



Homeland
Security

April 9, 2013

MEMORANDUM FOR: All DHS FOIA Officers

FROM: Jonathan R. Cantor 
Acting Chief FOIA Officer

SUBJECT: Guidelines for Reporting on Significant FOIA Activity for
Inclusion in the Cabinet Report to the White House

Every Wednesday, components must report significant FOIA activities for the past working week to the Privacy Office. The reporting period is Thursday through Wednesday. The Privacy Office FOIA leadership integrates the information into its weekly report to the White House Liaison. Negative reports are required.

Guidelines for submissions:

1. Submit items by e-mail within the text of the e-mail.
2. Submit incoming FOIA requests and appeals, significant FOIA releases and appeal releases, and FOIA litigation information. The actual FOIA requests, appeals, and litigation complaints should also be provided as attachments in PDF format.
3. Select FOIA requests for submission if one of the following criteria are met:
 - a. The FOIA request relates to a Presidential or agency priority;
 - b. The FOIA requester or requested documents will garner media attention or is receiving media attention;
 - c. The FOIA request is for records associated with meetings with prominent elected, business, and/or community leaders;
 - d. The FOIA request is for congressional correspondence;
 - e. The FOIA request is from a member of Congress;
 - f. The FOIA request is from a member of the media;
 - g. The FOIA request is from a member of an advocacy group, watchdog organization, etc.;
 - h. The FOIA request is for records associated with a controversial or sensitive subject;
 - i. The FOIA request is for records associated with a senior official of the component;
 - j. A FOIA appeal if it meets one of the "a" through "i" criteria above;
4. Items listed above in 3 are suggestive and not exclusive—exercise prudent judgment and submit items that reflect the spirit and intent of this report. If in doubt, please submit.
5. Submissions that do not meet the above criteria will not be included in the final Cabinet

Report to the White House.

Unless the Item 3 criteria are met, do not report the following (not an exhaustive or exclusive list):

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

Format for submitting FOIA items to the weekly report:

1. Identify the requester's name, city, and state (spell out name of state).
2. Identify the requester by affiliation (individual, organization membership, etc.).
3. Identify your component as the receiving component (in the case of transfers within DHS, the initial component receiving the request will report the item).
4. The first time an acronym is used it should follow its full title and be in parentheses
5. Provide a brief summary of the requested records.
6. Italicize large publications and news organizations. Use quotes for smaller units within publications. Do not abbreviate media names.
7. Any elected official needs to include party and state affiliation, if applicable: Senator John Smith (R-NY), Representative John Smith (D-IN).
8. If the FOIA request has been assigned to sub-component(s), identify the sub-component(s), to which it has been assigned.
9. If the component does not report a FOIA request during the reporting week, it is considered a late request.
10. If submitting FOIA items related to FOIA releases, please indicate the scope of the submission (number of released pages), consisting of what type of records (e-mails, incident reports, etc.) as well as any exemptions that have been used.
11. If submitting items for efficiency and transparency, please ensure the items posted to the component library include the name of the item and the number of pages.

Editing Reminders:

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

- example, Intergovernmental agreements would be “(IGA),” not “(IGAs).”
9. “When” refers to time or occurrence. “Where” refers to geographic places.
 10. “Who” and “whom” refer to people, not things. Use “which” to refer to things.

Sample format:

- 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 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 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.)

Late requests

- 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.)

- III. **FOIA Releases**

- 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 that conduct polygraphs. Portions of the release were withheld pursuant to FOIA Exemptions 6 and 7(C). (Case Number 2013-HQFO-00001.)

- 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.)

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, through the present. The requester is contesting the decision to withhold such records absent the individuals' consent to release the information, proof the individuals are deceased, or clear demonstration that the public interest in disclosure outweighs personal privacy interests and that significant public benefit would result from disclosure. (Case Number OIG 2013-A07.)

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 *WeCount!, Inc. v. DHS* (D.D.C. 11-00143), the plaintiff filed a complaint on January 21, 2011, seeking release of records regarding a sex trafficking operation in Southern Florida. The operation (Operation Res-Q) was conducted from November 18, 2009, through November 20, 2009, and resulted in some allegations of abuse by several of the individuals arrested. On January 10, 2013, U.S. Immigration and Customs Enforcement (ICE) issued the eighteenth interim release, consisting of 2,357 pages of investigatory records.
- In the matter of *National Immigrant Justice Center v. DHS* (N.D. Ill. 12-cv-05358), plaintiff filed a FOIA request on April 27, 2011, seeking copies of all Intergovernmental Service Agreements (IGSA) between U.S. Immigration and Customs Enforcement (ICE) and any state, municipal, or county entity regarding the housing of immigrant detainees. Plaintiff filed suit on July 9, 2012, claiming constructive denial. On January 31, 2013, ICE released its seventh interim response, consisting of 500 pages of responsive records to the plaintiff.

Please direct any questions regarding this requirement to James Holzer, Senior Director, FOIA Operations, at (202) 343-1743.