

## Freedom of Information Act Activity from December 18, 2014 – January 7, 2015

Privacy Office

January 12, 2015

### Weekly Freedom of Information Act 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 Freedom of Information Act related items:

- On December 22, 2014, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE Freedom of Information Act Library under the Office of Detention Oversight-Detention Facility Compliance Inspections menu 2014 inspection closeout reports for the following facilities: (1) Lincoln County Detention Center (one page); and (2) Albany County Correctional Facility (two pages).
- On December 30, 2014, U.S. Immigration and Customs Enforcement (ICE) posted to the ICE Freedom of Information Act Library under the ICE Freedom of Information Act Logs menu the following logs in Excel format: (1) November 2013; (2) December 2013; (3) January 2014; (4) February 2014; and (5) March 2014.

### II. Freedom of Information Act Requests

- On December 18, 2014, **Scott MacFarlane**, a reporter with **NBC 4** in Washington, DC, requested from the Department of Homeland Security (DHS) records of correspondence between the Office of the Secretary and Governor Martin O'Malley (D-MD) in 2014. (Case Number 2015-HQFO-00149.)
- On December 18, 2014, **Shawn Musgrave**, a representative with **MuckRock News** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the October 10, 2014 memorandum pertaining to the creation of an independent panel to conduct a review of the United States Secret Service (USSS). (Case Number 2015-HQFO-00168.)
- On December 19, 2014, **Joe Ryan**, a reporter with **Newsday** in Melville, New York, requested from the Federal Emergency Management Agency (FEMA) records pertaining to complaints by National Flood Insurance Program policyholders for denied claims for Hurricane Sandy damage, due to incorrect or falsified engineering reports by unlicensed engineers. (Case Number FEMA 2015-FEFO-00170.)
- On December 19, 2014, **Scott MacFarlane**, a reporter with **NBC 4** in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) a copy of Region III Spot Reports from October 1, 2014, through November 30, 2014. (Case Number FEMA 2015-FEFO-00176.)
- On December 19, 2014, **Julia Harte**, a reporter with **The Center for Public Integrity** in Washington, DC, requested from the Federal Emergency Management Agency (FEMA) a copy of the 2013 Improvised Nuclear Device Response and Recovery Capability-Based Implementation Plan, Revision 1. (Case Number FEMA 2015-FEFO-00178.)

- On December 22, 2014, **Scott MacFarlane**, a reporter with **NBC 4** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of e-mails sent or received containing the keyword “Sony” from November 1, 2014, through December 18, 2014, for the following individuals: (1) Rand Beers; (2) Suzanne Spaulding; (3) Phyllis Schneck; and (4) Andy Ozment. (Case Number 2015-HQFO-00153.)
- On December 23, 2014, **Patrick Toomey**, an attorney with the **American Civil Liberties Union** in New York, New York, requested from the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and DHS Office of Inspector General (OIG) records pertaining to the gathering and use of foreign intelligence information. (Case Numbers 2015-HQFO-00155, USCIS COW2014000905, ICE 2015-ICFO-14150, and OIG 2015-063.)
- On December 23, 2014, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Emeryville, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) and U.S. Immigration and Customs Enforcement (ICE) records pertaining to investigations regarding the use of unauthorized monitoring of communications used by U.S. Customs and Border Protection (CBP) from January 1, 2003, through the present. (Case Numbers OIG 2015-064 and ICE 2015-ICFO-14653.)
- On December 24, 2014, **Shannon Parker**, a representative with the **Brennan Center for Justice** in New York, New York, requested from the Department of Homeland Security (DHS) various records pertaining to countering violent extremism including: (1) policies, procedures, and directives referencing DHS participation in such programs; and (2) records pertaining to the pilot programs announced by Attorney General Eric Holder in his September 2014 press release for Minneapolis, Saint Paul, Los Angeles, and Boston. (Case Number 2015-HQFO-00159.)
- On December 24, 2014, **Amos Toh**, an attorney with the **Brennan Center for Justice** in New York, New York, requested from the Department of Homeland Security (DHS) and DHS National Protection and Programs Directorate (NPPD) the following records: (1) records pertaining to the pilot program launched by the Department of Justice regarding countering violent extremism; and (2) records of correspondence between NPPD and Assistant to the President for Homeland Security and Counterterrorism Lisa Monaco regarding her April 15, 2014 speech. (Case Numbers 2015-HQFO-00172 and NPPD 2015-NPFO-00095.)
- On December 29, 2014, **Will Tucker**, a reporter with the **Houston Chronicle** in Washington, DC, requested from the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) records pertaining to Chemical Security Assessment Tool Security Vulnerability Assessments for specific zip codes. (Case Number NPPD 2015-NPFO-00106.)
- On December 30, 2014, **Brett Solomon**, a representative with **Access Now, Inc.** in New York, New York, requested from the Department of Homeland Security (DHS) records of communications between DHS and Commissioner Malmstrom or her cabinet members pertaining to the General Data Protection Regulation or

