyannis, Massachusetts, 356 pages of records consisting of photos, letters, inspection reports, and certificates of inspections for Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority vessels. These records were released in full. (Case Number USCG 2013-1748.)

- On April 30, 2013, the Federal Law Enforcement Training Center (FLETC) issued to **Linda Lye**, a staff attorney with the **American Civil Liberties Union (ACLU) of Northern California** in San Francisco, California, a no records determination in response to her request seeking records pertaining to DHS' use of mobile tracking technology commonly known as a StingRay, but more generically known as an IMSI Catcher, in reference to the International Mobile Subscriber Identity number unique to each mobile device. (Case Number FLETC FOIA 13-071.)
- On May 1, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, 114 pages of records consisting of e-mails and an immigration detainer pertaining to the arrest of Aisling McCarthy Brady, on January 21, 2013. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number ICE 2013FOIA14269.)
- On May 1, 2013, U.S. Customs and Border Protection (CBP) released to **Chris Cantergiani**, an investigative producer with the *Scripps Howard News Service* in Washington, DC, 94 pages of records consisting of a list of missing and/or stolen items within CBP from 2010 through 2012. Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number CBP 2013F05753).
- On May 1, 2013, the Federal Emergency Management Agency (FEMA) released to **Craig Cheatham**, an investigative reporter with *KMOV-TV* in St Louis, Missouri, 51 pages of records consisting of letters, memoranda, and talking points pertaining to grants and major disaster declarations for the State of Mississippi. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number FEMA 2013-FEFO-00126.)
- On May 1, 2013, the Federal Emergency Management Agency (FEMA) released to **Lester Black**, a reporter with *The Leaf-Chronicle* in Clarksville, Tennessee, 44 pages of records consisting of Project Worksheets describing the damages and the amounts of funding awarded to Clarksville, Tennessee from January 2008, through the present. These records were released in full. (Case Number FEMA 2013-FEFO-00564.)

#### IV. FOIA Appeals

- On April 22, 2013, **Ginger McCall**, Director, Open Government Program, and **Jeramie Scott**, a National Security Fellow, with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, appealed U.S. Customs and Border Protection's (CBP) response to their request for records pertaining to the acquisition of drones. The requesters are contesting the failure to segregate releasable information and the redactions made pursuant to FOIA Exemptions 3, 4, 5, 6, 7(A), and 7(E). (Case Number CBP H241402.)
- On April 25, 2013, **Britany Nunez**, **Sarah Telson**, and **Jackie Pearce**, legal interns, and **Betsy Ginsberg** and **Lindsay Nash**, attorneys, with the **Cardozo Immigration Justice Clinic** at the **Benjamin N. Cardozo School of Law** in New York, New York, appealed U.S. Customs and Border Protection's (CBP) response to their request for records pertaining to vehicle stops conducted in Ogdensburg, New York in the years 2010 and 2011. The requesters are contesting the denial of

their fee waiver request and fee category designation. (Case Number CBP H241418.)

## **V. FOIA Appeals Releases**

- NSTR

## **VI. Litigation**

- In the matter of *ACLU of Massachusetts v. DOJ, et al* (D. Mass. 12-cv-11776), plaintiff filed a FOIA request on July 30, 2012, seeking records regarding the use of automatic license plate readers (ALPR). Plaintiff filed suit on September 25, 2012, claiming constructive denial. On April 29, 2013, U.S. Immigration and Customs Enforcement (ICE) released its fourth interim response, consisting of 64 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 on April 27, 2011, seeking a copy of all Intergovernmental Service Agreements (IGSA) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On April 30, 2013, ICE released its twelfth interim response, consisting of 115 pages of responsive records to the plaintiff.
- 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 April 30, 2013, U.S. Immigration and Customs Enforcement (ICE) issued its fourth interim response, consisting of 166 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 May 2 – 8, 2013**  
**Privacy Office**  
**May 13, 2013**  
**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 3, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the April 2013 FOIA Log (236 pages).

**II. FOIA Requests**

- On May 2, 2013, **Joshua Israel**, an investigative reporter with **ThinkProgress Center for American Progress Action Fund** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of specific letters sent by members of Congress to DHS as listed in Congressional logs received in Case Number 2013-HQFO-00416. (Case Number 2013-HQFO-00620.)
- On May 2, 2013, **Mike Ahlers**, a producer with *CNN* in Washington, DC, requested from the Department of Homeland Security (DHS) the following records pertaining to Tamerlan Tsarnaev and Dzhokhar Tsarnaev: (1) a copy of their Alien Files; (2) a copy of their applications for citizenship; (3) records of correspondence between the United States Citizenship and Immigration Services (USCIS) and these individuals; and (4) records pertaining to their citizenship interviews. (Case Number 2013-HQFO-00624.)
- On May 2, 2013, **Mike Ahlers**, a producer with *CNN* in Washington, DC, requested from the Department of Homeland Security (DHS) the following records pertaining to Dias Kadyrbayev and Azamat Tazhayakov: (1) a copy of their Alien Files; (2) copy of their applications for citizenship; and (3) records of correspondence between the United States Citizenship and Immigration Services (USCIS) and these individuals. (Case Number 2013-HQFO-00630.)
- On May 2, 2013, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) statistical data on each removal or return in April 2013 derived from Secure Communities. (Case Number ICE 2013FOIA19391.)
- On May 3, 2013, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) statistical data on all individuals who were detained, released, or in ICE custody in April 2013. (Case Number ICE 2013FOIA19518.)
- On May 3, 2013, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) statistical data on all detainees issued by ICE in April 2013. (Case Number ICE 2013FOIA19520.)
- On May 3, 2013, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) records pertaining to

the impact of federal budget sequestration upon DHS operations and functions. (Case Number 2013-HQFO-00627.)

- On May 3, 2013, **William Buckley**, an attorney with **Willis & Buckley, APC** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) Shoreline Cleanup and Assessment Technique (SCAT) reports in Treasure Isle and Geoghegan Canal in Southeastern Louisiana from April 20, 2010, through September 30, 2010. (Case Number USCG 2013-2085.)
- On May 3, 2013, **Joe Longley**, an attorney with the **Law Offices of Joe K. Longley** in Austin, Texas, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) a listing of every ammonium nitrate facility registered in the State of Texas, including the following: (1) facility name; (2) name of current owner; and (3) current address. (Case Number NPPD 13F540.)
- On May 6, 2013, **Michael Morisy**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the United States Coast Guard (USCG) a copy of all responses sent to Congressional committees from January 1, 2008, through the present. (Case Number USCG 2013-2087.)
- On May 8, 2013, **John Steiger**, an assignment editor with **KPRC-TV** in Houston, Texas, requested from the Transportation Security Administration (TSA) records pertaining to a shooting incident which allegedly occurred at Bush Intercontinental Airport, Terminal B, at or about 1:35 p.m. on May 2, 2013. (Case Number TSA 13-0615.)

#### Late requests

- On December 17, 2012, **Nick Georgiou**, an editor with the **Laredo Morning Times** in Laredo, Texas, requested from U.S. Customs and Border Protection (CBP) records pertaining to CBP Laredo Port of Entry or U.S. Border Patrol Laredo Sector K-9s that were injured, allegedly mistreated, or died from January 1, 2010, through the present. (Case Number CBP 2013F08465.)
- On April 9, 2013, **Joe Augustine**, a reporter with **KRGV-TV** in Weslaco, Texas, requested from U.S. Customs and Border Protection (CBP) the following information for juveniles in 2011 and 2012: (1) the number detained for smuggling humans; (2) the number detained for smuggling drugs; and (3) the number detained for smuggling humans or drugs who were then released into their parents' custody. (Case Number CBP 2013F15036.)
- On April 25, 2013, **Daniel Gilbert**, a staff writer with **The Wall Street Journal** requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) the following records: (1) records pertaining to the names of all entities required to report their storage of hazardous chemicals under the Chemical Facility Anti-Terrorism Standards (CFATS) for the most recent year available; (2) the names of chemicals and the quantities that the entities reported; and (3) the address for each facility storing the chemicals reported to DHS. (Case Number NPPD 13F535.)
- On April 29, 2013, **Lisette Garcia** a senior investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), and the United States Citizenship and

Immigration Services (USCIS) records pertaining to Davis Guggenheim and the film “The Dream is Now” from July 1, 2010, through the present. (Case Numbers 2013-HQFO-00625, CBP 2013F15653, and USCIS COW2013000320.)

- On April 29, 2013, **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from the United States Citizenship and Immigration Services (USCIS) various records pertaining to communications sent or received by USCIS concerning assistance provided by U.S. Immigration and Customs Enforcement (ICE) in the processing of FOIA requests for USCIS records. (Case Number USCIS COW2013000323.)
- On April 30, 2013, **Brent Scher**, a research analyst with the **Center for American Freedom** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to all individuals who received EB-5 Visas in exchange for investments in the following companies: (1) GreenTech Automotive, Inc.; (2) WM GreenTech Automotive Corp.; (3) Capital Wealth Holdings Limited; and (4) Grand Gulf Funds Management. (Case Number USCIS COW2013000327.)
- On April 30, 2013, **Brent Scher**, a research analyst with the **Center for American Freedom** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to every individual who has received a visa through the EB-5 program from January 1, 2009, through the present, including where each investment went. (Case Number USCIS COW2013000331.)
- On April 30, 2013, **Travis Perry**, a reporter with **Watchdog.org** in Osawatomie, Kansas, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the names of investors, investment amounts, and the number of green cards issued to investors for the following EB-5 regional centers: (1) Gulf Street Partners (Case Number USCIS COW2013000328); (2) Kansas Bio-Fuel (Case Number USCIS COW2013000329); and (3) Midwest Center for Foreign Investment. (Case Number USCIS COW2013000330.)
- On May 1, 2013, **Trenton Daniel**, a correspondent with the *Associated Press* in Haiti, requested from the United States Coast Guard (USCG) records pertaining to the countries of origin for vessels the USCG has stopped for drug removals. (Case Number USCG 2013-2067.)

### III. FOIA Releases

- On May 3, 2013, the Federal Law Enforcement Training Center (FLETC) released to **Jafar Siddiqui**, a representative with **American Muslims of Puget Sound** in Lynwood, Washington, 57 pages of records consisting of FLETC Lesson Plan 2061 titled “TERRORISM,” dated March 2013, and a one-page Instructor List. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number FLETC FOIA 13-055.)
- On May 7, 2013, the Department of Homeland Security (DHS) released to **Yesenia Robles**, a journalist with the *Denver Post* in Denver, Colorado, eight pages of records containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA) for the State of Colorado. These records were released in full. (Case Number 2013-HQFO-00614.)

- On May 7, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) issued to **Jason Leopold**, a reporter with **Truthout** in Beverly Hills, California, a no records determination in response to his request for records pertaining to the conservative political movement known as the TEA PARTY. (Case Number NPPD 13F103.)
- On May 8, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Jessica Vaughan**, Director of Policy Studies with the **Center for Immigration Studies** in Washington, DC, 496 pages of records consisting of ICE's Office of Professional Responsibility (OPR) reviews 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. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2013FOIA05551.)
- On May 8, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Tan**, an attorney with the **American Civil Liberties Union (ACLU)** in San Francisco, California, 371 pages of records consisting of e-mails and memoranda pertaining to ICE's examination of detained individuals' claims to United States citizenship. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number ICE 2012FOIA13686.)
- On May 8, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Kandiss Crone**, a reporter with **KMTV Action 3 News** in Omaha, Nebraska, 12 pages of records pertaining to ICE I-9 investigations conducted in Nebraska and Iowa during the past five years. Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number ICE 2013FOIA11361.)
- On May 8, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Joel Millman**, a reporter with **The Wall Street Journal** in Portland, Oregon, three pages of records pertaining to ICE I-9 investigations conducted in the San Francisco, California area during the past four fiscal years. Portions of the release were withheld pursuant to FOIA Exemption 7(A). (Case Number ICE 2013FOIA8876.)
- On May 8, 2013, the Federal Law Enforcement Training Center (FLETC) issued to **Jim McElhatton**, an investigative reporter with the **Federal Times** in Alexandria, Virginia, a no records determination in response to his request for a copy of FLETC's Sequestration Plan. (Case Number FLETC FOIA 13-074.)

#### IV. FOIA Appeals

- On May 7, 2013, **James West**, a senior producer with **Climate Desk** in New York, New York, appealed the Federal Emergency Management Agency's (FEMA) response to his request for records pertaining to the report titled "Impact of Climate Change on the National Flood Insurance Program." The requester is contesting the records withheld in full pursuant to FOIA Exemption 5. (Case Number FEMA 2013-FEAP-00071.)

#### 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 May 9 – 15, 2013**  
**Privacy Office**  
**May 20, 2013**  
**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 9, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the April 2013 FOIA Log (nine pages).
- On May 9, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the DHS Office of Intelligence and Analysis (I&A) Fiscal Year 2012 I&A FOIA Logs (23 pages).

**II. FOIA Requests**

- On May 8, 2013, **Jason Miller**, a representative with *Federal News Radio* requested from the Department of Homeland Security (DHS) records pertaining to Richard Spires, the former DHS Chief Information Officer, from January 1, 2013, through May 8, 2013. (Case Number 2013-HQFO-00650.)
- On May 9, 2013, **Frank Konkell**, a journalist with *Federal Computer Week* in Vienna, Virginia, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to all OIG reports completed in the past six months that involve Richard Spires, the former DHS Chief Information Officer. (Case Number OIG 2013-088.)
- On May 13, 2013, **Kevin Owen**, an attorney with the **Law Offices of Gary M. Gilbert & Associates** in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) a copy of the DHS-OIG report of investigation for his client, Richard Spires. (Case Number OIG 2013-090.)
- On May 9, 2013, **Congressman Steve Stockman (R-TX)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) a list of individuals released by ICE from detention due to budgetary constraints from February 1, 2013, through March 15, 2013, along with information pertaining to any charges against those individuals; (2) the criteria used to decide which detainees were released; (3) records pertaining to any other cost saving measures that were considered and rejected by ICE in favor of releasing the detainees; and (4) plans for any future releases of detainees due to budgetary constraints. (Case Number ICE 2013FOIA20027.)
- On May 9, 2013, **Alicia Hutton**, an investigator with the **Federal Public Defender Office** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the Alien File for Dzhokhar Tsarnaev. (Case Number 2013-HQFO-00654.)
- On May 9, 2013, **Barbara LaBoe**, a reporter with *The Daily News* in Longview, Washington, requested from the United States Coast Guard (USCG) a copy of the citation/fine issued to a boat operator who got too close to either the grain ship

Mary H or tug Foss near the Port of Kalama (Washington) on the morning of May 7, 2013. (Case Number USCG 2013-2127.)

- On May 9, 2013, **Ted Gesing**, a representative with *Moxie Firecracker Films* in Brooklyn, New York, requested from the United States Secret Service (USSS) a copy of the video interview with school shooter Wayne Lo, an inmate at MCI-Norfolk in Massachusetts, conducted as part of the Safe School Initiative implemented through the National Threat Assessment Center. (Case Number USSS 20130645.)
- On May 13, 2013, **Bonnie Ford**, a writer with *ESPN.com* in Wallingford, Pennsylvania, requested from the United States Coast Guard (USCG) a copy of the Marine Event Permit issued to the owners and/or organizers of the Escape From Alcatraz Triathlon held on March 3, 2013. (Case Number USCG 2013-2157.)
- On May 13, 2013, **Rachel Weaver**, a staff director with **Senator Ron Johnson's (R-WI)** staff in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following information from April 2012, through the present: (1) the number of employees who have been placed on administrative leave; (2) the number of employees that have left employment with DHS-OIG; and (3) the number of employees that have transferred offices within DHS-OIG. (Case Number OIG 2013-091.)
- On May 13, 2013, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records from the last 12 months pertaining to the impact of sequestration on DHS-OIG. (Case Number OIG 2013-093.)
- On May 13, 2013, **David Perera**, an editor with *Fierce Government IT* in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) records pertaining to unauthorized information technology systems within FEMA, signed or reviewed by FEMA's Chief Information Officer, Deputy Chief Information Officer; Chief Privacy Officer, Chief Administrative Officer, or Deputy Administrator after September 30, 2011. (Case Number FEMA 2013-FEFO-00730.)
- On May 14, 2013, **Caroline Porter**, a reporter with *The Wall Street Journal* in Chicago, Illinois, requested from the Federal Emergency Management Agency (FEMA) records pertaining to the "Urban Shield: Boston" emergency training exercises for May 2011 and November 2012. (Case Number FEMA 2013-FEFO-00735.)
- On May 15, 2013, **Joseph Pleasant**, a reporter with *WKRN-TV* in Nashville, Tennessee, requested from the Federal Emergency Management Agency (FEMA) the following records pertaining to FEMA disbursements for the May 2010 Tennessee flooding: (1) the amount awarded; (2) the number of fraudulent and erroneous payments; (3) the recovered payments; and (4) the cases that resulted in prosecutions. (Case Number FEMA 2013-FEFO-00736.)

#### Late requests

- On April 22, 2013, **David Perera**, an editor with *Fierce Homeland Security* in Washington, DC, requested from U.S. Customs and Border Protection (CBP) a

copy of an internal CBP review of CBP use of force policies, initiated after September 30, 2011. (Case Number CBP 2013F16358.)

- On April 22, 2013, **David Perera**, an editor with *FierceHomeland Security* in Washington, DC, requested from U.S. Customs and Border Protection (CBP) the following records: (1) a copy of a comprehensive review of Office of Border Patrol facilities undertaken at the direction of Chief of the Border Patrol Michael Fisher; and (2) any subsequent cost benefit analysis undertaken as a result of that review that may have resulted in U.S. Border Patrol proposals to close down or scale back inland stations. (Case Number CBP 2013F16360.)
- On April 29, 2013, **Maria Sacchetti**, a reporter with *The Boston Globe* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the Alien File for Dzhokhar Tsarnaev. (Case Number 2013-HQFO-00655.)
- On May 6, 2013, **Joshua Israel**, an investigative reporter with **ThinkProgress Center for American Progress Action Fund** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of letters sent by members of Congress to DHS pertaining to the federal government purchasing of bullets and ammunition, from March 1, 2013, through the present. (Case Number 2013-HQFO-00646.)
- On May 7, 2013, **Rachel Levinson-Waldman**, Counsel, Liberty and National Security Program with the **Brennan Center for Justice** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to the assessment process for high-risk passengers performed by the Automated Targeting System (ATS). (Case Number 2013-HQFO-00652.)
- On May 7, 2013, **Tashi Lhewa**, an attorney with **The Legal Aid Society** in Queens, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to the extension criteria and appeal process for FEMA's Transitional Shelter Assistance (TSA) program. (Case Number FEMA 2013-FEFO-00731.)
- On May 8, 2013, **Michael Kaufman**, an attorney with the **American Civil Liberties Union (ACLU) of Southern California** in Los Angeles, California, requested from the United States Citizenship and Immigration Services (USCIS) various records pertaining to the treatment of asylum applicants seeking refuge in the United States. (Case Number USCIS COW2013000361.)

### III. FOIA Releases

- On May 9, 2013, the Department of Homeland Security (DHS) released to **Spencer Hsu**, a staff writer with *The Washington Post* in Washington, DC, 21 pages of records consisting of correspondence to and from Senator Joseph Lieberman (I-CT) and Senator Susan Collins (R-ME) pertaining to the results of the DHS Office of Inspector General's (OIG) review and/or any corrective actions regarding an alleged conflict of interest during the Federal Emergency Management Agency's (FEMA) procurement to support TopOff 5. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00512.)

- On May 13, 2013, the United States Citizenship and Immigration Services (USCIS) issued to **Paul Nussbaum**, a staff writer with *The Philadelphia Inquirer* in Philadelphia, Pennsylvania, a no records determination in response to his request for a copy of the I-924 form filed for the Delaware Valley Regional Center. (Case Number USCIS COW2013000300.)
- On May 14, 2013, the Department of Homeland Security (DHS) issued to **Katy Steinmetz**, a reporter with *Time Magazine* in Washington, DC; **Margaret Brennan**, a correspondent with *CBS News* in Washington, DC; **Victor Ramos**, a staff writer with *Newsday* in Melville, New York; **Ross Levitt**, a representative with *CNN* in New York, New York; **Kimberly Mehlman-Orozco**, an individual in Dumfries, Virginia; **Sean Dunagan**, a senior investigator with *Judicial Watch* in Washington, DC; and **Mike Ahlers**, a producer with *CNN* in Washington, DC, a full denial in response to their requests seeking various records pertaining to Tamerlan Tsarnaev and/or Dzakhar Tsarnaev. These records were withheld pursuant to FOIA Exemption 7(A). (Case Numbers 2013-HQFO-00602, 2013-HQFO-00607, 2013-HQFO-00608, 2013-HQFO-00611, 2013-HQFO-00612, 2013-HQFO-00615, and 2013-HQFO-00624.)
- On May 14, 2013, the Department of Homeland Security (DHS) issued to **Maria Sacchetti**, a reporter with *The Boston Globe* in Boston, Massachusetts, a full denial in response to her requests seeking various records pertaining to Tamerlan Tsarnaev and Dzakhar Tsarnaev. These records were withheld pursuant to FOIA Exemption 7(A). (Case Numbers 2013-HQFO-00606, 2013-HQFO-00610, and 2013-HQFO-00655.)
- On May 14, 2013, the Department of Homeland Security (DHS) issued to **Mike Ahlers**, a producer with *CNN* in Washington, DC, a full denial in response to his request seeking various records pertaining to Dias Kadyrbayev and Azamat Tazhayakov. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number 2013-HQFO-00630.)
- On May 14, 2013, the Federal Emergency Management Agency (FEMA) released to **Sarah Crichton**, a reporter with *Newsday* in Islip, New York, 108 pages of Project Worksheets and disbursements pertaining to debris removal operations in the State of New York. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FEMA 2013-FEFO-00614.)
- On May 15, 2013, the Department of Homeland Security (DHS) released to **Christopher Johnson**, an individual with the **Reynolds School of Journalism** in Minden, Nevada, 31 pages of records containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). These records were released in full. (Case Number 2013-HQFO-00609.)
- On May 15, 2013, the Federal Emergency Management Agency (FEMA) released to **Josh Margolin**, a reporter with *The New York Post* in New York, New York, 34 pages of records consisting of responses for Hurricane Sandy and its landfall/aftermath on United States property/territory in October 2012 and November 2012. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number FEMA 2013-FEFO-00421.)
- On May 15, 2013, the Federal Emergency Management Agency (FEMA) released to **Shawn Boburg**, a reporter with *NorthJersey.com*, 13 pages of records

pertaining to: (1) Hurricane Sandy; and (2) Governor Chris Christie's (R-NJ) requests and/or applications for disaster assistance for the State of New Jersey. These records were released in full. (Case Number FEMA 2013-FEFO-00459.)

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

- NSTR

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

- NSTR

#### **VI. Litigation**

- In the matter of *Asian Law Caucus v. DHS* (N.D. C.A. 13-cv-1593), plaintiff filed a FOIA request on December 21, 2012, seeking internal and external U.S. Immigration and Customs Enforcement (ICE) communications and policies concerning California's TRUST Act. Plaintiff filed suit on April 9, 2013, claiming constructive denial. On May 15, 2013, ICE released 136 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 May 16 – 22, 2013

Privacy Office

May 28, 2013

### 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 22, 2013, the Transportation Security Administration (TSA) posted to the TSA FOIA Electronic Reading Room the August and September 2012 FOIA Logs (four pages).

## II. FOIA Requests

- On May 16, 2013, **Linda Cristello**, an attorney with the **Law Offices of Linda A. Cristello** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the Alien File for Azamat Tazhayakov. (Case Number 2013-HQFO-00660.)
- On May 16, 2013, **Debra Adams**, a reporter with the **Pittsburgh Tribune-Review** in Pittsburgh, Pennsylvania, requested from U.S. Immigration and Customs Enforcement (ICE) statistical data from the ICE Student and Exchange Visitor Information System (SEVIS) database on all participating Pennsylvania institutions from 2010 through 2012. (Case Number ICE 2013FOIA20550.)
- On May 16, 2013, **Alexandra Guterrez**, a reporter with **Alaska Public Radio Network** in Juneau, Alaska, requested from the United States Coast Guard (USCG) the following records: (1) records pertaining to sexual assaults that have been reported since 2003 at Alaska's Coast Guard bases and stations, including outcomes; and (2) any comprehensive reports written on the subject of sexual assault on Alaska's Coast Guard bases and stations drafted since 2010. (Case Number USCG 2013-2203.)
- On May 20, 2013, **John Zaremba** a reporter with the **Boston Herald** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) various records pertaining to Dzhokhar Tsarnaev, Tamerlan Tsarnaev, Zubeidat Tsarnaeva, and Anzor Tsarnaev, including but not limited to the following: (1) applications for United States citizenship; (2) background checks; (3) interviews; and (4) travel records. (Case Number 2013-HQFO-00661.)
- On May 20, 2013, **Darren Samuelsohn**, a reporter with **Politico** requested from the Department of Homeland Security (DHS) records of communication between DHS (and its individual branches) and outside entities pertaining to the implementation and handling of sequestration as required by law under the Balanced Budget and Emergency Deficit Control Act from August 2, 2011, through the present. (Case Number 2013-HQFO-00662.)
- On May 20, 2013, **Michael Keller**, a reporter with **Newsweek** and **The Daily Beast** in New York, New York, requested from the Department of Homeland Security (DHS) and the DHS Office of Inspector General (OIG) the following records pertaining to the company Acxiom from January 1, 2001, through the present: (1) records pertaining to subpoenas issued; (2) records pertaining to

evidence to investigations and/or prosecutions pertaining to subpoenas; (3) records pertaining to all legal analyses, legal memoranda, final decisions, images, and related records regarding any partnership, relationship or understanding between DHS or any other federal, state or local government agency and Acxiom or surrounding any involvement with Acxiom; (4) records pertaining to the data collection process, usage, and storage of information obtained from Acxiom; (5) privacy impact assessments for information obtained from Acxiom; (6) any memoranda of understanding between DHS, the Department of Justice (DOJ), or any other federal or local level government agencies pertaining to information obtained from Acxiom or a working relationship with Acxiom; and (7) all DHS staff e-mails discussing Acxiom or information obtained from Acxiom. (Case Numbers 2013-HQFO-00665 and OIG 2013-097.)

- On May 20, 2013, **Rebekah Young**, a reporter with **KRGV-TV** in Weslaco, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the number of student visa holders who entered the U.S. through a Port of Entry, but were terminated in Student and Exchange Visitor Information System (SEVIS) because they failed to register within 30 days of entry. (Case Number ICE 2013FOIA20663.)
- On May 20, 2013, **Jennifer Girard**, a student attorney with the **Immigrant Justice Clinic** at the **American University Washington College of Law** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) statistical records pertaining to complaints of human trafficking involving victims who are Mexican nationals from April 5, 2010, through the present. (Case Number ICE 2013FOIA20664.)
- On May 20, 2013, **Thad Moore**, an intern with **The Virginian-Pilot** in Norfolk, Virginia requested from the United States Coast Guard (USCG) records pertaining to Coast Guard Activity number 2729473, which was a vessel boarding on July 28, 2006, in Sector St. Petersburg. (Case Number USCG 2013-2232.)
- On May 20, 2013, **Urooj Raja**, a research analyst with **Climate Central** in Princeton, New Jersey, requested from the Federal Emergency Management Agency (FEMA) records pertaining to the Fire Management Assistance Grant Program (FMAGP) for several states. (Case Number FEMA 2013-FEFO-00752.)
- On May 21, 2013, **Brian Goldstein**, a policy analyst with the **Center on Juvenile and Criminal Justice (CJCJ)** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: (1) records pertaining to ICE's detainer policies; (2) statistical information on detainees issued by ICE; and (3) records pertaining to requests from law enforcement agencies through the Alien Criminal Response Information Management (ACRIME) database. (Case Number ICE 2013FOIA20761.)

#### **Late requests**

- On April 17, 2013, **Carl Schreck**, a journalist with **RIA Global** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to Eugene Lukin (deceased). (Case Number USCIS NRC2013052082.)

- On May 12, 2013, **Judy Yung**, an author and professor with the **University of California, Santa Cruz** in Santa Cruz, California, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the Alien File for Smiley Jann (deceased). (Case Number USCIS NRC2013052355.)
- On May 15, 2013, **Sam Biddle**, a reporter with **Gawker Media** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) and the United States Citizenship and Immigration Services (USCIS) records of correspondence pertaining to the immigration lobbying group FWD.us. (Case Numbers ICE 2013FOIA20760 and USCIS COW2013000384.)

### III. FOIA Releases

- On May 17, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Wei Lu**, a researcher with **Bloomberg** in New York, New York, a compact disk containing an excel spreadsheet pertaining to H-1B beneficiaries by country of birth and occupation for the years 2002 through 2011. These records were released in full. (Case Number USCIS COW2013000153.)
- On May 17, 2013, the United States Coast Guard (USCG) released to **Sean Cockerham**, a correspondent with the **McClatchy Newspapers** in Washington, DC, 116 pages of records consisting of inspections, certifications, and evaluation plans pertaining to the NOBLE DISCOVERER. These records were released in full. (Case Number USCG 2013-1959.)
- On May 21, 2013 the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Jason Leopold**, a deputy managing editor and investigative reporter with **Truthout** in Beverly Hills, California; **Grace Wyler**, a reporter with **Business Insider** in New York, New York; **John Cook**, a journalist with **Gawker Media** in Brooklyn, New York; **Maria Verheyden-Hilliard**, an attorney with the **Partnership for Civil Justice Fund** in Washington, DC; **Christopher Cook**, an individual; and **Rachel Leven**, an editorial researcher with **The Hill** in Washington, DC, 234 pages of records consisting of correspondence pertaining to the protest movement known as “Occupy Wall Street.” Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Numbers NPPD 12F336, NPPD 12F339, NPPD 12F340, NPPD 12F341, NPPD 12F343, and NPPD 12F350.)
- On May 21, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) issued to **Nate Stewart**, a reporter with **WSCOC-TV** in Charlotte, North Carolina, a no records determination in response to his request seeking records pertaining to cyber security breaches or cyber infrastructure attacks in the State of North Carolina from January 1, 2013, through the present. (Case Number NPPD 13F207.)
- On May 21, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) issued to **Joe Longley**, an attorney with **The Law Offices of Joe K. Longley** in Austin, Texas, a no records determination in response to his request seeking records pertaining to a listing of every ammonium nitrate facility registered in the State of Texas, including facility name, name of current owner and current address. (Case Number NPPD 13F540.)

- On May 21, 2013, the United States Coast Guard (USCG) released to **Ashley Carswell**, a newsroom desk assistant with **WWL-TV** in New Orleans, Louisiana, 21 pages of records consisting of a case report and radio log pertaining to an incident that occurred on April 19, 2013, in Grand Isle, Louisiana. These records were released in full. (Case Number USCG 2013-1975.)
- On May 21, 2013, the United States Coast Guard (USCG) released to **Stephanie Joyce**, a news director with **KUCB-FM** in Unalaska, Alaska, five pages of records consisting of inspections and certificates pertaining to an incident involving the KULLUK on January 18, 2013. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number USCG 2013-1304.)
- On May 21, 2013, the United States Coast Guard (USCG) released to **Stephanie Joyce**, a news director with **KUCB-FM** in Unalaska, Alaska, seven pages of records consisting of inspections and Captain of the Port Orders (COTP) for the vessel AIVIQ. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number USCG 2013-1305.)
- On May 22, 2013, the Department of Homeland Security (DHS) released to **Julia Angwin**, an editor with **The Wall Street Journal** in New York, New York, and **Alexander Abdo**, a staff attorney with the **American Civil Liberties Union (ACLU)** in New York, New York, 580 pages of records consisting of e-mails and other records pertaining to 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 the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), 7(D), and 7(E). (Case Numbers DHS/OS/PRIV 12-0328 and DHS/OS/PRIV 12-0644.)
- On May 22, 2013, the Department of Homeland Security (DHS) released to **Anna Macias**, a reporter with **Al Dia** in Dallas, Texas, 33 pages of records containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA) for the Dallas/Ft. Worth metropolitan area, the State of Texas, and nationally. These records were released in full. (Case Number 2013-HQFO-00301.)
- On May 22, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Frank Gaffney**, President with the **Center for Security Policy** in Washington, DC, 296 pages of records consisting of memoranda and e-mails pertaining to the Council on American-Islamic Relations. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number USCIS COW2013000249.)
- On May 22, 2013, the Federal Emergency Management Agency (FEMA) issued to **Stephen Janis**, a journalist with **Sinclair Broadcasting WBFF** in Baltimore, Maryland, a no records determination in response to his request seeking the following records paid for by the Department of Homeland Security during fiscal years 2010, 2011, and 2012: (1) parking tickets; (2) speeding tickets; (3) red light

camera citations; (4) speed camera citations; and (5) other moving violations. (Case Number FEMA 2013-FEFO-00325.)