the Directive from August 1, 2011, through April 30, 2012. (Case Number 2015-HQFO-00160.)

- On December 30, 2014, **Betsy Lawrence**, Director of Liaison with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) statistical data for fiscal years 2001 through 2014 pertaining to the following: (1) “new office” L-1A petitions (Case Number USCIS COW2015000004); (2) new/initial L-1B petitions (Case Number USCIS COW2015000005); and (3) new/initial L-1A petitions. (Case Number USCIS COW2015000006.)
- On January 4, 2015, **Daralene Jones**, a reporter with **WFTV** in Orlando, Florida, requested from the Transportation Security Administration (TSA) records pertaining to complaints filed by passengers at Orlando International Airport from January 1, 2014, through December 31, 2014. (Case Number TSA 2015-TSFO-00093.)
- On January 5, 2015, **Robert O’Harrow**, a writer with **The Washington Post** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: (1) records compiled by DHS to respond to the Government Accountability Office’s requests regarding the Department’s Freedom of Information Act performance since 2008; (2) annual employment figures in the DHS Freedom of Information Act office; and (3) a breakdown of the top 50 Freedom of Information Act requesters, including their identification and their requests. (Case Number 2015-HQFO-00170.)
- On January 5, 2015, **Robert O’Harrow**, a writer with **The Washington Post** in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of all Freedom of Information Act requests for fiscal year 2013 that were counted as unfulfilled (“backlog”) in the recent Government Accountability Office Report 15-82. (Case Number 2015-HQFO-00171.)
- On January 6, 2015, **Robin Cross**, a producer with **CBS12 News** in West Palm Beach, Florida, requested from the Federal Emergency Management Agency (FEMA) records pertaining to FEMA trailers and Manufactured Housing Units in various counties in Florida. (Case Number FEMA 2015-FEFO-00201.)
- On January 6, 2015, **Shakara Robinson**, an assignment desk editor with **WDJT CBS 58** in Milwaukee, Wisconsin, requested from the United States Coast Guard (USCG) court-martial records pertaining to Petty Officer 3rd Class (b)(6) (b)(6) (Case Number USCG 2015-CGFO-00574.)

#### Late requests

- On April 15, 2014, **Kate Bailey**, a representative with **Judicial Watch** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records pertaining to the unauthorized entry or incursion of any known and/or suspected Mexican military and/or law enforcement personnel into the U.S. (Case Number CBP-2014-032208.)
- On August 1, 2014, **Steven Emerson**, President with **SAE Productions** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to (b)(6) (Case Number ICE 2015-ICFO-00418.)



- On December 12, 2014, **William Marshall**, a representative with **Judicial Watch** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to the decision to create an “operational center” in Crystal City, Virginia, and to hire approximately 1,000 USCIS employees for the purpose of screening applications for approximately five million illegal aliens to have their deportations deferred, and to apply for work permits and driver’s licenses. (Case number USCIS COW2015000002.)
- On December 15, 2014, **Raif Karerat**, a reporter with **The American Bazaar** in Germantown, Maryland, requested from the United States Citizenship and Immigration Services (USCIS) statistical data pertaining to the number of visas issued yearly to Indian nationals for the following visa types: (1) H1-B; (2) L1; (3) H4; (4) F1; (5) F2; (6) J1; and (7) J2. (Case Number USCIS COW2014000873.)