#### IV. FOIA Appeals

- On May 13, 2013, **Rick Hind**, a legislative director with **Greenpeace** in Washington, DC, appealed the Department of Homeland Security (DHS), National Protection and Programs Directorate's (NPPD) response to his request seeking records pertaining to the most complete listing of chemical facilities that have reduced their holdings of threshold quantities of "chemicals of interest" (COI) rendering them no longer "high risk" facilities under the Chemical Facility Anti-Terrorism Standards (CFATS). The requester is contesting the records withheld in full pursuant to FOIA Exemptions 5, 7(E), and 7(F). (Case Number 2013-HQAP-00058.)
- On May 16, 2013, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, appealed the U.S. Customs and Border Protection's (CBP) lack of response to his request seeking various records pertaining to confidential informants. (Case Number CBP H242102.)

#### V. FOIA Appeals Releases

- NSTR

#### VI. Litigation

- In the matter of *Qatanani v. DHS* (D.N.J. 12-cv-00498), plaintiff filed FOIA requests with U.S. Immigration and Customs Enforcement (ICE) and the United States Citizenship and Immigration Services (USCIS), both dated January 10, 2012. ICE initially denied the request due to the existence of an ongoing investigation. 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 May 15, 2013, ICE filed two declarations and two *Vaughn* indices describing ICE's withholdings with the Court.
- 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 a copy of all Intergovernmental Service Agreements (IGSA) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On May 16, 2013, ICE released its thirteenth interim response, consisting of 170 pages of responsive records to the plaintiff.
- In the matter of *ACLU v. DHS* (S.D.N.Y. 11-cv-3786), plaintiff filed a FOIA request seeking records pertaining to Post Order Custody Review (POCR). Plaintiff filed suit on June 3, 2011, claiming constructive denial. On May 17, 2013, U.S. Immigration and Customs Enforcement (ICE) submitted a declaration with the Court describing ICE's record systems, as they relate to POCR files, and how ICE's prior production content and size satisfy a stipulation between the parties.
- In the matter of *National Immigration Project of the National Lawyers Guild v. DHS* (S.D.N.Y. 11-cv-3235), plaintiffs filed a FOIA request on December 17,

2009, seeking records pertaining to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings. On May 20, 2013, U.S. Immigration and Customs Enforcement (ICE) released 57 pages of responsive records to the plaintiffs.

## FOIA Exemptions

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

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

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

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

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

**Exemption 6:** information involving matters of personal privacy

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

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

**Exemption 9:** geological information on wells

**FOIA Activity for the Week of May 23 - 29, 2013**  
**Privacy Office**  
**June 3, 2013**  
**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 29, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the DHS National Protection and Programs Directorate (NPPD) Occupy Wall Street records (234 pages).

**II. FOIA Requests**

- On May 23, 2013, **Erin Siegal**, a reporter with *Fronteras: The Changing Americas Desk* and *Univision* in San Ysidro, California, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding, or correspondence to or from the Department of Defense (DoD) pertaining to, the actual or possible deportation of any active military personnel or veteran from January 1, 1996, through the present. (Case Number ICE 2013FOIA21017.)
- On May 23, 2013, **Erin Siegal**, a reporter with *Fronteras: The Changing Americas Desk* and *Univision* in San Ysidro, California, requested from U.S. Immigration and Customs Enforcement (ICE) data provided to the Treasury Department to track the seizure and disposition of any individual items handled through the Treasury Forfeiture Fund. (Case Number ICE 2013FOIA21020.)
- On May 23, 2013, **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records of correspondence to DHS from or on behalf of: (1) North Carolina State Representative Thomas Tillis (R-NC) from January 1, 2007, through May 8, 2013; and (2) Thomas Tillis prior to January 1, 2007. (Case Number 2013-HQFO-00667.)
- On May 23, 2013, **Steven Emerson**, President with *SAE Productions, Inc.* in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to any communication, meetings and training sessions conducted or coordinated with the following entities: (1) the Islamic Society of Boston (ISB); (2) the Muslim American Society in Boston (MAS-Boston); or (3) the Islamic Society of Boston Cultural Center (ISBCC). (Case Number 2013-HQFO-00670.)
- On May 24, 2013, **Jill Burke**, a staff writer with the *Alaska Dispatch* in Anchorage, Alaska, and **Lisa Demer**, a reporter with the *Anchorage Daily News* in Anchorage, Alaska, requested from the United States Coast Guard (USCG) records from the marine casualty investigation hearings that are underway in Anchorage, Alaska on the grounding of the drill rig KULLUK. (Case Numbers USCG 2013-2295 and USCG 2013-2296.)
- On May 28, 2013, **Maria Sacchetti** a reporter with *The Boston Globe* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS)

records in which the United States Citizenship and Immigration Services (USCIS) was informed by a government agency that: (1) the Federal Bureau of Investigation (FBI) interviewed Tamerlan Tsarnaev; (2) the National Counterterrorism Center (NCTC) added Tamerlan Tsarnaev's name to a counterterrorism watch list at the Central Intelligence Agency's (CIA) request; (3) Tamerlan Tsarnaev traveled to Russia last year; and (4) Tamerlan Tsarnaev traveled to Dagestan last year. (Case Number 2013-HQFO-00617.)

- On May 28, 2013, **Erin Siegal**, a senior fellow with the **Schuster Institute for Investigative Journalism at Brandeis University** in San Ysidro, California, requested from the Department of Homeland Security (DHS) various records pertaining to Mexican national Jorge Hank Rhon, who served from December 2004, through February 2007, as the president of the municipality of Tijuana. (Case Number 2013-HQFO-00678.)
- On May 28, 2013, **Steven Emerson**, President with **SAE Productions, Inc.** in Washington, DC, requested from the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) records from the DHS CRCL Quarterly Community Engagement Chicago Area Roundtable that was held on March 6, 2013. (Case Number CRCL 13-034.)

#### Late requests

- On January 31, 2013, **Jacqueline Armendariz**, a staff writer with **The Monitor** in McAllen, Texas, requested from U.S. Customs and Border Protection (CBP) records since 2010 pertaining to any U.S. Border Patrol incentive programs based on the number of arrests made by an agent within the Rio Grande Valley Sector. (Case Number CBP 2013F12052.)
- On April 26, 2013, the Department of State (DOS) referred to the Department of Homeland Security (DHS) records responsive to a request from **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, seeking various records created or used in preparation for, or as a result of, the February 27, 2012 meeting between DHS Secretary Janet Napolitano and Mexican representatives in Mexico City. (Case Number 2013-HQFO-00675.)
- On May 21, 2013, **Zhiyu Wang**, a reporter with **Medill News Service** in Evanston, Illinois, requested from the United States Citizenship and Immigration Services (USCIS) the number of Chinese international students studying in U.S. high schools by year, for the past 10 years. (Case Number USCIS COW2013000396.)
- On May 22, 2013, **Erin Siegal**, a senior fellow with the **Schuster Institute for Investigative Journalism at Brandeis University** in San Ysidro, California, requested from the Department of Homeland Security (DHS) records pertaining to: (1) the website "Blog Del Narco;" (2) <http://www.blogdelnarco.com>; or (3) the Twitter handle "InfoNarco." (Case Number 2013-HQFO-00679.)

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

- On May 22, 2013, the Department of Homeland Security (DHS) released to **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSSC)** in Washington, DC, 56 pages of records consisting of a log

of correspondence to DHS from or on behalf of Congressman Steve King (R-IA) from January 3, 2003, through April 11, 2013. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number 2013-HQFO-00596.)

- On May 23, 2013, the Department of Homeland Security (DHS) issued to **Alicia Hutton**, an investigator with the **Federal Public Defender Office** in Boston, Massachusetts, a full denial in response to her request seeking a copy of the Alien File for Dzhokhar Tsarnaev. These records were withheld pursuant to Privacy Act Exemptions j2, k2, and d5, and FOIA Exemption 7(A). (Case Number 2013-HQFO-00654.)
- On May 23, 2013, the Department of Homeland Security (DHS) issued to **Linda Cristello**, an attorney with the **Law Offices of Linda A. Cristello** in Boston, Massachusetts, a full denial in response to her request seeking a copy of the Alien File for Azamat Tazhayakov. These records were withheld pursuant to Privacy Act Exemptions j2, k2, and d5, and FOIA Exemption 7(A). (Case Number 2013-HQFO-00660.)
- On May 28, 2013, the Department of Homeland Security (DHS) released to **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, 933 pages of records consisting of e-mails, policy guidance, and other communications pertaining to Deferred Action for Childhood Arrivals (DACA). Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number 2013-HQFO-00304.)
- On May 28, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Charlie Speight**, an individual in Glen Burnie, Maryland, four pages of records consisting of e-mails pertaining to all correspondence received from members of either house of the United States Congress regarding acquisition of firearms and/or ammunition from November 1, 2012, through March 28, 2013. (Case Number OIG 2013-074.)
- On May 28, 2013, U.S. Customs and Border Protection (CBP) released to **Grace Meng**, a researcher with **Human Rights Watch** in New York, New York, a compact disk containing individual record data to include 34 specific data elements, for all non-citizens referred by CBP for criminal prosecution under 8 U.S.C. §1325, for “Improper Entry by Alien,” and/or under 8 U.S.C. §1326, for “Reentry of Removed Aliens,” from October 1, 2003, through August 24, 2012. (Case Number CBP 2012F25221.)
- On May 29, 2013, U.S. Customs and Border Protection (CBP) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting (CIR)** in Berkeley, California, 86 pages of records consisting of a copy of the CBP Workforce Integrity Study, Final Report, dated December 15, 2011. Additionally, CBP issued a full denial in response to his request for correspondence pertaining to the study. These records were withheld pursuant to FOIA Exemption 5. (Case Number CBP 2013F08548.)

#### IV. FOIA Appeals

- NSTR

## **V. FOIA Appeals Releases**

- NSTR

## **VI. Litigation**

- In the matter of *Jacqueline Stevens v. United States Department of Homeland Security* (N.D. Ill. 13-cv-3382), plaintiff filed a FOIA request on March 20, 2013, seeking all investigative records regarding plaintiff's client in the possession of the Department of Homeland Security (DHS), Office of Inspector General (OIG). Plaintiff filed suit on May 6, 2013, claiming constructive denial.
- In the matter of *Asian Law Caucus v. DHS* (N.D. C.A. 13-cv-1593), plaintiff filed a FOIA request on December 21, 2012, seeking internal and external U.S. Immigration and Customs Enforcement (ICE) communications and policies concerning California's TRUST Act. Plaintiff filed suit on April 9, 2013, claiming constructive denial. On May 24, 2013, ICE released its second interim response, consisting of 1,399 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 May 30 – June 5, 2013

Privacy Office

June 10, 2013

### 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 31, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library six Detention Facility Compliance Inspection Reports (161 pages).
- On May 31, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the Secure Communities Nationwide Interoperability Statistics for fiscal year 2013, through April 2013 (59 pages).
- On June 5, 2013, the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) posted to its external web site the CRCL Impact Assessment on Border Searches of Electronic Devices, dated December 29, 2011, and related records (52 pages).
- On June 5, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library records pertaining to sequestration (48 pages).

#### II. FOIA Requests

- On May 30, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of the Alien File for Tamerlan Tsarnaev. (Case Number 2013-HQFO-00683.)
- On May 30, 2013, **Alexander Abdo**, a staff attorney with the **American Civil Liberties Union (ACLU)** in New York, New York, requested from the Department of Homeland Security (DHS) the following records pertaining to Executive Order 12,333, 3 C.F.R. 200 (1981 Comp.): (1) records construing or interpreting the authority of DHS under Executive Order 12,333 or any regulations issued there under; (2) records describing the minimization procedures used by DHS regarding both intelligence collection and intelligence interception conducted pursuant to DHS authority under EO 12,333 or any regulations issued there under; and (3) records describing the standards that must be satisfied for the “collection,” “acquisition,” or “interception,” of communications, as DHS defines these terms, pursuant to DHS' authority under EO 12,333 or any regulations issued there under. (Case Number 2013-HQFO-00681.)
- On May 30, 2013, **Jacqueline Stevens**, a professor with **Northwestern University** in Evanston, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the procedures used for accepting and returning the mail addressed to individuals who are in the custody of ICE at the Houston Service Processing Center. (Case Number ICE 2013FOIA21501.)
- On May 30, 2013, **Amy Lieberman**, a correspondent with *Women's eNews* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a blank copy of the following ICE forms: (1) Form I-216; (2)

Form I-247; (3) the form used to assign beds to ICE detainees; and (4) the form used to identify and classify detainees during basic intake procedures when they first enter ICE detention centers. (Case Number ICE 2013FOIA21506.)

- On May 31, 2013, **Jacqueline Stevens**, a professor with **Northwestern University** in Evanston, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to a named naturalized U.S. citizen who may have been deported to Jamaica, including communications with the Jamaican consular office in Miami. (Case Number ICE 2013FOIA21626.)
- On May 31, 2013, **Patrick Stranix**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of Senator Mark Pryor (D-AR) from January 3, 2003, through May 22, 2013. (Case Number 2013-HQFO-00680.)
- On June 3, 2013, **Keith Herbert**, a writer with *Newsday* in Melville, New York, requested from the Federal Emergency Management Agency (FEMA) Project Worksheets for Declaration 4085 for Long Island, New York from October 29, 2012, through May 31, 2013. (Case Number FEMA 2013-FEFO-00771.)
- On June 3, 2013, **Simcha Levental**, a conservation information manager with **The Nature Conservancy** in Albany, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to all National Flood Insurance Program (NFIP) data on recurring/repetitive loss due to natural disasters for the States of New York, New Jersey, and Connecticut since 1968. (Case Number FEMA 2013-FEFO-00777.)
- On June 4, 2013, **James Ferg-Cadima**, Regional Counsel with the **Mexican American Legal Defense and Educational Fund (MALDEF)** in Washington, DC, requested from the Department of Homeland Security (DHS) statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). (Case Number 2013-HQFO-00695.)
- On June 4, 2013, **Megan Wilson**, a reporter with *The Hill* in Washington, DC, requested from the Department of Homeland Security (DHS) specific letters identified in Congressional correspondence logs. (Case Number 2013-HQFO-00700.)
- On June 4, 2013, **Lindsey Miller**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence between DHS and the following: (1) Michael McFadden or Mike McFadden from January 2006, through the present; (2) Lazard Middle Market LLC or Lazard Ltd from January 2007, through the present; and (3) Goldsmith Agio Helms or Goldsmith Agio Helms & Lynner from January 2006, through January 2008. (Case Number 2013-HQFO-00704.)
- On June 4, 2013, **Jacqueline Stevens**, a professor with **Northwestern University** in Evanston, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records and statistical data upon which ICE Director Morton relied when writing a letter published in *The New Yorker*. (Case Number ICE 2013FOIA21895.)

- On June 4, 2013, **Eric Tucker**, a reporter with the *Associated Press* in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to a Jordanian-born ICE detainee who was recently released from the custody of the U.S. Bureau of Prisons (BOP) after serving his sentence for attempting to blow up an airliner in 1982. (Case Number ICE 2013FOIA21897.)
- On June 4, 2013, **Aliya Haq**, a policy advocate with the **Natural Resources Defense Council** in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA's approval of Hazard Mitigation Grants for various states from 2007 through 2013. (Case Number FEMA 2013-FEFO-00773.)

### Late requests

- On May 16, 2013, **Linda Cristello**, an attorney with the **Law Offices of Linda A. Cristello** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the Alien File for Dias Kadyrbayev. (Case Number 2013-HQFO-00694.)
- On May 16, 2013, **Seth Wessler**, a reporter with *Colorlines* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to a list of 75 individuals who died and whose bodies were autopsied by the Pima County Medical Examiner's Office in 2012. (Case Number USCIS COW2013000405.)
- On May 27, 2013, **Cuthbert Langley**, a reporter with *WCBD-TV News 2* in Mount Pleasant, South Carolina, requested from the United States Coast Guard (USCG) records pertaining to the recreational boating accident near the Charleston harbor on May 24, 2013. (Case Number USCG 2013-2375.)
- On May 28, 2013, **Tom Winter**, a producer with *NBC News* in New York, New York, requested from the United States Citizenship and Immigration Services (USCIS) records of correspondence between Senator Robert Menendez (D-NJ) and USCIS from January 1, 2006, through May 23, 2013. (Case Number USCIS COW2013000422.)
- On May 28, 2013, **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to Ibragim Todashev (deceased). (Case Number 2013-HQFO-00693.)
- On May 28, 2013, **Jennifer McDermott**, a staff writer with the *The Day* in New London, Connecticut, requested from the United States Coast Guard (USCG) a copy of the United States Coast Guard Academy report on the recent investigation into allegations cadets used drugs. (Case Number USCG 2013-2336.)
- On May 29, 2013, **Erin Siegal**, a senior fellow with the **Schuster Institute for Investigative Journalism at Brandeis University** in San Ysidro, California, requested from the Department of Homeland Security (DHS) various records from 1990 through the present pertaining to: (1) Luis Donald Colosio Murrieta, a Mexican political candidate murdered in Tijuana on March 23, 1994; and (2) Cardinal Juan Jesús Posadas Ocampo, murdered at the Guadalajara, Mexico airport on May 24, 1993. (Case Number 2013-HQFO-00684.)

- On May 29, 2013, **Erin Siegal**, a senior fellow with the **Schuster Institute for Investigative Journalism at Brandeis University** in San Ysidro, California, requested from the Department of Homeland Security (DHS) records pertaining to Carlos Hank González, a Mexican politician who passed away in August 2001 and any of his companies or businesses, including “INCUS” from 1965 through the present. (Case Number 2013-HQFO-00687.)
- On May 29, 2013, **Erin Siegal**, a senior fellow with the **Schuster Institute for Investigative Journalism at Brandeis University** in San Ysidro, California, requested from the Department of Homeland Security (DHS) records pertaining to Dr. Donald E. Schulz, a former chair of political science at Cleveland State University and a former research professor of National Security Policy at the United States Army War College, Strategic Studies Institute, in Carlisle Barracks, Pennsylvania. (Case Number 2013-HQFO-00690.)
- On May 30, 2013, **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, CA, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the following records from fiscal year 2003 through the present: (1) investigative records pertaining to the use of force by the Border Patrol; (2) investigative records pertaining to civil rights violations by Border Patrol agents; (3) all complaints and/or allegations of civil rights violations engaged in and/or caused by Border Patrol agents; and (4) investigative records pertaining to misconduct at the Border Patrol training facilities. (Case Number OIG 2013-101.)

### III. FOIA Releases

- On May 30, 2013, U.S. Customs and Border Protection (CBP) issued to **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, a no records determination in response to her request seeking records pertaining to **(b) (6)** and/or “The Dream is Now.” (Case Number CBP 2013F15653.)
- On May 31, 2013, the Department of Homeland Security (DHS) issued to **Linda Cristello**, an attorney with the **Law Offices of Linda A. Cristello** in Boston, Massachusetts, a full denial in response to her request seeking a copy of the Alien File for Dias Kadyrbayev. These records were withheld pursuant to Privacy Act Exemptions j2, k2, and d5, and FOIA Exemption 7(A). (Case Number 2013-HQFO-00694.)
- On May 31, 2013, the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) released to **Catherine Crump**, a staff attorney with the **American Civil Liberties Union (ACLU)** in New York, New York, and **Anne Flaherty**, a reporter with the *Associated Press* in Washington, DC, 52 pages of records consisting of the CRCL Impact Assessment on Border Searches of Electronic Devices, dated December 29, 2011, and related records. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(E). (Case Numbers CRCL 13-019 and CRCL 13-026.)
- On June 3, 2013, the Department of Homeland Security (DHS) issued to **Scott MacFarlane**, a correspondent with *Cox TV* in Washington, DC, a full denial in response to his request for a copy of the Alien File for Tamerlan Tsarnaev. These

records were withheld pursuant to FOIA Exemption 7(A). (Case Number 2013-HQFO-00683.)

- On June 4, 2013, the Federal Law Enforcement Training Center (FLETC) released to **Charlie Speight**, an individual in Glen Burnie, Maryland, 225 pages of records consisting of various records including contract records and e-mails and memoranda received from members of either house of the United States Congress regarding acquisition of firearms and/or ammunition from November 1, 2012, through March 28, 2013. Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, 6, and 7(F). (Case Number FLETC FOIA 13-059.)
- On June 4, 2013, the United States Coast Guard (USCG) released to **William Buckley**, an attorney with **Willis & Buckley, APC** in New Orleans, Louisiana, 117 pages of records consisting of reports and photographs pertaining to Shoreline Cleanup and Assessment Technique (SCAT) reports in Treasure Isle and Geoghegan Canal in Southeastern Louisiana from April 20, 2010, through September 30, 2010. These records were released in full. (Case Number USCG 2013-2085.)
- On June 5, 2013, the Department of Homeland Security (DHS) released to **Jennifer Peebles**, a data editor with the *Washington Examiner* in Washington, DC, 390 pages of records consisting of resumes and an excel spreadsheet pertaining to appointees (non-career SES, Schedule C, and presidential appointees) at DHS who began work on or after January 20, 2009. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00010.)
- On June 5, 2013, the Department of Homeland Security (DHS) provided to **Michael Ravnitzsky**, an individual in Silver Spring, Maryland, the following link on the DHS FOIA Library: <http://www.dhs.gov/publication/dhs-impact-federal-budget-sequestration> in response to his request seeking a copy of the sequestration plan at DHS. (Case Number 2013-HQFO-00366.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- On June 4, 2013, U.S. Customs and Border Protection (CBP) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, 219 pages of records consisting of summaries of polygraph admissions. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), 7(E), and 7(F). (Case Number CBP H235830.)

#### VI. Litigation

- In the matter of *National Immigrant Justice Center (NIJC) v. DHS* (N.D. Ill. 12-cv-05358), plaintiff filed a FOIA request on April 27, 2011, seeking a copy of all Intergovernmental Service Agreements (IGSA) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming

constructive denial. On May 31, 2013, ICE released its fourteenth interim response, consisting of 208 pages of responsive records to the plaintiff.

- In the matter of *Georgia Latino Alliance for Human Rights (GLAHR) v. DHS* (N.D. Ga. 12-cv-03702), plaintiffs filed a FOIA request on April 17, 2012, seeking a copy of every single I-213 and I-247 detainer form issued in the State of Georgia, along with a copy of all communications between U.S. Immigration and Customs Enforcement (ICE) and state and local law enforcement officials in Georgia. Plaintiffs also sought a waiver of all fees, which ICE denied. Plaintiffs filed suit on October 24, 2012, after ICE denied their appeal of the search fees assessed and the denial of their request for expedited processing. On June 3, 2013, ICE entered into a stipulation with plaintiffs wherein ICE agreed to provide records and statistical information. Pursuant to that stipulation, ICE is now conducting searches of the following ICE offices: the Office of Enforcement and Removal Operations, the Office of Homeland Security Investigations, the Office of the Principal Legal Advisor, the Office of State, Local and Tribal Coordination, the Office of Public Affairs, and the Office of Professional Responsibility for statistics on ICE detainees and arrests in the Atlanta Area of Responsibility, and communications between ICE and Georgia law enforcement entities.

## 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 6 - 12, 2013**  
**Privacy Office**  
**June 17, 2013**  
**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 6, 2013, the Federal Law Enforcement Training Centers (FLETC) posted to the FLETC FOIA Library the FY 2012 FOIA Log (11 pages).
- On June 10, 2013, the Department of Homeland Security (DHS) Privacy Office posted to the DHS FOIA Library the May 2013 FOIA Log (10 pages).
- On June 11, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the May 2013 FOIA Log (207 pages).

**II. FOIA Requests**

- On June 6, 2013, **Susan Long**, Co-director with the **Transactional Access Records Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, case-by-case data on ICE removals in May 2013. (Case Number ICE 2013FOIA22102.)
- On June 6, 2013, **Susan Long**, Co-director with the **Transactional Access Records Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, case-by-case data on each ICE removal and return for May 2013 derived from Secure Communities. (Case Number ICE 2013FOIA22106.)
- On June 6, 2013, **Susan Long**, Co-director with the **Transactional Access Records Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, case-by-case data on each detainer issued by ICE in May 2013. (Case Number ICE 2013FOIA22109.)
- On June 6, 2013, **Susan Long**, Co-director with the **Transactional Access Records Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) anonymous, case-by-case data on all individuals who have been detained, released, or were in ICE custody in May 2013. (Case Number ICE 2013FOIA22113.)
- On June 6, 2013, **Jason Smathers**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to Secretary Janet Napolitano’s schedule for April 2013 including daily obligations, “to do” lists, and a log of telephone calls. (Case Number 2013-HQFO-00714.)
- On June 6, 2013, **Jason Smathers**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of Secretary Janet Napolitano’s rolodex including business cards, address books, and contacts lists. (Case Number 2013-HQFO-00715.)
- On June 6, 2013, **Michael Morisy** a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to any cease and desist orders suggesting or demanding

cessation of certain or all activities sent to the following payment-related websites from January 1, 2012, through the present: (1) Dwolla; (2) Mutum Siggillum LLC; or (3) Mt. Gox. (Case Number 2013-HQFO-00718.)

- On June 7, 2013, **Erin Siegal**, a reporter with *Fronteras: The Changing Americas Desk* and *Univision* in San Ysidro, California, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to all 287(g) agreements that ICE has entered into since January 1, 1996. (Case Number ICE 2013FOIA22173.)
- On June 7, 2013, **Al Shaw**, a journalist with *ProPublica* in New York, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to Letter of Map Revisions (LOMR) and Letter of Map Amendments (LOMA) for various flood zones in the State of New York. (Case Number FEMA 2013-FEFO-00784.)
- On June 7, 2013, **Amy Lieberman**, a correspondent with *Women's eNews* in New York, New York, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) and DHS Office for Civil Rights and Civil Liberties (CRCL) records pertaining to complaints made by transgender detainees alleging abuse by corrections officers and other detainees in U.S. Immigration Customs Enforcement (ICE) and contracted ICE detention facilities, from fiscal years 2008 through 2013. (Case Numbers OIG 2013-104 and CRCL 13-036.)
- On June 10, 2013, **Mara Verheyden-Hilliard**, an attorney with the **Partnership for Civil Justice Fund** in Washington, DC, requested from the Department of Homeland Security (DHS) various records pertaining to “warrantless mass or dragnet surveillance programs that operate by impact and effect to collect information and data on United States persons.” (Case Number 2013-HQFO-00724.)
- On June 11, 2013, **Allan Blutstein**, Senior Counsel with **Cause of Action** in Washington, DC, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to the DHS-OIG response to an inquiry from Senator Charles Grassley (R-IA) and Representative Darrell Issa (R-CA) regarding the involvement of political appointees in the FOIA process. (Case Number OIG 2013-106.)
- On June 11, 2013, **Eric Lipton**, a reporter with the *New York Times* in Washington, DC, requested from the Department of Homeland Security (DHS) records from various offices and senior DHS officials from May 10, 2013, through the present that mention: (1) Eric Lipton; (2) the *New York Times*; or (3) the *Times*. (Case Number 2013-HQFO-00712.)
- On June 11, 2013, **Stephanie Schwartz**, a summer associate with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to: (1) a bulletin regarding three-dimensional printed firearms, dated May 21, 2013; and (2) records pertaining to Cody Wilson regarding his creation of a three-dimensional printed firearm and internet distribution of the blueprints for the firearm referred to as the “Liberator.” (Case Number 2013-HQFO-00727.)

- On June 11, 2013, **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of Matthew Whitaker while serving in the following positions: (1) United States Attorney from January 1, 2004, through December 31, 2009; (2) Managing Partner, Whitaker Hagenow GBMG from January 1, 2009, through June 3, 2013; and (3) Principal, Whitaker Strategy Group from January 1, 2012, through June 3, 2013. (Case Number 2013-HQFO-00728.)
- On June 11, 2013, **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of David Young while he served in the following positions: (1) Chief of Staff to Senator Charles Grassley (R-IA) from January 1, 2006, through May 31, 2013; (2) Chief of Staff to Senator Jim Bunning (R-KY) from January 1, 2005, through December 31, 2006; (3) Legislative Director to Senator Jim Bunning from January 1, 2001, through December 31, 2004; (4) Legislative Assistant to Senator Jim Bunning from January 1, 1999, through December 31, 2000; and (5) Legislative Assistant to Senator Hank Brown (R-CO) from January 1, 1994, through December 31, 1996. (Case Number 2013-HQFO-00729.)
- On June 11, 2013, **Angelo Mathay**, a law fellow with the **National Immigration Law Center** in Washington, DC, requested from the Department of Homeland Security (DHS) various records pertaining to Deferred Action for Childhood Arrivals (DACA) since August 2012, including: (1) records pertaining to denials of DACA applications; and (2) requests resulting in a Request for Evidence (RFE) and/or a Notice of Intent to Deny (NOID). (Case Number 2013-HQFO-00730.)
- On June 11, 2013, **Angelo Mathay**, a law fellow with the **National Immigration Law Center** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of the records pertaining to 22 previous FOIA requests regarding Deferred Action for Childhood Arrivals (DACA) as identified on the United States Citizenship and Immigration Services (USCIS) website. (Case Number 2013-HQFO-00731.)
- On June 11, 2013, **Susan Long**, Co-director with the **Transactional Access Records Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a copy of all computer queries/commands used to prepare the reports that the ICE Office of Enforcement and Removal Operations (ERO) Statistical Tracking Unit (STU) generates for the Criminal Alien Program (CAP) on a regular basis. (Case Number ICE 2013FOIA22403.)
- On June 12, 2013, **Joyce Battle**, a representative with **The National Security Archive** in Washington, DC, requested from the Department of Homeland Security (DHS) various records from September 29, 2001, through October 25, 2003, pertaining to activism in opposition to U.S. policy toward Iraq including opposition to a possible invasion of Iraq. (Case Number 2013-HQFO-00733.)

### Late requests

- On May 30, 2013, the Department of Defense (DOD) referred to U.S. Customs and Border Protection (CBP) records responsive to a request from **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, seeking all records from 1990 through the present pertaining to the United States training of Guatemalan Special Forces unit, the Kaibiles. (Case Number CBP 2013F21878.)
- On May 31, 2013, **Lindsey Miller**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to and from DHS from or on behalf of Karen Handel, as a private citizen, or while affiliated with the following: (1) Susan G. Komen for the Cure from January 2011, through February 2012; (2) Candidate for Georgia Governor from January 2010, through August 2010; (3) Georgia Secretary of State from January 2007, through January 2010; (4) Chairman of Fulton County (Georgia) Board of Commissioners from 2003 through 2007; (5) Deputy Chief of Staff to Georgia Governor Perdue for 2002; and (6) President of Fulton County (Georgia) Chamber of Commerce from October 2000, through January 2002. (Case Number 2013-HQFO-00713.)
- On June 5, 2013, **James Hafner**, a representative with the **Appleseed Foundation** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) the following records from 1990 through the present: (1) application rates for citizenship among all foreign nationals between the ages of 50 through 65 who had been lawful permanent residents (LPR) of the United States for at least five continuous years; and (2) pass/fail rates for all foreign nationals who took either the English Test or Civics Test. (Case Number USCIS COW2013000428.)

### **III. FOIA Releases**

- On June 6, 2013, U.S. Customs and Border Protection (CBP) released to **Joe Augustine**, a reporter with **KRGV-TV** in Weslaco, Texas, one page of records containing U.S. Border Patrol statistics pertaining to juveniles detained for smuggling humans and drugs in 2011 and 2012. These records were released in full. (Case Number CBP 2013F15036.)
- On June 7, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, 153 pages of records consisting of e-mails and memoranda from or on behalf of Congressman Steve King (R-IA) from June 1, 2011, through April 11, 2013. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number USCIS NRC2013042969.)
- On June 7, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Michael Kaufman**, an attorney with the **American Civil Liberties Union (ACLU)** in Los Angeles, California, 343 pages of records consisting of Excel spreadsheets pertaining to the asylum pre-screening system.

Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCIS COW2013000361.)

- On June 7, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **G. W. Shulz**, a reporter with the *Center for Investigative Reporting (CIR)* in Austin, Texas, five pages of records pertaining to corruption and misconduct investigations of the U.S. Border Patrol carried out by the Federal Bureau of Investigation (FBI). Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), 7(D), 7(E), and 7(F). (Case Number OIG 2013-055.)
- On June 10, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Carl Schreck**, a journalist with *RIA Global* in Washington, DC, 38 pages of records pertaining to Eugene Lukin (deceased). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number USCIS NRC2013052082.)
- On June 11, 2013, the Department of Homeland Security (DHS) issued to **John Zaremba**, a reporter with the *Boston Herald* in Boston, Massachusetts, a full denial in response to his request seeking various records pertaining to Dzhokhar Tsarnaev, Tamerlan Tsarnaev, Zubeidat Tsarnaeva, and Anzor Tsarnaev. These records were withheld pursuant to FOIA Exemptions 6 or 7(A). (Case Number 2013-HQFO-00661.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- On June 6, 2013, U.S. Customs and Border Protection (CBP) released to **Deirdre Hykal**, an attorney, and **Danielle Ivory**, a reporter, both with *Bloomberg L.P.* in New York, New York, 337 pages of records consisting of a subject record regarding DRM Med Assist LLC and travel records pertaining to several individuals. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H240365.)