### III. Freedom of Information Act Releases

- On December 18, 2014, the Department of Homeland Security (DHS) issued to **Stuart Christmas**, a general counsel and Vice President for Legal Investigations with the **Government Accountability Institute** in Tallahassee, Florida, a full denial in response to his request seeking the following records pertaining to the Department’s review and input regarding the following : (1) the application to the Committee on Foreign Investment in the United States by Energy Metals Corporation and Uranium One, Inc.; (2) the approval of the purchase of Energy Metals Corporation by Uranium One, Inc. in July 2007 by the Committee; (3) the Committee’s case number 10-40; and (4) the proposed sale of a controlling interest of Uranium One, Inc. to ARMZ Uranium Holding Co., also known as JSC Atomredmetzoloto. These records were withheld pursuant to Freedom of Information Act Exemption 3. (Case Number 2014-HQFO-00404.)
- On December 19, 2014, the Department of Homeland Security (DHS) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Emeryville, California, 22 pages of records consisting of e-mails from the former Acting Inspector General and the former Secretary’s advisor. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, 7(A), and 7(C). (Case Number 2015-HQFO-00069.)
- On December 22, 2014, the Department of Homeland Security (DHS) issued to **Michael Evans**, a representative with **The National Security Archive** in Washington, DC, a no records determination in response to his request seeking records pertaining to Vice President Joe Biden’s visit to Guatemala City on June 20, 2014, and his meetings with Guatemalan President Otto Pérez Molina, Salvadoran President Salvador Sánchez Cerén, and high-ranking ministers from Honduras and Mexico to discuss ways to reduce unlawful immigration from Central America. (Case Number 2014-HQFO-00805.)
- On December 23, 2014, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) released to **Jon Street**, an assistant editor with **TheBlaze** in New York, New York, one page of records consisting of an invoice pertaining to items purchased by the Federal Protective Service from

TacticalGear.com. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 4 and 6. (Case Number NPPD 2015-NPFO-00062.)

- On December 29, 2014, U.S. Customs and Border Protection (CBP) issued to **Robert Ortega**, a reporter with *The Arizona Republic* in Phoenix, Arizona, a full denial in response to his request seeking reports pertaining to investigations by CBP, or provided to CBP by the Federal Bureau of Investigation, the Department of Justice, or other federal agencies, regarding the shooting death of Jose Antonio Elena Rodriquez on October 10, 2012. These records were withheld pursuant to Freedom of Information Act Exemption 7(A). (Case Number CBP-2013-020973.)
- On January 6, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Mark Wilson**, a writer with *Fast Company* in Chicago, Illinois, 54 pages of records pertaining to contract HSSCCG-12-F-00200. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 4, 5, and 6. (Case Number USCIS CNT2014000025.)
- On January 6, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Mark Wilson**, a writer with *Fast Company* in Chicago, Illinois, 20 pages of records pertaining to contract HSSCCG-14-F-00242. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 4 and 6. (Case Number USCIS CNT2014000026.)

#### IV. Freedom of Information Act Appeals

- On January 6, 2015, **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in Emeryville, California, appealed the Department of Homeland Security (DHS), Office of Inspector General's (OIG) response to his request seeking records pertaining to investigations regarding the use of unauthorized monitoring of communications used by U.S. Customs and Border Protection (CBP) from January 1, 2003, through the present. The requester is contesting the denial of his request for expedited processing. (Case Number OIG 2015-A04.)

#### V. Freedom of Information Act Appeals Releases

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#### VI. Litigation

- In the matter of *American Civil Liberties Union v. Department of Homeland Security* (S.D.N.Y. 11-cv-3786), plaintiffs filed a Freedom of Information Act request on January 13, 2009, seeking records regarding Post Order Custody Review. Plaintiffs filed suit on June 3, 2011, claiming constructive denial. Pursuant to the Court's September 2013 order, U.S. Immigration and Customs Enforcement (ICE) and the plaintiffs are negotiating the scope of a sample production of the records. On December 19, 2014, ICE released 2,590 pages of sample Post Order Custody Review records.
- In the matter of *Immigrant Defense Project, et al. v. Department of Homeland Security* (S.D.N.Y. 14-cv-06117), plaintiff filed a Freedom of Information Act request on October 17, 2013, seeking records pertaining to home-based enforcement operations. Plaintiff filed suit on August 5, 2014, claiming timely

and substantive response. On December 19, 2014, U.S. Immigration and Customs Enforcement (ICE) released 1,500 pages of records.

- In the matter of *Judicial Watch v. U.S. Immigration and Customs Enforcement* (D.C. 14-1509), plaintiff filed a Freedom of Information Act request on July 1, 2014, seeking records pertaining to the Enforcement and Removal Operations Field Office Juvenile Coordination Meeting held in Washington, DC, from February 25, 2014 through February 27, 2014. Plaintiff filed suit on September 16, 2014, claiming constructive denial and timely substantive response. On December 22, 2014, U.S. Immigration and Customs Enforcement (ICE) released 120 pages of records.
- In the matter of *Stevens v. Department of Homeland Security* (N.D. Ill. 14-cv-03305), plaintiff filed four Freedom of Information Act requests in fiscal years 2013 through 2014 seeking records pertaining to staffing plans at U.S. Immigration and Customs Enforcement (ICE) detention facilities, detainee grievances, and the voluntary work program for ICE detainees. On December 24, 2014, ICE released 500 pages of detainee grievance forms from the Stewart Detention Center and 100 pages of performance summaries.
- In the matter of *American Immigration Council, et al. v. Department of Homeland Security* (S.D.N.Y. 14-cv-8403), plaintiff filed a Freedom of Information Act request on July 29, 2014, seeking records pertaining to expedited removal regarding families with minor children at the Artesia Family Residential Center in New Mexico. Plaintiff filed suit on October 21, 2014, claiming constructive denial and denial of expedited processing. On December 30, 2014, U.S. Immigration and Customs Enforcement (ICE) released 153 pages of records.
- In the matter of *National Immigrant Justice Center v. Department of Homeland Security* (N.D. Ill. 12-cv-05358), plaintiff filed a Freedom of Information Act request on April 27, 2011, seeking a copy of all Intergovernmental Service Agreements 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 7, 2015, ICE released 1,226 pages of Enforcement and Removal Operations detention facility inspection reports.

## **Freedom of Information Act 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

## Freedom of Information Act Activity for the Week of January 8 - 14, 2015

### Privacy Office

January 20, 2015

### Weekly Freedom of Information Act 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 Freedom of Information Act related items:

- On January 12, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) posted to its Freedom of Information Act Reading Room the Freedom of Information Act Logs for the Fourth Quarter of Calendar Year 2014 (three pages).
- On January 12, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) posted to its Freedom of Information Act Reading Room the Congressional Correspondence Logs for the Fourth Quarter of Calendar Year 2014 (one page).

#### II. Freedom of Information Act Requests

- On January 12, 2015, **Tom Michael**, a general manager with *Marfa Public Radio* in Marfa, Texas, requested from U.S. Customs and Border Protection (CBP) records pertaining to the accidental discharge of a firearm during a training session on August 25, 2014, at the Big Bend Sector headquarters of the U.S. Border Patrol. (Case Number CBP-2015-012817.)
- On January 12, 2015, **Mitra Ebadolahi**, an attorney with the **American Civil Liberties Union of San Diego and Imperial Counties** in San Diego, California, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) records pertaining to the investigation into the death of Steven Brian Keith. (Case Number OIG 2015-068.)
- On January 12, 2015, **Steve Reilly**, a reporter with *USA Today* in McLean, Virginia, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) the biannual report or responses submitted to Senator Charles Grassley (R-IA) and Senator Thomas Coburn (R-OK) regarding their request for a summary of non-public management advisories and closed investigations, from January 1, 2012, through the present. (Case Number OIG 2015-072.)
- On January 13, 2015, **Ilan Ben-Meir**, a reporter with *BuzzFeed News* in New York, New York, requested from the Department of Homeland Security (DHS) the following records: (1) records of communications between DHS and Senator Rand Paul (R-KY) or his office; and (2) Freedom of Information Act requests pertaining to Senator Paul from January 1, 2010, through the present. (Case Number 2015-HQFO-00184.)
- On January 13, 2015, **Ilan Ben-Meir**, a reporter with *BuzzFeed News* in New York, New York, requested from the Department of Homeland Security (DHS) the following records: (1) records of communications between DHS and Senator Ted Cruz (R-TX) since 2012 or while serving as Texas Solicitor General from 2003 through 2008; and (2) Freedom of Information Act requests pertaining to



Senator Cruz from January 1, 2003, through the present. (Case Number 2015-HQFO-00185.)

- On January 14, 2015, **Amy Price**, a research coordinator with the **Workers Defense Project** in Austin, Texas, requested from the Department of Homeland Security (DHS) the number of Deferred Action for Childhood Arrivals applications processed in each county or city in Texas. (Case Number 2015-HQFO-00191.)