#### 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 June 13 - 19, 2013**  
**Privacy Office**  
**June 24, 2013**  
**Weekly FOIA Report**

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

**II. FOIA Requests**

- On June 13, 2013, **Lindsey Miller**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence between DHS and Terri Lynn Land, as a private citizen, or while affiliated with the following: (1) the office of Michigan Secretary of State from January 2003, through December 2010; (2) Republican National Committee Member (R-MI) from January 2012, through the present; (3) a candidate for lieutenant governor (R-MI) from June 2009, through August 2010; and (4) Gerald R. Ford International Airport Board Commissioner from January 2011, through the present. (Case Number 2013-HQFO-00737.)
- On June 13, 2013, **Ben Smilowitz**, an executive director with the **Disaster Accountability Project** in Rockville, Maryland, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA's Transitional Sheltering Assistance for several counties in the State of New York from October 29, 2012, through May 1, 2013. (Case Number FEMA 2013-FEFO-00788.)
- On June 13, 2013, **Sarah Mervosh**, a reporter with *The Dallas Morning News* in Dallas, Texas, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA grants for the Texas fertilizer plant explosion from April 17, 2013, through the present. (Case Number FEMA 2013-FEFO-00791.)
- On June 13, 2013, **Gary Wilson**, a journalist with the *Pennsylvania Independent* in Harrisburg, Pennsylvania, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the following regional centers: (1) the Three Streams Mid-Atlantic Regional Center (Case Number USCIS COW2013000445); (2) New York Federal Regional Center (Case Number USCIS COW2013000446); (3) the Empire State EB-5 Regional Center (Case Number USCIS COW2013000447); (4) the New Jersey EB-5 Regional Center (Case Number USCIS COW2013000448); (5) the Pennsylvania Department of Community and Economic Development Regional Center (Case Number USCIS COW2013000449); (6) the Pittsburgh Regional Investment Center LLC (Case Number USCIS COW2013000450); and (7) the Philadelphia Industrial Development Corporation Regional Center. (Case Number USCIS COW2013000451.)

- On June 13, 2013, **Jessica Contrera**, a reporter with the *Pittsburgh Post-Gazette* in Pittsburgh, Pennsylvania, requested from the United States Citizenship and Immigration Services (USCIS) the number of people naturalized as citizens in Allegheny County, Pennsylvania in 2012. (Case Number USCIS COW2013000444.)
- On June 14, 2013, **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 deportation of U.S. citizens. (Case Number ICE 2013FOIA22741.)
- On June 14, 2013, **Marinka Peschmann**, a freelance journalist requested from the Department of Homeland Security (DHS) records from February 2009, through the present pertaining to Douglas Hagmann, the host of The Hagmann & Hagmann Report and the owner of the Northeast Intelligence Network. (Case Number 2013-HQFO-00738.)
- On June 14, 2013, **Michael Evans**, an analyst with **The National Security Archive** in Washington, DC, requested from the Department of Homeland Security (DHS) various records pertaining to the organization and operations of the Mexican Armed Forces (especially the Mexican Army) and the Mexican Federal Police along highways in the state of Chiapas, particularly those linking the cities of Tapachula and Tuxtla Gutiérrez from 2008 through the present. (Case Number 2013-HQFO-00739.)
- On June 14, 2013, **Tom Nash**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to reports of significant FOIA activity received from all DHS component FOIA offices by the DHS Privacy Office in 2012. (Case Number 2013-HQFO-00741.)
- On June 14, 2013, **Tom Nash**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) the following records: (1) the successful grant application the Seattle Police Department submitted to DHS for buying drones; (2) any memoranda of understanding and agreements between DHS and the Seattle Police Department for the use of funds, data sharing, and any other grant requirements; and (3) the Request for Proposals or call for applications for the funds given to the Seattle Police Department. (Case Number 2013-HQFO-00743.)
- On June 14, 2013, **Jennifer Bolen**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to RevolutionTruth and/or RevolutionTruth.org, formerly known as “3WC World Wide Wiki Citizens.” (Case Number 2013-HQFO-00749.)
- On June 14, 2013, **Carlton Purvis**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) the following records: (1) a list of the Twitter accounts followed by the DHS-run account @DHSNOCMMC1; and (2) a list of the authorized apps and widgets for the account at <https://twitter.com/settings/applications> and <https://twitter.com/settings/widgets>. (Case Number 2013-HQFO-00750.)

- On June 14, 2013, **Griffin Boyce**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records created from 2011 through the present that are similar to or the same as records titled variously CALEA ELSUR Noncompliance Incident Reports or Provider Noncompliance with Retrieval of Communication Records. (Case Number 2013-HQFO-00751.)
- On June 17, 2013, **Rachael Marcus**, 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) the following records: (1) a listing of DHS-OIG investigations into DHS officer misconduct, from February 2011, through the present; (2) definitions for all allegation types described in OIG's investigative database; and (3) corresponding court cases and narratives describing incidents that gave rise to the allegations in a narrative listing of DHS-OIG investigations released for Case Number OIG 2011-046. (Case Number OIG 2013-108.)
- On June 18, 2013, **Michelle Klymko**, an attorney with **Arnstein & Lehr LLP** in Fort Lauderdale, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the decision to remove the Town of Southwest Ranches from consideration as a possible location for a new or expanded ICE detention facility in Florida. (Case Number ICE 2013FOIA22990.)
- On June 19, 2013, **Diana Astiz**, a representative with the **Democratic Congressional Campaign Committee (DCCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to violations, citations, or complaints involving the following Georgia-based companies: (1) R.W. Allen, LLC; and (2) R.W. Allen and Associates, LLC. (Case Number ICE 2013FOIA23129.)
- On June 19, 2013, the Department of the Treasury's Bureau of Engraving and Printing (BEP) referred to the United States Secret Service (USSS) a request from **Michael Morisy**, a representative with *MuckRock News* in Boston, Massachusetts, seeking reports pertaining to testing of currency for traces of cocaine and other illegal substances during the last 10 years. (Case Number USSS 20130739.)

#### **Late requests**

- On June 10, 2013, **David Perera**, an editor with *FierceHomeland Security* in Washington, DC, requested from the Transportation Security Administration (TSA) a copy of the Behavior Detection and Analysis Strategic Plan. (Case Number TSA 13-0671.)
- On June 10, 2013, **Alicia Hutton**, an investigator with the **Federal Public Defender Office** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) the following Alien File forms on behalf of a named individual: (1) form N-400; (2) form I-589; (3) form I-485; (4) form I-730; (5) form G-325; and (6) work authorization cards. (Case Number 2013-HQFO-00757.)
- On June 11, 2013, the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) referred to the Department of Homeland Security

(DHS) records responsive to a request from **Leonard Lang**, a representative with **Import Export Associates Inc** in Stafford, Virginia, seeking records pertaining to the Beyond the Border (BTB) Initiative, from December 1, 2011, through June 21, 2012. (Case Number 2013-HQFO-00736.)

### III. FOIA Releases

- On June 12, 2013, the Department of Homeland Security (DHS) issued to **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, a no records determination in response to her request seeking records pertaining to Davis Guggenheim and the film “The Dream is Now” from July 1, 2010, through the present. (Case Number 2013-HQFO-00625.)
- On June 13, 2013, the Department of Homeland Security (DHS) issued to **Sean Dunagan**, a senior investigator with **Judicial Watch** in Washington, DC, a full denial in response to his request seeking records pertaining to Ibragim Todashev (deceased). These records were withheld pursuant to FOIA Exemption 7(A). (Case Number 2013-HQFO-00693.)
- On June 13, 2013, the United States Coast Guard (USCG) released to **Bonnie Ford**, a writer with **ESPN.com** in Wallingford, Pennsylvania, six pages of records consisting of a permit and letter pertaining to the Marine Event Permit issued to the owners and/or organizers of the Escape From Alcatraz Triathlon held on March 3, 2013. (Case Number USCG 2013-2157.)
- On June 14, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Michael Tan**, an attorney with the **American Civil Liberties Union (ACLU)** in San Francisco, California, 340 pages of records pertaining to ICE’s examination of detained individuals’ claims to United States citizenship. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number ICE 2013FOIA13686.)
- On June 14, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Carl Takei**, an attorney with the **American Civil Liberties Union (ACLU)** in Washington, DC, 437 pages of records pertaining to ICE’s investigation of the in-custody deaths of the following individuals: (1) [REDACTED] (b) (6) [REDACTED]  
[REDACTED] Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2013FOIA17955.)
- On June 14, 2013, the Department of Homeland Security (DHS) issued to **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, a no records determination in response to her request seeking records of correspondence to DHS from or on behalf of Matthew Whitaker while serving in the following positions: (1) United States Attorney from January 1, 2004, through December 31, 2009; (2) Managing Partner, Whitaker Hagenow GBMG from January 1, 2009, through June 3, 2013; and (3) Principal, Whitaker Strategy Group from January 1, 2012, through June 3, 2013. (Case Number 2013-HQFO-00728.)
- On June 14, 2013, the Department of Homeland Security (DHS) issued to **Steve Friess**, a journalist with **Politico** in Fairfax, Virginia, a no records determination

in response to his request seeking records pertaining to assistance provided by the DHS Office of Multimedia regarding the creation of motion pictures and television programming during calendar years 2011 and 2012. (Case Number 2013-HQFO-00440.)

- On June 14, 2013, the Federal Emergency Management Agency (FEMA) released to **Brad Heath**, a reporter with *USA Today* in McLean, Virginia, 1,184 pages of records consisting of contracts, invoices, FEMA Task Monitor Certification Statements and Task Order Assignment Hours and Cost Summaries, e-mails, and memoranda pertaining to FEMA's administration of the Public Assistance program subsequent to Hurricanes Katrina or Rita. (Case Number FEMA 2013-FEFO-00143.)
- On June 17, 2013, the Department of Homeland Security (DHS) issued to **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, a no records determination in response to his request seeking records of correspondence to DHS from or on behalf of: (1) North Carolina State Representative Thomas Tillis (R-NC) from January 1, 2007, through May 8, 2013; and (2) Thomas Tillis prior to January 1, 2007. (Case Number 2013-HQFO-00667.)
- On June 17, 2013, the Department of Homeland Security (DHS) issued to **Erin Siegal**, a senior fellow with the **Schuster Institute for Investigative Journalism** at **Brandeis University** in San Ysidro, California, a no records determination in response to her request seeking records pertaining to Dr. Donald E. Schulz, a former chair of political science at Cleveland State University and a former research professor of National Security Policy at the United States Army War College, Strategic Studies Institute, in Carlisle Barracks, Pennsylvania. (Case Number 2013-HQFO-00690.)
- On June 18, 2013, U.S. Customs and Border Protection (CBP) released to **Daniela Royes**, a reporter with *WABC-TV* in New York, New York, two pages of records containing statistics pertaining to seizures of weapons and drugs from John F. Kennedy (JFK) and Newark airports from 2011 through the present. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number CBP 2012F24923.)
- On June 18, 2013, Department of Homeland Security (DHS) released to **Maria Zamudio**, a reporter with *The Chicago Reporter* in Chicago, Illinois, seven pages of records and an excel spreadsheet containing statistical information pertaining to Deferred Action for Childhood Arrivals (DACA). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00600.)
- On June 18, 2013, the Department of Homeland Security (DHS) released to **Mark Andrews**, an attorney with **Strasburger & Price LLP** in Washington, DC, 23 pages of e-mails and letters from Secretary Napolitano pertaining to the Jones Act. Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number 2013-HQFO-00536.)
- On June 18, 2013, the Department of Homeland Security (DHS) issued to **Lindsey Miller**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, a no records determination in response to her request seeking records of correspondence between DHS and the following:

(1) Michael McFadden or Mike McFadden from January 2006, through the present; (2) Lazard Middle Market LLC or Lazard Ltd from January 2007, through the present; and (3) Goldsmith Agio Helms or Goldsmith Agio Helms & Lynnner from January 2006, through January 2008. (Case Number 2013-HQFO-00704.)

#### IV. FOIA Appeals

- On May 20, 2013, **Jack Gillum**, a reporter with the *Associated Press* in Washington, DC, appealed the U.S. Customs and Border Protection's (CBP) response to his request for departure manifests for which Senator Robert Menendez (D-NJ) was listed as a passenger or crew member. The requester is contesting the withholding of 76 pages of records in full pursuant to FOIA Exemptions 6 and 7(C). (Case Number CBP H243133.)

#### V. FOIA Appeals Releases

- On June 14, 2013, U.S. Customs and Border Protection (CBP) released to **Andrew Becker**, a staff reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, 229 pages of records consisting of reports of investigations and a memorial book pertaining to U.S. Border Patrol agents killed on duty. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H241007.)

#### VI. Litigation

- In the matter of *New York Times v. ICE* (S.D.N.Y. 12-cv-8100), plaintiff filed 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). Plaintiff filed suit on November 7, 2012, challenging ICE's withholding of the aliens' names. On June 13, 2013, the Court ordered ICE to disclose the names of individuals released from ICE detention pursuant to *Zadvydas*. ICE and the Department of Justice (DOJ) are currently reviewing that order to determine ICE's options.
- 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 June 14, 2013, U.S. Immigration and Customs Enforcement (ICE) issued its fifth interim response, consisting of 125 pages of responsive records to the plaintiff.
- In the matter of *National Immigration Project of the National Lawyers Guild v. DHS* (S.D.N.Y. 11-cv-3235), plaintiffs filed a FOIA request on December 17, 2009, seeking records pertaining to the government's efforts to facilitate the return of individuals who prevailed in their immigration hearings but were deported before the end of their proceedings. On June 14, 2013, U.S.

Immigration and Customs Enforcement (ICE) released 1,010 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 June 20 – July 3, 2013**  
**Privacy Office**  
**July 9, 2013**  
**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 21, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library three detention facility compliance inspection reports (52 pages).
- On June 21, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library the year-to-date Secure Communities Nationwide Interoperability Statistics for fiscal year 2013 (59 pages).
- On June 21, 2013, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE FOIA Library four Student and Exchange Visitor Program (SEVP) by the numbers quarterly reports (36 pages).

**II. FOIA Requests**

- On June 20, 2013, **Amy Hansen**, a journalist with the *Beaver County Times* in Beaver, Pennsylvania, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA's budget for the Emergency Food and Shelter National Board Program (EFSP) in Beaver County, Pennsylvania. (Case Number FEMA 2013-FEFO-00802.)
- On June 21, 2013, **Nancy Morawetz**, an attorney with **Washington Square Legal Services, Inc.** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records created after February 2012, pertaining to the return of aliens to the United States who have been removed while their immigration cases were pending, pursuant to the *Nken* holding. (Case Number ICE 2013FOIA23360.)
- On June 21, 2013, **Michael Tan**, an attorney with the **American Civil Liberties Union (ACLU)** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) statistical records pertaining to all individuals held in mandatory immigration detention at the Northwest Detention Center in Tacoma, Washington during fiscal years 2012 and 2013. (Case Number ICE 2013FOIA23369.)
- On June 21, 2013, **Grace Meng**, a researcher with **Human Rights Watch** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) statistical records pertaining to all non-citizens removed on criminal grounds for fiscal years 2007 through 2012. (Case Number ICE 2013FOIA23398.)
- On June 21, 2013, **Rich Gardella**, a producer with *NBC News Washington* in Washington, DC, requested from the Department of Homeland Security (DHS) various records pertaining to a Form I-589, Application for Asylum and for Withholding of Removal, for Ibragim Todashev. (Case Number 2013-HQFO-00763.)