#### Late requests

- On November 4, 2014, **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, requested from the United States Citizenship and Immigration (USCIS) a copy of the Alien file for (b)(6) who served as a Nazi SS guard in World War II concentration camps. (Case Number USCIS COW2014000770.)
- On December 9, 2014, **Betsy Lawrence**, Director of Liaison with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) statistical data pertaining to Form I-601, Application for Waiver of Grounds of Inadmissibility and Form I-601A, Application for Provisional Unlawful Presence Waiver, for fiscal years 2013 through 2015 (year to date). (Case Number USCIS COW2015000014.)
- On December 9, 2014, **Betsy Lawrence**, Director of Liaison with the **American Immigration Lawyers Association** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) records pertaining to standard operating procedures and guidance for Deferred Action for Childhood Arrivals and the adjudication of Form I-821D, Consideration of Deferred Action for Childhood Arrivals and Form I-765, Application for Employment Authorization, since June 2012. (Case Number USCIS COW2015000015.)
- On December 30, 2014, **Patrick Sullivan**, a reporter with *Northern Express* in Traverse City, Michigan, requested from U.S. Immigration and Customs Enforcement (ICE) incident and arrest reports from the ICE raid of Friske Orchards in Antrim County, Michigan on July 7, 2014. (Case Number ICE 2015-ICFO-16675.)

#### **III. Freedom of Information Act Releases**

- On January 9, 2015, U.S. Customs and Border Protection (CBP) released to **Michael Evans**, a researcher with **The National Security Archive** in Washington, DC, one page of records containing statistics pertaining to Border Patrol Southwest Border “turnbacks” and “gotaways” in fiscal years 2012 and 2013. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 7(E). (Case Number CBP-2013-022405.)
- On January 12, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Clara Long**, a researcher with **Human Rights Watch** in San Francisco, California, seven pages of records and one Excel spreadsheet containing all complaints received against U.S. Customs and Border

Protection (CBP), from October 1, 2006, through January 5, 2015. These records were released in full. (Case Number OIG 2015-060.)

- On January 13, 2015, U.S. Customs and Border Protection (CBP) released to **William Marshall**, a representative with **Judicial Watch** in Washington, DC, 15 pages of records pertaining to an incident near Sells, Arizona on the Tohono O'odham Indian Reservation in which one or more Mexican military helicopters reportedly entered U.S. airspace and fired shots in the vicinity of U.S. Border Patrol personnel. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number CBP-2014-037059.)
- On January 13, 2015, the Transportation Security Administration (TSA) released to **Michael Ravnitzsky**, an individual in Silver Spring, Maryland, 837 pages of records consisting of reports from TSA to Congress or congressional committees from January 1, 2008, through February 15, 2010. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 3. (Case Number TSA 2010-TSFO-00595.)
- On January 14, 2015, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released to **Rachel Bale**, a researcher with the **Center for Investigative Reporting** in Emeryville, California, and **Bob Ortega**, a reporter with **The Arizona Republic** in Phoenix, Arizona, 50 pages of records consisting of complaint narratives on closed investigations involving U.S. Customs and Border Protection (CBP). Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 3, 6, 7(C), 7(D), 7(E), and 7(F). (Case Numbers OIG 2013-108 and OIG 2013-157.)

#### IV. Freedom of Information Act Appeals

- NSTR

##### Late appeals

- On November 19, 2014, **Rachel Morris**, a representative with the **Electronic Privacy Information Center** in Washington, DC, appealed the Transportation Security Administration's (TSA) response to her request seeking records pertaining to the development and implementation of Z Backscatter Vans or similar technology since 2011. The requester is contesting the denial of the fee waiver. (Case Number TSA 2015-TSAP-00004.)

#### V. Freedom of Information Act Appeals Releases

- On January 12, 2015, the Federal Emergency Management Agency (FEMA) released to **Donna Farley**, a reporter with the **Daily American Republic** in Poplar Bluff, Missouri, 1,113 pages of records consisting of project worksheets pertaining to the following: (1) the flooding on March 17, 2008; (2) the ice storm on January 25, 2009; and (3) the flooding on April 22, 2011. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 4 and 6. (Case Number FEMA 2013-FEFO-00156.)

#### VI. Litigation

- In the matter of *National Immigrant Justice Center v. Department of Homeland Security* (N.D. Ill. 12-cv-05358), plaintiff filed a Freedom of Information Act request on April 27, 2011, seeking a copy of all Intergovernmental Service Agreements 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 7, 2015, ICE released 1,209 pages of Enforcement and Removal Operations detention facility inspection reports.

## **Freedom of Information Act 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



## Freedom of Information Act Activity for the Week of January 15 - 21, 2015

### Privacy Office

January 26, 2015

### Weekly Freedom of Information Act 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 Freedom of Information Act related items:

- NSTR

### II. Freedom of Information Act Requests

- On January 20, 2015, **Malia Litman**, an individual in Dallas, Texas, requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG) various records pertaining to the United States Secret Service (USSS) regarding: (1) David Chaney; (2) Sarah Palin; (3) Todd Palin; and (4) records pertaining to specific investigations. (Case Number OIG 2015-077.)
- On January 20, 2015, **Scott MacFarlane**, a reporter with **NBC 4** in Washington, DC, requested from the Department of Homeland Security (DHS) and the United States Secret Service (USSS) records pertaining to items purchased with agency reception funds and representation funds in fiscal or calendar year 2014. (Case Numbers 2015-HQFO-00203 and USSS 20150427.)
- On January 20, 2015, **Scott MacFarlane**, a reporter with **NBC 4** in Washington, DC, requested from the Department of Homeland Security (DHS) and the United States Secret Service (USSS) records pertaining to purchases of alcoholic beverage items in fiscal year 2014. (Case Numbers 2015-HQFO-00204 and USSS 20150426.)
- On January 21, 2015, **Russell Carollo**, an individual, requested from the Department of Homeland Security (DHS) records of communications pertaining to Google, Inc. from June 29, 2010, through the present. (Case Number 2015-HQFO-00205.)

### Late requests

- On January 12, 2015, **Mila Koumpilova**, a reporter with **The Star Tribune** in Minneapolis, Minnesota, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to employers subject to any ICE enforcement actions in the St. Paul, Minnesota five-state Area of Responsibility for the last five fiscal years. (Case Number ICE 2015-ICFO-43768.)
- On January 13, 2015, **Ilan Ben-Meir**, a reporter with **BuzzFeed News** in New York, New York, requested from the Department of Homeland Security (DHS) records pertaining to Freedom of Information Act requests and communications between DHS and the following individuals for various time periods: (1) Governor Chris Christie (R-NJ); (2) former Governor Jeb Bush (R-FL); (3) Governor Bobby Jindal (R-LA); (4) Senator Marco Rubio (R-FL); (5) Governor Rick Perry (R-TX); (6) former Senator Rick Santorum (R-PA); (7) Governor Scott Walker (R-WI); (8) Governor Mike Pence (R-IN); (9) former Senator Jim

Webb (D-VA); (10) Hillary Clinton; (11) Huma Abedin; (12) Philippe Reines; or (13) Cheryl Mills. (Case Number 2015-HQFO-00197.)

- On January 14, 2015, **Liz Jones**, a reporter with **KUOW Public Radio** in Seattle, Washington, requested from U.S. Immigration and Customs Enforcement (ICE) the total number of ICE detainers issued in the State of Washington and King County, Washington for fiscal years 2010 through 2014. (Case Number ICE 2015-ICFO-56725.)
- On January 14, 2015, **Chris Nagus**, a reporter with **KMOV News 4** in St. Louis, Missouri, requested from the Transportation Security Administration (TSA) the following records: (1) records pertaining to rejections for federalized security at any U.S. airport; (2) records of correspondence with officials from the Jonesboro Municipal Airport in Arkansas pertaining to requests for TSA agents or security screening; (3) the number of TSA agents employed at the Decatur Airport in Illinois; and (4) the number of TSA agents employed at the Fort Dodge Regional Airport, Mason City Municipal Airport, and the Southeast Iowa Regional Airport in Iowa. (Case Number TSA 2015-TSFO-00099.)