- On June 21, 2013, the United States Citizenship and Immigration Services (USCIS) referred to the Department of Homeland Security (DHS) records responsive to a request from **Michael Ravnitzky**, an individual in Silver Spring, Maryland, seeking records pertaining to the impact of federal budget sequestration upon USCIS operations and functions created or finalized since February 1, 2013. (Case Number 2013-HQFO-00765.)
- On June 24, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Gaithersburg, Maryland, requested from the Department of Homeland Security (DHS) records pertaining to Case Numbers PRIV-12-0665 and PRIV-12-0658. (Case Number 2013-HQFO-00776.)
- On June 26, 2013, **David Allison**, an editor with the *Atlanta Business Chronicle* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to I-9 audits, fines, and arrests in the State of Georgia for the last 10 years. (Case Number ICE 2013FOIA23845.)
- On June 26, 2013, **Stephanie Schwartz**, a summer associate with **Judicial Watch** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the reopening of the Citizenship and Integration Grant Program announcement (DHS-13-CIS-010-002) on June 3, 2013. (Case Number USCIS COW2013000499.)
- On June 26, 2013, **Brian Stull**, an attorney with the **American Civil Liberties Union (ACLU)** in Durham, North Carolina, requested from the United States Citizenship and Immigration Services (USCIS) the Alien Files for two named individuals. (Case Number USCIS COW2013000500.)
- On June 27, 2013, **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 records: (1) records pertaining to a named individual's involvement as an informant; and (2) ICE Office of Professional Responsibility (OPR) records pertaining to a named U.S. Customs and Border Protection (CBP) officer. (Case Number ICE 2013FOIA23992.)
- On June 27, 2013, **Stephen Braun**, a representative with the *Associated Press* in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to complaints filed with DHS, DHS Privacy Office, and/or DHS Office for Civil Rights and Civil Liberties (CRCL) concerning the use, sharing, retention, improper collection, over-collection, and/or dissemination of telephone and/or internet data or other information from or about U.S. persons from January 1, 2007, through the present. (Case Number 2013-HQFO-00783.)
- On June 28, 2013, **Shawn Musgrave**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) various records pertaining to a requirement for DHS to submit a report on hazing in the Armed Forces (United States Coast Guard) in compliance with Section 534 of the National Defense Authorization Act (NDAA) 2013. (Case Number 2013-HQFO-00778.)
- On June 28, 2013, **Lindsey Miller**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of James Abeler as a private citizen or as a member of the

Minnesota House of Representatives (R-MN) from January 1, 1999, through the present. (Case Number 2013-HQFO-00780.)

- On June 28, 2013, **James Hennessy**, an individual requested from the Federal Emergency Management Agency (FEMA) records pertaining to claims and/or reimbursements made by the City of Long Beach, New York, after Hurricane Sandy from October 28, 2012, through June 28, 2013. (Case Number FEMA 2013-FEFO-00811.)
- On July 1, 2013, **Thomas Egan**, an individual in Delray Beach, Florida, requested from the Federal Emergency Management Agency (FEMA) records pertaining to a listing of premiums by flood zones for the States of Florida, Georgia, South Carolina, and North Carolina in the categories of Dwelling Policy and Residential Condominium Building Association Policy (RCBAP). (Case Number FEMA 2013-FEFO-00817.)
- On July 1, 2013, **Jacqueline Stevens**, a professor with **Northwestern University** in Evanston, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to policies and procedures used by ICE to pay for damages in civil lawsuits. (Case Number ICE 2013FOIA24375.)
- On July 1, 2013, **Brian Walsworth**, an individual in Lansing, Michigan, requested from the Department of Homeland Security (DHS) records of correspondence between DHS and the following members of Congress: (1) Senator Brian Schatz (D-HI); and (2) Congressman Gary Peters (D-MI). (Case Number 2013-HQFO-00784.)
- On July 2, 2013, **Shane Allen**, Multi-Platform Content Planner with **NBC 5 News** in Fort Worth, Texas, requested from the Federal Emergency Management Agency (FEMA) records to and from all FEMA Region 6 employees regarding requests for FEMA and/or Department of Homeland Security (DHS) assistance after an explosion in or near West, Texas, on April 17, 2013, from April 17, 2013, through July 1, 2013. (Case Number FEMA 2013-FEFO-00815.)
- On July 2, 2013, **Beau Hodai**, a freelance researcher/reporter with the **Center for Media and Democracy (CMD)** and **DBA Press** in Elfrida, Arizona, requested from the Federal Emergency Management Agency (FEMA) records pertaining to work products generated by Wiley Ross Ashley, III, in his position as the Assistant Administrator for Grant Programs in the FEMA Grants Program Directorate, from July 2007, through August 2009. (Case Number FEMA 2013-FEFO-00816.)
- On July 3, 2013, **Heather Catallo**, a reporter with **WXYZ-TV** in Southfield, Michigan, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to “reverse escort missions” and “juvenile removals” from May 1, 2013, through the present. (Case Number ICE 2013FOIA24784.)
- On July 3, 2013, **Lisa Dewey**, a representative with **DLA Piper LLP** in Washington, DC, requested from the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), and the United States Citizenship and Immigration Services (USCIS) various records pertaining to the implementation of the Trafficking Victims Protection Reauthorization Act (TVPRA) including: (1) records pertaining to any transfer of authority from CBP to USCIS relating to the interviewing or processing of unaccompanied Mexican children; (2) records

pertaining to improving the facilities at the border to provide privacy and a more child-friendly atmosphere for interviewing and holding children; (3) records pertaining to the establishment of any pilot programs for interviewing and caring for unaccompanied children who cross the United States-Mexican border; (4) a copy of any reports submitted to Congress on the implementation of TVPRA pertaining to Mexican children; (5) records pertaining to current screening tools for border patrol officers engaged in the screening of unaccompanied minors, including but not limited to CBP Forms 93 and I-770 or their successor forms; (6) records pertaining to any changes or proposed changes to specialized training federal officers working with children receive or should receive to help them identify victims of trafficking, persecution, and other forms of abuse; (7) statistics pertaining to the apprehension, screening, and return of unaccompanied minors to Mexico for 2010, 2011, and 2012; (8) protocols pertaining to Spanish or indigenous language capacity for agents working with unaccompanied Mexican minors and protocols for obtaining translation services for Mexican minors at the border; (9) protocols for ensuring that communications with Mexican officials disclose to them or withhold from them information about any concerns relating to the safety of the children being returned, including whether the United States believes the minor may be at risk from drug traffickers or abusive family members; and (10) any funding from the United States government to Mexico directed towards ensuring the safe repatriation of minors traveling alone. (Case Numbers 2013-HQFO-00787 and CBP 2013F27813.)

### **Late requests**

- On November 21, 2012, **Mark Flatten**, an investigative reporter with the *Washington Examiner* in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) a database of all agency employees who have used “official time” under any category in 5 USC 7131 or related statutes since January 1, 2009; and (2) a copy of any current master labor agreements between DHS and a labor organization/union which allow for official time under the previously referenced statute. (Case Number 2013-HQFO-00771.)
- On June 13, 2013, **Jay Gairson**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the United States Citizenship and Immigration Services (USCIS) various records pertaining to terrorism-related inadmissibility grounds (TRIG). (Case Number USCIS COW2013000454.)
- On June 17, 2013, **Victor Michel**, a representative with *MuckRock News* in Boston, Massachusetts, requested from U.S. Customs and Border Protection (CBP) records pertaining to Mexican military and police incursions on U.S. territory for fiscal years 2006 through 2012. (Case Number CBP 2013F26819.)
- On June 19, 2013, **Whitney Nevill-Wallace**, a news director with *Entertainment Tonight* in Studio City, California, requested from the United States Coast Guard (USCG) records pertaining to Patrick McDermott who went missing on June 30, 2005, and was said to be found in 2010. (Case Number USCG 2013-2555.)

### **III.FOIA Releases**

- On June 17, 2013, U.S. Customs and Border Protection (CBP) released to **Michael McLaughlin**, a reporter with *The Huffington Post* in New York, New York, two pages of records consisting of annual budgets for employee performance awards for every Border Patrol sector of CBP for fiscal years 2003 through 2012. These records were released in full. (Case Number CBP 2013F13162.)
- On June 19, 2013, U.S. Customs and Border Protection (CBP) released to **Michael Morisy**, a representative with *Muckrock News* in Boston, Massachusetts, one page of records containing statistics pertaining to the number of illicit aircraft penetrations into the United States for fiscal years 2000 through 2012. These records were released in full. (Case Number CBP 2012F30134.)
- On June 20, 2013, the Department of Homeland Security (DHS) released to **Abraham Payton**, Due Diligence Manager with the **American Bridge 21st Century** in Washington, DC, 107 pages of records consisting of letters between Representative Michele Bachmann (R-MN) and other members of Congress and Secretary Napolitano. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(E). (Case Number 2013-HQFO-00538.)
- On June 21, 2013, the Department of Homeland Security (DHS) released to **Kenric Ward**, Chief, Virginia Bureau with **Watchdog.org** in Alexandria Virginia, 28 pages of records consisting of correspondence between DHS, the United States Citizenship and Immigration Services (USCIS), and members of Congress pertaining to Gulf Coast Funds Management (GCFM). Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00656.)
- On June 21, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Emma Jacobs**, a journalist with *WHYY Public Broadcasting* in Philadelphia, Pennsylvania, three pages of records consisting of the I-213 Form for a named individual. Portions of the release were withheld pursuant to FOIA Exemptions 7(C) and 7(E). (Case Number USCIS COW2013000264.)
- On June 24, 2013, U.S. Customs and Border Protection (CBP) released to **Brendan McGarry**, a reporter with *Bloomberg News* in Washington, DC, four pages of records consisting of logs of incidents, accidents, and maintenance issues concerning the single type of Unmanned Aerial Systems (UAS) that CBP utilizes. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP 2012F30776.)
- On June 24, 2013, the Department of Homeland Security (DHS) released to **Ronald Schechter**, an attorney with **Arnold & Porter, LLP** in Washington, DC, 25 pages of records consisting of the “Testimony of Secretary Janet Napolitano Before the United States Senate Committee on Homeland Security and Government Affairs,” dated September 13, 2011. These records were released in full. (Case Number 2013-HQFO-00537.)
- On June 24, 2013, the Department of Homeland Security (DHS) issued to **Rich Gardella**, a producer with *NBC News Washington* in Washington, DC, a full denial in response to his request seeking various records pertaining to a Form I-589, Application for Asylum and for Withholding of Removal, for Ibragim

Todashev. These records were withheld pursuant to FOIA Exemption 7(A). (Case Number 2013-HQFO-00763.)

- On June 25, 2013, the Department of Homeland Security (DHS) released to **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, 531 pages of records pertaining to U.S. Immigration and Customs Enforcement's (ICE) FOIA backlog and plans to remedy the situation. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number 2013-HQFO-00634.)
- On June 25, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with *The Atlanta Journal-Constitution* in Woodstock, Georgia, 165 pages of records pertaining to ICE's 287(g) program audits and summaries for five counties in the State of Georgia. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2013FOIA7756.)
- On June 25, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, eight pages of records consisting of correspondence between ICE and Congressman Steven King (R-IA) pertaining to a constituent's inquiry. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2013FOIA18523.)
- On June 25, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Keisha Slaughter**, a researcher with **The National Security Archive** in Washington, DC, one spreadsheet containing information on abortion services provided to ICE detainees while in ICE custody and sections of ICE's Performance Based National Detention Standards (PBNDS) pertaining to medical care. These records were previously released in a separate FOIA request. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number ICE 2013FOIA6439.)
- On June 26, 2013, the Department of Homeland Security (DHS) released to **Joshua Israel**, an investigative reporter with **ThinkProgress Center for American Progress Action Fund** in Washington, DC, 296 pages of records consisting of letters sent by members of Congress to DHS as listed in Congressional logs received in Case Number 2013-HQFO-00416. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number 2013-HQFO-00588.)
- On June 26, 2013, U.S. Customs and Border Protection (CBP) released to **Melissa Blasius**, a reporter with *KPNX-12 News* in Phoenix, Arizona, three pages of records consisting of a list of seizures of ammunition seized while leaving the United States for Mexico. Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number CBP 2012F30864.)
- On June 26, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Allan Blutstein**, Senior Counsel with **Cause of Action** in Washington, DC, 59 pages of records consisting of correspondence and an inspection report pertaining to the DHS-OIG response to an inquiry from Senator Charles Grassley (R-IA) and Representative Darrell Issa (R-CA)

regarding the involvement of political appointees in the FOIA process. These records were released in full. (Case Number OIG 2013-106.)

- On June 26, 2013, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) released to **Matthew Sledge**, a reporter with *The Huffington Post* in New York, New York, 208 pages of records consisting of the DHS Reports Officer Basic Course (ROBC) Student Guide (Rev. 0511, DHS-HSGAC-FC-057117- DHS), e-mails, and training resources. Portions of the release were withheld pursuant to FOIA Exemptions 2, 5, 6, 7(C), 7(D), and 7(E). (Case Number I&A 13-OIA-0040.)
- On June 27, 2013, the Department of Homeland Security (DHS) issued to **Lindsey Miller**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, a no records determination in response to her request seeking records of correspondence to and from DHS from or on behalf of Karen Handel, as a private citizen, or while affiliated with the following: (1) Susan G. Komen for the Cure from January 2011, through February 2012; (2) Candidate for Georgia Governor from January 2010, through August 2010; (3) Georgia Secretary of State from January 2007, through January 2010; (4) Chairman of Fulton County (Georgia) Board of Commissioners from 2003 through 2007; (5) Deputy Chief of Staff to Georgia Governor Perdue for 2002; and (6) President of Fulton County (Georgia) Chamber of Commerce from October 2000, through January 2002. (Case Number 2013-HQFO-00713.)
- On June 27, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Jessica Contrera**, a reporter with the *Pittsburgh Post-Gazette* in Pittsburgh, Pennsylvania, one page of records pertaining to the number of people naturalized as citizens in Allegheny County, Pennsylvania in 2012. These records were released in full. (Case Number USCIS COW2013000444.)
- On June 27, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Carol Wolf**, a reporter with *Bloomberg News* in Washington, DC, 100 pages of records consisting of narratives of complaints that were investigated by DHS-OIG, from January 1, 2010, through the present. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), 7(D), and 7(F). (Case Number OIG 2013-091.)
- On July 1, 2013, the Department of Homeland Security (DHS) released to **Abraham Payton**, Due Diligence Manager with the **American Bridge 21st Century** in Washington, DC, 12 pages of records consisting of a Congressional log for Representative Michael Coffman (R-CO). Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number 2013-HQFO-00539.)
- On July 2, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **John Connolly**, a contributing editor with *Vanity Fair* in New York, New York, 442 pages of records consisting of travel vouchers, phone bills, e-mails, time and attendance reports, spreadsheets of DHS-OIG employees' telework schedules, and various records pertaining to Acting/Deputy Inspector General Charles Edwards. Portions of the release were withheld pursuant to FOIA Exemptions 2, 5, 6, and 7(C). (Case Number OIG 2013-042.)

- On July 2, 2013, the United States Coast Guard (USCG) released to **Aebra Coe**, a writer with *Petoskey News-Review* in Petoskey, Michigan, four pages of records consisting of a vessel inspection pertaining to the USCG for changes to the Ironton Ferry in the past year. These records were released in full. (Case Number USCG 2013-2176.)
- On July 2, 2013, the United States Coast Guard (USCG) released to **Jennifer McDermott**, a staff writer with *The Day* in New London, Connecticut, five pages of records consisting of a memorandum pertaining to the USCG Academy report on the recent investigation into allegations cadets used drugs. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number USCG 2013-2336.)

#### IV. FOIA Appeals

- NSTR

#### V. FOIA Appeals Releases

- On June 21, 2013, U.S. Customs and Border Protection (CBP) released to **Emily Willard**, a research associate with **The National Security Archive** in Washington, DC, 494 pages of records consisting of reports of investigations, use of force reports, and media reports. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(A), 7(C), and 7(E). (Case Number CBP H239995.)