### III. Freedom of Information Act Releases

- On January 15, 2015, U.S. Customs and Border Protection (CBP) issued to **Tom Michael**, a general manager with **Marfa Public Radio** in Marfa, Texas, a full denial in response to his request seeking records pertaining to the accidental discharge of a firearm during a training session on August 25, 2014, at the Big Bend Sector headquarters of U.S. Border Patrol. These records were withheld pursuant to Freedom of Information Act Exemption 7(A). (Case Number CBP-2015-012817.)
- On January 15, 2015, the Federal Emergency Management Agency (FEMA) released to **Beth Morrissey**, a reporter with the **New York World** in New York, New York, 27 electronic files of aggregate data pertaining to FEMA's individual claims records for Hurricane Sandy for the State of New York. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number FEMA 2013-FEFO-00207.)
- On January 16, 2015, the Federal Emergency Management Agency (FEMA) released to **Jon Campbell**, a reporter with the **Village Voice** in San Diego, California, 881 pages of records consisting of grants pertaining to Department of Homeland Security (DHS), Office of Inspector General (OIG) report number OIG-11-46 titled "The State of California's Management of Urban Areas Security Initiative Grants awarded During Fiscal Years 2006 through 2008." Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 6, 7(C), and 7(E). (Case Number FEMA 2013-FEFO-00123.)
- On January 16, 2015, the Department of Homeland Security (DHS) released to **Robert Kall**, a representative with **Opednews** in Newtown, Pennsylvania, 26 pages of records consisting of memoranda and guidance pertaining to the Ebola virus. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number 2014-HQFO-00699.)
- On January 16, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Marina Bolotnikova**, an editorial chair with

*The Harvard Crimson* in Cambridge, Massachusetts, 614 pages of records consisting of the exhibits attached to DHS-OIG Report of Investigation 12-TSA-PHL-00968. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 3, 6, 7(C), and 7(E). (Case Number OIG 2013-175.)

- On January 20, 2015, the Department of Homeland Security (DHS), Office of Inspector General (OIG) released to **Carol Leonnig**, a reporter with *The Washington Post* in Washington, DC, eight pages of records consisting of Notifications of Personnel Actions. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number OIG 2015-040.)
- On January 21, 2015, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in Emeryville, California, 165 pages of records pertaining to the topic of denaturalization. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, 7(A), 7(C), 7(D), and 7(E). (Case Number ICE 2015-ICFO-00276.)
- On January 21, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, 99 pages of records from the Alien file for a named individual. Portions of the release were withheld pursuant to Freedom of Information Act Exemptions 5, 6, 7(C), and 7(E). (Case Number USCIS COW2014000770.)
- On January 21, 2015, the United States Citizenship and Immigration Services (USCIS) released to **Randy Herschaft**, a reporter with the *Associated Press* in New York, New York, 29 pages of naturalization records pertaining to the late Johann Hansl. Portions of the release were withheld pursuant to Freedom of Information Act Exemption 6. (Case Number USCIS COW2014000826.)
- On January 21, 2015, the United States Coast Guard (USCG) released to **Terry Easley**, a reporter with the *Associated Press* in Baton Rouge, Louisiana, 107 pages of records consisting of a case report, photographs, medical reports, letters, police reports, and witness statements pertaining to two deaths on the MAERSK ALABAMA on February 18, 2014. These records were released in full. (Case Number USCG 2014-2960.)

#### IV. Freedom of Information Act Appeals

- On January 21, 2015, **William Marshall**, a representative with **Judicial Watch** in Washington, DC, appealed U.S. Customs and Border Protection's (CBP) response to his request seeking records pertaining to the detention and questioning of airline passenger (b)(6) at John F. Kennedy International Airport on December 3, 2014. The requester is contesting the no records determination. (Case Number CBP-AP-2015-014157.)

#### V. Freedom of Information Act Appeals Releases

- NSTR

#### VI. Litigation



- In the matter of *American Immigration Council, et al. v. Department of Homeland Security* (D. Conn. 12-cv-355), plaintiffs filed a Freedom of Information Act request on November 29, 2011, seeking records pertaining to the Criminal Alien Program and its predecessors. Plaintiffs filed suit on March 8, 2012, claiming constructive denial, improper denial of fee waiver request, and improper denial of media requester status. On January 15, 2015, U.S. Immigration and Customs Enforcement (ICE) released 317 pages of e-mail records from the San Diego Field Office.
- In the matter of *Detention Watch Network v. Department of Homeland Security, et al.* (S.D. N.Y.14-cv-00583), plaintiff filed a Freedom of Information Act request on November 25, 2013, seeking records pertaining to the Detention Bed Mandate. Plaintiff filed suit claiming constructive denial, and sought a preliminary injunction to compel production. On January 15, 2015, U.S. Immigration and Customs Enforcement (ICE) released 1,200 pages of e-mail records from the Enforcement and Removal Operations Field Offices.



## **Freedom of Information Act 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