#### VI. Litigation

- In the matter of *Long v. ICE* (D.D.C. 12-cv-01725), plaintiffs filed a FOIA request on April 11, 2011, seeking a complete extract of all records contained in 106 fields relating to detention facilities within the ENFORCE database. Plaintiffs filed suit on October 22, 2012, contesting the adequacy of the search and the failure to provide the records in the format requested. On June 25, 2013, the Assistant U.S. Attorney handling the case sent a letter to plaintiffs' counsel explaining how the majority of the requested fields were contained in sections of the database that were never used, and provided plaintiffs with an extract of the one field that had been populated with live data.
- In the matter of *Cause of Action v. DHS OIG* (13-cv-00876-RJL), plaintiff filed a FOIA request on March 27, 2013, seeking the following records: (1) records released for Case Numbers OIG 2013-11, 2013-29, and 2012-175; (2) records pertaining to Acting/Deputy Inspector General Charles Edwards's official travels while occupying any Department of Homeland Security (DHS) position; (3) records pertaining to any complaints against Mr. Edwards received by the DHS Office of Inspector General (OIG) and the subsequent handling of such complaints by OIG Office of Investigations; and (4) records released to Andrew Becker, a writer with the *Center for Investigative Reporting*. Plaintiff filed suit on June 13, 2013, claiming constructive denial. On July 2, 2013, DHS-OIG released its first interim response consisting of 442 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 July 4 - 10, 2013**  
**Privacy Office**  
**July 15, 2013**  
**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 5, 2013, **Gregory Korte**, a reporter with *USA Today* in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to plans and reports required to be maintained by Section 1125(a) of the Government Performance and Results Act (GPRA) Modernization Act of 2010 (Public Law 111-352). (Case Number 2013-HQFO-00789.)
- On July 8, 2013, **Michael Morisy**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to No FEAR Act investigations conducted by DHS regarding alleged and possible violations of whistleblower protection laws from January 1, 2008, through the present. (Case Number 2013-HQFO-00806.)
- On July 8, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Gaithersburg, Maryland, requested from the Department of Homeland Security (DHS) a copy of all e-mails sent or received by all e-mail accounts of the DHS Secretary, Deputy Secretary, Chief of Staff, and head of Legislative Affairs from January 1, 2012, through the present pertaining to the following members of Congress: (1) Congressman Gerry Connelly (D-VA); (2) Senator Barbara Mikulski (D-MD); (3) Senator Benjamin Cardin (D-MD); (4) Senator Mark Warner (D-VA); (5) Congresswoman Eleanor Holmes-Norton (D-DC); (6) Congressman Frank Wolf (R-VA); and (7) Congressman John Sarbanes (D-MD). (Case Number 2013-HQFO-00810.)
- On July 8, 2013, **Steven Schwinn**, an associate professor with the **John Marshall Law School Human Rights Project** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the use of segregation at ICE detention facilities from January 1, 2012, through the present. (Case Number ICE 2013FOIA25060.)
- On July 8, 2013, **Justin McCarthy**, a research associate with **Judicial Watch** in Washington, DC, requested from the United States Secret Service (USSS) records pertaining to the use of U.S. Government funds to provide security and/or other services to First Lady Michelle Obama, Malia Obama, Sasha Obama, and any companions on their June 2013 trip to Ireland. (Case Number USSS 20130859.)
- On July 8, 2013, **Jasper Craven**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the United States Secret Service (USSS) records pertaining to security efforts to ensure Secretary of State John Kerry's safety while on the island of Nantucket, Massachusetts. (Case Number USSS 20130861.)

- On July 9, 2013, **Karen Ziner**, a reporter with *The Providence Journal* in Providence, Rhode Island, requested from U.S. Immigration and Customs Enforcement (ICE) reports pertaining to people taken into ICE custody in the State of Rhode Island, from June 1, 2012, through June 20, 2012, whose detention was triggered after citation for minor traffic infractions. (Case Number ICE 2013FOIA25170.)
- On July 9, 2013, **Rich Gardella**, a producer with *NBC News Washington* in Washington, DC, requested from the Department of Homeland Security (DHS) various records pertaining to immigration and asylum for the following individuals: (1) Anzor Tsarnaev (Case Number 2013-HQFO-00792); (2) Zubeidat Tsarnaeva (Case Number 2013-HQFO-00793); (3) Tamerlan Tsarnaev (Case Number 2013-HQFO-00794); and (4) Dzhokhar Tsarnaev. (Case Number 2013-HQFO-00795.)
- On July 9, 2013, **Alicia Hutton**, an investigator with the **Federal Public Defender Office** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the Alien File for Ailina Tsarnaeva. (Case Number 2013-HQFO-00796.)
- On July 9, 2013, **Josh Margolin**, a reporter with *ABC News* in New York, New York, requested from the Department of Homeland Security (DHS) records pertaining to the Boston Marathon bombing on April 15, 2013. (Case Number 2013-HQFO-00797.)
- On July 9, 2013, **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of Mark Jacobs while affiliated with the following organizations: (1) Reaching Higher Iowa from January 1, 2013, through June 27, 2013; (2) GenOn Energy from April 13, 2010, through September 30, 2011; (3) RRI Energy from May 28, 2009, through April 12, 2010; (4) Reliant Energy from August 1, 2002, through May 27, 2009; and (5) Goldman, Sachs, & Co. from January 1, 1989, through July 31, 2002. (Case Number 2013-HQFO-00809.)
- On July 9, 2013, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) records pertaining to the late Aaron Swartz. (Case Number 2013-HQFO-00813.)
- On July 9, 2013, **Rong-Gong Lin II**, a staff writer with the *Los Angeles Times* in Los Angeles, California, requested from the Federal Emergency Management Agency (FEMA) a copy of the report pertaining to building safety for existing federally owned or leased buildings titled, “Draft FEMA-360, A Report to Congress: Towards Earthquake Resistant Federal Buildings.” (Case Number FEMA 2013-FEFO-00822.)
- On July 9, 2013, **Brendan Fischer**, General Counsel with the **Center for Media and Democracy (CMD)** in Madison, Wisconsin, requested from the United States Citizenship and Immigration Services (USCIS) the following records pertaining to the Systematic Alien Verification for Entitlements (SAVE) program from January 1, 2005, through the present: (1) records pertaining to the monitoring, compliance, and review of this program; and (2) records between

USCIS and state agencies pertaining to this program. (Case Number USCIS COW2013000501.)

### Late requests

- On May 7, 2013, **Perla Trevizo**, a reporter with the *Arizona Daily Star* in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) records pertaining to U.S. Border Patrol Tucson Sector's logs or raw databases of incoming calls from other agencies for fiscal years 2007 through 2012. (Case Number CBP 2013F15806.)

### **III. FOIA Releases**

- On June 27, 2013, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Steven Miller**, a reporter with the *New York Post* in Stevenson, Maryland, 53 pages of records consisting of contract records pertaining to the active shooter educational video titled, "Options for Consideration." Portions of the release were withheld pursuant to FOIA Exemptions 4 and 6. (Case Number NPPD 13F149.)
- On July 9, 2013, U.S. Customs and Border Protection (CBP) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting (CIR)* in Berkeley, California, 362 pages of records consisting of CBP policies, guidelines, memoranda, and standard operating procedures, pertaining to the use and tasking authority of Unmanned Aerial Systems (UAS). Portions of the release were withheld pursuant to FOIA Exemptions 4, 6, 7(C), and 7(E). (Case Number CBP 2012F30132.)
- On July 9, 2013, the Department of Homeland Security (DHS) issued to **Rich Gardella**, a producer with *NBC News Washington* in Washington, DC, a full denial in response to his requests seeking various records pertaining to immigration and asylum for the following individuals: (1) Anzor Tsarnaev; and (2) Zubeidat Tsarnaeva. These records were withheld pursuant to FOIA Exemption 6. (Case Numbers 2013-HQFO-00792 and 2013-HQFO-00793.)
- On July 9, 2013, the Department of Homeland Security (DHS) issued to **Rich Gardella**, a producer with *NBC News Washington* in Washington, DC, a full denial in response to his requests seeking various records pertaining to immigration and asylum for the following individuals: (1) Tamerlan Tsarnaev; and (2) Dzhokhar Tsarnaev. These records were withheld pursuant to FOIA Exemption 7(A). (Case Numbers 2013-HQFO-00794 and 2013-HQFO-00795.)
- On July 10, 2013, the Department of Homeland Security (DHS) released to **Angelo Mathay**, a law fellow with the **National Immigration Law Center** in Washington, DC, 1,849 pages of records and four excel workbooks pertaining to Deferred Action for Childhood Arrivals (DACA). Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number 2013-HQFO-00731.)
- On July 10, 2013, the Department of Homeland Security (DHS) released to **Lindsey Miller**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, 17 pages of records consisting of correspondence between DHS and Michigan Secretary of State Terri Lynn Land

(R-MI). Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number 2013-HQFO-00737.)

- On July 10, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Barbara Hines**, a professor with the **University of Texas School of Law** in Austin, Texas, 222 pages of records consisting of e-mails and memoranda pertaining to: (1) the reinstatement of removal process at the T. Don Hutto Residential Center; (2) efforts to complete reasonable fear determinations; and (3) reasonable fear determinations for individuals held in custody at the T. Don Hutto Residential Center. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number USCIS COW2013000351.)
- On July 10, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Robert Deasy**, a director with the **American Immigration Lawyers Association (AILA)** in Washington, DC, 110 pages of records consisting of e-mails and memoranda pertaining to USCIS policy on interpretation and treatment of false claims to United States citizenship. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number USCIS COW2013000226.)

#### IV. FOIA Appeals

- On July 2, 2013, **Ryan Lincoln**, an attorney with **Nixon Peabody LLP**, on behalf of **Human Rights Watch**, in San Francisco, California, appealed the U.S. Customs and Border Protection's (CBP) response to their request for 34 data points regarding non-citizens referred by CBP for criminal prosecution under 8 U.S.C. § 1325, for "Improper Entry by Alien," and/or under 8 U.S.C. § 1326, for "Reentry of Removed Aliens," from fiscal year 2004 through the present. The requester is contesting the failure to include explanations regarding codes that were included in the release of data and the failure to include certain data points. (Case Number CBP H243907.)

#### V. FOIA Appeals Releases

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#### VI. Litigation

- 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), plaintiffs filed a FOIA request on February 3, 2010, seeking records pertaining to Secure Communities. On April 27, 2010, plaintiffs filed suit claiming constructive denial and that U.S. Immigration and Customs Enforcement (ICE) improperly denied their fee waiver and request for expedited processing. On July 5, 2013, ICE released a revised spreadsheet containing statistical data relating to ICE detainer to the plaintiffs.
- In the matter of *Georgia Latino Alliance for Human Rights (GLAHR) v. DHS* (N.D. Ga. 12-cv-03702), plaintiffs filed a FOIA request on April 17, 2012, seeking a copy of every single I-213 and I-247 detainer form issued in the State of Georgia, along with a copy of all communications between U.S. Immigration and Customs Enforcement (ICE) and state and local law enforcement officials in

Georgia. Plaintiffs also sought a waiver of all fees, which ICE denied. Plaintiffs filed suit on October 24, 2012, after ICE denied their appeal of the search fees assessed and the denial of their request for expedited processing. On June 3, 2013, ICE entered into a stipulation with plaintiffs wherein ICE agreed to provide records and statistical information. Pursuant to that stipulation agreement, on July 10, 2013, ICE released a spreadsheet containing statistical data pertaining to detainees and arrests within the Atlanta Area of Responsibility 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 July 11 - 17, 2013**  
**Privacy Office**  
**July 22, 2013**  
**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 11, 2013, **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 individuals whom ICE has forwarded to the Department of Justice (DOJ) for denaturalization proceedings. (Case Number ICE 2013FOIA25575.)
- On July 11, 2013, **Antonio Revilla**, an attorney with the **American Immigration Lawyers Association (AILA)** in Miami, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) statistical information pertaining to the number of “S” non-immigrant visas per year since fiscal year 2007. (Case Number ICE 2013FOIA25584.)
- On July 11, 2013, **Tom Banse**, a reporter with *KUOW Public Radio* in Olympia, Washington, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the following regional centers: (1) the Idaho State Regional Center (Case Number USCIS COW2013000532); and (2) the Washington Regional Center. (Case Number USCIS COW2013000533.)
- On July 11, 2013, **Michael Evans**, an analyst with **The National Security Archive** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records pertaining to U.S. Border Patrol “turnbacks” and “got-aways” for the years 2012 and 2013. (Case Number CBP 2013F28240.)
- On July 12, 2013, **Michael Evans**, an analyst with **The National Security Archive** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the ICE Office of Enforcement and Removal Operations (ERO) Air Operations Unit (IAO) and the pilot Interior Repatriation Initiative. (Case Number ICE 2013FOIA25752.)
- On July 12, 2013, **Jeff Raymond**, an investigative producer with *KWTV/KOTV News* in Oklahoma City, Oklahoma, requested from the Federal Emergency Management Agency (FEMA) records pertaining to individual and household claims in the State of Oklahoma for disaster number DR-4117 in the National Emergency Management Information System (NEMIS) database. (Case Number FEMA 2013-FEFO-00835.)
- On July 15, 2013, **Susan Carroll**, a reporter with the *Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to all escapes of immigration detainees from January 2008, through the present. (Case Number ICE 2013FOIA25996.)

- On July 15, 2013, **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 on all individuals who have been detained, released, or were in ICE custody in June 2013. (Case Number ICE 2013FOIA26003.)
- On July 15, 2013, **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 data on each ICE removal in June 2013. (Case Number ICE 2013FOIA26004.)
- On July 15, 2013, **Tom Nash**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to bullet-proof checkpoint booths. (Case Number 2013-HQFO-00821.)
- On July 16, 2013, **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of all e-mails sent by or to Secretary Napolitano and her executive staff from April 2013, through the present pertaining to her resignation from DHS. (Case Number 2013-HQFO-00820.)
- On July 16, 2013, **Thomas Jones**, an individual in Edgewater, Maryland, requested from the Federal Law Enforcement Training Centers (FLETC) records of correspondence between Senator Mark Pryor (D-AR) and FLETC pertaining to: (1) legislation or regulations; (2) recommendations for executive branch positions or appointments; or (3) support or opposition to federal funding for programs, projects, or companies. (Case Number FLETC FOIA 13-090.)

### Late requests

- On April 26, 2013, **Carli Brosseau**, a reporter with the **Arizona Daily Star** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: (1) records analyzing the need for the housing of federal employees in Lukeville, Why, and/or Ajo, Arizona for the past 15 years; (2) records from the independent oversight committee supervising the housing for CBP employees at 55 Sahuaro in Ajo, Arizona from January 1, 2008, through the present; and (3) records promoting 55 Sahuaro to CBP employees. (Case Number CBP 2013F14303.)
- On May 7, 2013, **Perla Trevizo**, a reporter with the **Arizona Daily Star** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) records pertaining to overtime and budget statistics for the U.S. Border Patrol Tucson Sector for fiscal years 2006 through 2012. (Case Number CBP 2013F15805.)
- On July 3, 2013, **Erica Hunter**, an associate producer with **CNBC's American Greed** in Chicago, Illinois, requested from the United States Coast Guard (USCG) records pertaining to reports regarding Aubrey Lee Price and his alleged suicide in June 2012. (Case Number USCG 2013-2837.)
- On July 5, 2013, **Valerie Wigglesworth**, a reporter with **The Dallas Morning News** in Richardson, Texas, requested from the United States Citizenship and

Immigration Services (USCIS) records pertaining to the I-924 form for the Frisco Texas International Development Center. (Case Number USCIS COW2013000527.)

### III. FOIA Releases

- On July 11, 2013, the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) released to **Amy Lieberman**, a correspondent with *Women's eNews* in New York, New York, six pages of records consisting of a listing of complaints made by transgender detainees in U.S. Immigration and Customs Enforcement (ICE) custody. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number CRCL 13-036.)
- On July 11, 2013, the Office of Biometric Identity Management (OBIM) released to **Rachel Levinson-Waldman**, an attorney with the **Brennan Center for Justice at New York University Law School** in Washington, DC, 59 pages of records consisting of Memoranda of Understanding (MOU) pertaining to the biometric information sharing agreements regarding the Automated Biometric Identification System (IDENT). Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number USV 13-0890.)
- On July 11, 2013, the Department of Homeland Security (DHS) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, two pages of records consisting of an e-mail pertaining to the impact of federal budget sequestration upon the operations and functions of the United States Citizenship and Immigration Services (USCIS). Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number 2013-HQFO-00765.)
- On July 12, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with the *Atlanta Journal-Constitution* in Woodstock, Georgia, 387 pages of records pertaining to the April 28, 2011 in-custody death of Miguel Angel Hernandez, who was being held at the North Georgia Detention Center. The records pertain to the investigation of his death, his medical records, and inspections of the detention facility. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2013FOIA5986.)
- On July 12, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Vivek Mittal**, an attorney with the **National Immigration Law Center** in Los Angeles, California, 89 pages of records pertaining to ICE's revised policies and procedures for the issuance of Stipulated Removals after the ruling in *U.S. v. Ramos*, 623 F.3d 672 (9<sup>th</sup> Cir. 2010). Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number ICE 2011FOIA11573.)
- On July 12, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Emily Willard**, a researcher with **The National Security Archive** in Washington, DC, a copy of records previously released in the FOIA litigation case *American Immigration Council v. DHS and ICE*, (D.D.C. 12-cv-856). The records pertain to non-citizens' access to legal counsel. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E). (Case Number ICE 2012FOIA18606.)

- On July 12, 2013, U.S. Immigration and Customs Enforcement (ICE) released to **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, six pages of records consisting of e-mails concerning media inquiries from Davis Guggenheim pertaining to his documentary titled “The Dream Is Now.” Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number ICE 2013FOIA20071.)
- On July 12, 2013, U.S. Customs and Border Protection (CBP) released to **Jacqueline Armendariz**, a reporter with *The Monitor* in McAllen, Texas, two pages of records containing the number of I-44 forms for persons arrested in CBP’s Rio Grande Valley Sector since fiscal year 2010, as well as their country of origin and legal status. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number CBP 2013F08529.)
- On July 16, 2013, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A) released to **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, 161 pages of records consisting of training material pertaining to “homegrown violent extremists.” Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(E). (Case Number I&A 13-OIA-0053.)
- On July 16, 2013, the Department of Homeland Security (DHS) released to **Brian Walsworth**, an individual in Lansing, Michigan, 19 pages of records consisting of a Congressional log for Senator Brian Schatz (D-HI) and Congressman Gary Peters (D-MI). Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number 2013-HQFO-00784.)
- On July 17, 2013, the Federal Emergency Management Agency (FEMA) released to **Sarah Crichton**, a reporter with *Newsday* in Islip, New York, 108 pages of records consisting of Project Worksheets and disbursements pertaining to debris removal operations in the State of New York. Portions of the release were withheld pursuant to FOIA Exemption 6. (Case Number FEMA 2013-FEFO-00614.)

#### IV. FOIA Appeals

- On June 12, 2013, **Bob Ortega**, a journalist with the *Arizona Republic* in Phoenix, Arizona, appealed the U.S. Customs and Border Protection’s (CBP) response to his request for reports pertaining to investigations by CBP of 20 deaths/injuries. The requester is contesting the use of FOIA Exemption 7(A) to withhold records pertaining to 12 of the identified incidents and CBP’s failure to respond to the remaining eight incidents. (Case Number CBP H244082.)
- On July 12, 2013, **Maria Sacchetti**, a reporter with *The Boston Globe* in Boston, Massachusetts, appealed the Department of Homeland Security’s (DHS) response to her requests for a copy of the Alien Files for Tamerlan Tsarnaev and Dzhokhar Tsarnaev. The requester is contesting the records withheld in full pursuant to FOIA Exemption 7(A). (Case Numbers 2013-HQAP-00076 and 2013-HQAP-00077.)
- On July 15, 2013, **Alicia Hutton**, an investigator with the **Federal Defender Office** in Boston, Massachusetts, appealed the Department of Homeland Security’s (DHS) response to her request for a copy of the Alien File for

Dzhokhar Tsarnaev. The requester is contesting the records withheld in full pursuant to Privacy Act Exemptions j2, k2, and d5, and FOIA Exemption 7(A). (Case Number 2013-HQAP-00075.)

- On July 16, 2013, **Kate Bailey**, FOIA Program Manager with **Judicial Watch** in Washington, DC, appealed the Department of Homeland Security's (DHS) response to her request for records pertaining to Secretary Napolitano's participation in Vice President Biden's gun policy discussions and transcripts of any such meeting in which the National Shooting Sports Foundation was a participant. The requester is contesting the 17 pages of records withheld in full pursuant to FOIA Exemptions 5, 7(A), and 7(C), and the lack of a Vaughn index or similar log. (Case Number 2013-HQAP-00079.)

## V. FOIA Appeals Releases

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## VI. Litigation

- In the matter of *Georgia Latino Alliance for Human Rights (GLAHR) v. DHS* (N.D. Ga. 12-cv-03702), plaintiffs filed a FOIA request on April 17, 2012, seeking a copy of every single I-213 and I-247 detainer form issued in the State of Georgia, along with a copy of all communications between U.S. Immigration and Customs Enforcement (ICE) and state and local law enforcement officials in Georgia. Plaintiffs also sought a waiver of all fees, which ICE denied. Plaintiffs filed suit on October 24, 2012, after ICE denied their appeal of the search fees assessed and the denial of their request for expedited processing. On June 3, 2013, ICE entered into a stipulation with plaintiffs wherein ICE agreed to provide records and statistical information. Pursuant to that stipulation agreement, on July 12, 2013, ICE released eight pages of responsive records from the Atlanta Office of the Chief Counsel to the plaintiffs.
- In the matter of *Conti v. DHS* (S.D.N.Y. 12-cv-5827), plaintiff, a former U.S. Immigration and Customs Enforcement (ICE) employee, filed a FOIA request on April 12, 2011, seeking records pertaining to several investigations initiated based on complaints he made against other employees, as well as records of investigations pertaining to him. Plaintiff appealed ICE's response, and the appeal was granted, with a supplemental search ordered. Plaintiff filed suit on July 30, 2012, claiming constructive denial. On July 12, 2013, ICE made a discretionary release to the plaintiff consisting of an 18-page report of investigation located during a supplemental search of the Office of Professional Responsibility.
- 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 a copy of all Intergovernmental Service Agreements (IGSA) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On July 15, 2013, ICE released its sixteenth interim response, consisting of 95 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 July 18 – 24, 2013**  
**Privacy Office**  
**July 29, 2013**  
**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 18, 2013, **Tom Porter**, a producer with the *Maine Public Broadcasting Network* in Portland, Maine, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA expenditures for remapping York and Cumberland counties in the State of Maine. (Case Number FEMA 2013-FEFO-00857.)
- On July 18, 2013, **Laren Knoll**, an attorney with **The Knoll Law Firm LLC** in Dublin, Ohio, requested from the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) records of correspondence between George Selim of CRCL and any employee, agent, detective, and/or officer of the Columbus Police Department in Columbus, Ohio from January 1, 2009, through July 31, 2010. (Case Number CRCL 13-046.)
- On July 18, 2013, **Shadeaya Venable**, a representative with **Shenendehowa High School** in Clifton Park, New York, requested from the United States Secret Service (USSS) records pertaining to the number of man hours and the amount of federal tax dollars for President Obama’s trip to the Middle East on March 22, 2013. (Case Number USSS 20130973.)
- On July 18, 2013, **Kristen Setera**, a senior investigative producer with **WCVB-TV** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) investigative records pertaining to two named individuals. (Case Number OIG 2013-122.)
- On July 19, 2013, **Joel Millman**, a reporter with *The Wall Street Journal* in Portland, Oregon, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the total number of United States asylum cases granted based on race, religion, nationality, membership in a particular social group, and political opinion from fiscal year 2001 through the present. (Case Number USCIS COW2013000549.)
- On July 19, 2013, **Michael McKnight**, a reporter with *Sports Illustrated* in Los Angeles, California, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to the investigation and arrest of former National Football League (NFL) player Sam Hurd. (Case Number ICE 2013FOIA26675.)
- On July 19, 2013, **Robert Levin**, a representative with the **Landmark Legal Foundation** in Leesburg, Virginia, requested from the Department of Homeland Security (DHS) various records pertaining to e-mail addresses and accounts for political appointees, Senior Executive Service (SES) officials, and other

- employees located at the DHS headquarters offices in Washington, DC, from January 1, 2009, through July 1, 2013. (Case Number 2013-HQFO-00830.)
- On July 19, 2013, **Robert Levin**, a representative with the **Landmark Legal Foundation** in Leesburg, Virginia, requested from the Department of Homeland Security (DHS) various records pertaining to the use of private communication services (e.g. private or personal e-mail accounts, text messaging services, instant messaging services, etc.) for conducting DHS business from January 20, 2009, through July 15, 2013, for political appointees, Senior Executive Service (SES) officials, and other employees located in specific offices in DHS. (Case Number 2013-HQFO-00831.)
  - On July 22, 2013, **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, requested from the Department of Homeland Security (DHS) records pertaining to Andrea Lafferty, Director, The Family Values Coalition. (Case Number 2013-HQFO-00834.)
  - On July 22, 2013, **Charron Follins**, a paralegal with the **South Florida Water Management District** (SFWMD) in West Palm Beach, Florida, requested from the Federal Emergency Management Agency (FEMA) records pertaining to the “Disallowed Cost Initiative” which deobligated funds previously awarded to SFWMD to repair water and flood control facilities damaged by hurricanes in 2004 and 2005. (Case Number FEMA 2013-FEFO-00858.)
  - On July 23, 2013, **Katie Drapcho**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of: (1) Iowa State Senator Joni Ernst (R-IA) from January 1, 2011, through July 15, 2013; and (2) Montgomery County (Iowa) Auditor Joni Ernst from January 1, 2005, through December 31, 2010. (Case Number 2013-HQFO-00835.)
  - On July 23, 2013, **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of: (1) Colorado State Senator Randy Baumgardner (R-CO) from January 15, 2013, through July 15, 2013; and (2) Colorado State Representative Randy Baumgardner (R-CO) from January 1, 2009, through January 15, 2013. (Case Number 2013-HQFO-00836.)
  - On July 23, 2013, **Rory Campbell**, a representative with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence to DHS from or on behalf of Owen Hill, as a private citizen, or as a member of the Colorado State Senate (R-CO) from January 1, 2013, through July 15, 2013. (Case Number 2013-HQFO-00837.)
  - On July 24, 2013, **Paul Srubas**, a reporter with *Press-Gazette Media* in Green Bay, Wisconsin, requested from U.S. Immigration and Customs Enforcement (ICE) statistical data pertaining to removals in the State of Wisconsin for fiscal years 2010 through 2012. (Case Number ICE 2013FOIA27310.)

### Late requests

- On July 8, 2013, **Laura Wilkinson**, an individual in Austin, Texas, requested from the United States Citizenship and Immigration Services (USCIS) a copy of the Alien File for Barack Hussein Obama Sr. (deceased). (Case Number USCIS NRC2013075510.)
- On July 10, 2013, **Shawn Musgrave**, a representative with *MuckRock News* in Boston, Massachusetts, requested from U.S. Customs and Border Protection (CBP) records pertaining to the findings and final report from the fiscal year 2004 pilot study of Unmanned Aircraft Systems (UAS) operations in the United States Southwest Border Region by the Office of Air and Marine (OAM). (Case Number CBP 2013F28205.)
- On July 11, 2013, **Michael Evans**, an analyst with **The National Security Archive** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) various records pertaining to Border Patrol Search, Trauma, and Rescue (BORSTAR) from 1998 through the present. (Case Number CBP 2013F28238.)
- On July 11, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Gaithersburg, Maryland, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA employees who received bonuses, salary incentives, or performance awards in fiscal years 2011 through 2013. (Case Number FEMA 2013-FEFO-00840.)
- On July 11, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Gaithersburg, Maryland, requested from the Federal Emergency Management Agency (FEMA) a copy of all e-mails sent or received by all e-mail addresses of Craig Fugate, Richard Serino, and MaryAnn Tierney from October 2012, through November 2012, pertaining to the following individuals: (1) Mayor Vincent Gray (D-DC); (2) Governor Martin O'Malley (D-MD); and (3) Governor Robert McDonnell (R-VA). (Case Number FEMA 2013-FEFO-00841.)
- On July 12, 2013, **Scott MacFarlane**, a correspondent with *Cox TV* in Gaithersburg, Maryland, requested from the Federal Emergency Management Agency (FEMA) a list of FEMA Individuals and Households Program (IHP) expenditures for residents of Washington, DC after Hurricane Sandy. (Case Number FEMA 2013-FEFO-00842.)
- On July 15, 2013, **Jacqueline Stevens**, an author and professor with **Northwestern University** in Evanston, Illinois, requested from the United States Citizenship and Immigration Services (USCIS) various records pertaining to two named individuals. (Case Numbers USCIS NRC2013075878 and USCIS NRC2013075937.)
- On July 15, 2013, **Shawn Musgrave**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the United States Coast Guard (USCG) records pertaining to all National Response Center (NRC) data files for incidents that occurred from 1983 through 2012. (Case Number USCG 2013-2849.)
- On July 16, 2013, **Michael Morisy**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the United States Citizenship and Immigration Services (USCIS) the following records: (1) various records pertaining to Mohamed Atta (Case Number USCIS COW2013000538); and (2)

records pertaining to H-1B applications processed for “fashion model” applicants. (Case Number USCIS COW2013000539.)

- On July 16, 2013, **Tom Nash**, a representative with *MuckRock News* in Boston, Massachusetts, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the Sanctuary Movement in Tucson, Arizona, and Seattle, Washington, from 1987 through 1995. (Case Number USCIS COW2013000537.)
- On July 17, 2013, **Fiona Hudson**, a journalist with *News Australia* in Southbank, Victoria, Australia, requested from the United States Coast Guard (USCG) records pertaining to deaths aboard the vessel CARNIVAL SPIRIT from January 2008, through the present. (Case Number USCG 2013-2861.)

### III. FOIA Releases

- On July 18, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Judy Yung**, an author and professor with the **University of California, Santa Cruz** in Santa Cruz, California, 145 pages of records consisting of immigration records contained in the late Smiley Jann’s Alien File. Portions of the release were withheld pursuant to FOIA Exemptions 5, 6, and 7(C). (Case Number USCIS NRC2013052355.)
- On July 19, 2013, U.S. Customs and Border Protection (CBP) released to **Veena Dubal**, a staff attorney with the **Asian Law Caucus** in San Francisco, California, 60 pages of records consisting of travel and investigatory records pertaining to a named individual. Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP 2013F14324.)
- On July 22, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Susan Long**, Co-director with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, and **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, 154 pages of records consisting of e-mails, memoranda, and Service Level Agreements pertaining to assistance provided by U.S. Immigration and Customs Enforcement (ICE) in the processing of FOIA requests for USCIS records. Portions of the release were withheld pursuant to FOIA Exemptions 4, 5, and 6. (Case Numbers USCIS COW2013000323 and USCIS COW2013000324.)
- On July 23, 2013, U.S. Customs and Border Protection (CBP) released to **Michael Corey**, a news application developer with the **Center for Investigative Reporting (CIR)** in Berkeley, California, 12 pages of records containing CBP coordinates, construction information, schematics, fence materials, and other information pertaining to fencing installed on the United States-Mexico Border prior to 2006. Portions of the release were withheld pursuant to FOIA Exemption 7(E). (Case Number CBP 2013F02612.)
- On July 23, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) issued to **Mark Flatten**, an investigative reporter with the *Washington Examiner* in Washington, DC, a no records determination in response to his request seeking records pertaining to the use of official time and labor agreements. (Case Number OIG 2013-117.)

- On July 24, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Alexander Abdo**, a staff attorney with the **American Civil Liberties Union (ACLU)** in New York, New York, 77 pages of records consisting of the publicly available inspection report titled “DHS’ Role in Nominating Individuals for Inclusion on the Government Watchlist and Its Efforts to Support Watchlist Maintenance.” These records were released in full. Additionally, OIG issued a full denial in response to a draft report. These records were withheld pursuant to FOIA Exemption 5. (Case Number OIG 2013-113.)
- On July 24, 2013, the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) released to **Catherine Crump**, a staff attorney with the **American Civil Liberties Union (ACLU)** in New York, New York, 112 pages of records consisting of contracts, statements of work, briefings, and e-mails pertaining to Unmanned Aircraft Systems (UAS). Portions of the release were withheld pursuant to FOIA Exemptions 3, 4, 5, 6, 7(C), and 7(E). (Case Number S&T 12-025.)
- On July 24, 2013, the United States Citizenship and Immigration Services (USCIS) released to **Lisette Garcia**, a senior investigator with **Judicial Watch** in Washington, DC, 5,821 pages of records consisting of e-mails and memoranda pertaining to the most recent revision of USCIS Citizenship and Naturalization policies as codified in volume one of the agency’s new online manual. Portions of the release were withheld pursuant to FOIA Exemptions 5 and 6. (Case Number USCIS COW2013000022.)

#### IV. FOIA Appeals

- On July 22, 2013, **Mara Verheyden-Hilliard**, a co-founder and attorney with the **Partnership for Civil Justice Fund** in Washington, DC, appealed the Department of Homeland Security (DHS), National Protection and Programs Directorate’s (NPPD) response to her request for records pertaining to Occupy Wall Street. The requester is contesting the adequacy of the search, use of exemptions, and the lack of a Vaughn or similar index. (Case Number 2013-HQAP-00080.)

#### V. FOIA Appeals Releases

- On July 18, 2013, U.S. Customs and Border Protection (CBP) released to **Ryan Lincoln**, an attorney with **Nixon Peabody LLP**, on behalf of **Human Rights Watch**, in San Francisco, California, three pages of records consisting of the descriptions of key codes pertaining to non-citizens referred by CBP for criminal prosecution under 8 U.S.C. § 1325, for “Improper Entry by Alien,” and/or under 8 U.S.C. §1326, for “Reentry of Removed Aliens.” These records were released in full. (Case Number CBP H243907.)
- On July 24, 2013, U.S. Customs and Border Protection (CBP) released to **Jack Gillum**, a reporter with the **Associated Press** in Washington, DC, 10 pages of records consisting of flight manifests and TECS printouts pertaining to Senator Robert Menendez (D-NJ). Portions of the release were withheld pursuant to FOIA Exemptions 6, 7(C), and 7(E). (Case Number CBP H243133.)

## **VI. Litigation**

- 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