



U.S. DEPARTMENT OF HOMELAND SECURITY
FAX TRANSMITTAL COVER SHEET
Freedom of Information Act Office
Washington, DC 20528

Date:

To	SEN L. Roberts, Ph.D., J.D.
Organization	Marburg Law Group, PLLC
Fax Number	301-391-2901
Total # of Pages (including cover sheet)	3
Subject	FOIA REQUEST: DHS/OS/PRIV 09-358
From	
Tel Number	(703)-235-0790
Fax Number	(703) 235-0443

Comments:



Homeland Security

Privacy Office, Mail Stop 0655

March 17, 2009

Dr. Jon L. Roberts, Ph.D., J.D.
Senior Member
The Marbury Law Group, PLLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191

Re: **DHS/OS/PRIV 09-358**

Dear Dr. Roberts

This acknowledges receipt of your March 3, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), received in the Privacy Office on March 10, 2009. You requested the following records:

1. Published procedures concerning DHS procedures for dealing with suspicious packages for the period of March 1, 2003 – present;
2. Training materials for employees and security staff regarding procedures for dealing with suspicious packages for the period March 1, 2003 – present;
3. Records concerning training given to DHS employees regarding how to deal with suspicious packages for the period March 1, 2003 – present (i.e. what was presented, to which groups, how often, materials used to train);
4. Records concerning receipt and disposition of suspicious packages received or brought to the DHS for the period March 1, 2003 – present;
5. Records concerning personnel actions taken against those who brought suspicious packages to the DHS for the period March 1, 2003- present;
6. Records concerning actions taken concerning the Undersecretary of Science & Technology, Jay Cohen, when Adm. Cohen brought a suspicious package/letter to VTA;
7. Copies of brochures used by DHS to alert DHS employees on how to handle suspicious packages for the period March 1, 2003 – present;
8. Information on how the above requested brochure (if existing) was distributed (i.e. to all DHS employees, to those who ask, etc.) for the period March 1, 2003 – present.

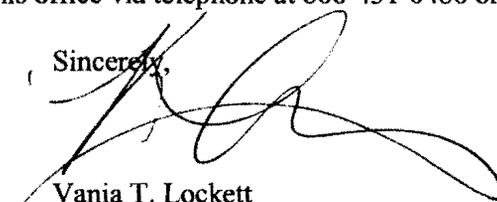
With respect to **Items 1, 2, 3, 4, 7, and 8**, I have determined that the information you are seeking, if it exists, is likely under the purview of the DHS Management Directorate (MGMT). It has come to my attention that you submitted an identical request to MGMT. Therefore, I will defer to MGMT to respond only as it relates to these particular items. Should you wish to follow up with that office, you may contact that office in writing at U.S. Department of Homeland Security, Management Directorate, Washington, D.C. 20528 or via telephone at 202-447-3106. If there are additional DHS components that you would like us to search, please contact this office.

As it relates to **Item 5** of your request, this portion of your request is far too broad for us to process, as it does not specify the precise documents of interest (i.e. types of records sought, names of individuals whose records are sought, etc.). Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipients, and subject matter of the records, if known, or the DHS component or office you believe created and/or controls the record. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records. Please resubmit your request containing a reasonable description of the records you are seeking. Also, please be advised that in the case of third party information requests, DHS regulations require a statement from the individual verifying his or her identity and certifying that individual's agreement that records concerning him or her may be accessed, analyzed and released to a third party. See 6 C.F.R. § 5.21(f). Upon receipt of a perfected request, you will be advised as to the status of this portion of your request.

As it relates to **Item 6** of your request, lacking the individual's consent, an official acknowledgement of an investigation of him, or an overriding public interest, even to acknowledge the existence of such records pertaining to this individual could reasonably be expected to constitute an unwarranted invasion of his personal privacy. Accordingly, I have decided to refuse to confirm or deny the existence of responsive records pursuant to Exemptions 6 and 7(C) of the FOIA, 5 U.S.C. § 552(b)(6) and (b)(7)(C). Should you wish to appeal this determination to neither confirm nor deny the existence of responsive records, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

If you need to contact this office again concerning your request, please reference case number **DHS/OS/PRIV 09-358**. You may contact this office via telephone at 866-431-0486 or 703-235-0790.

Sincerely,

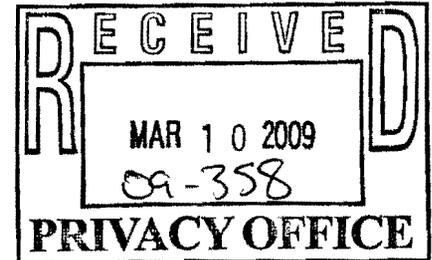


Vania T. Lockett
Associate Director, Disclosure & FOIA Operations

March 3, 2009

VIA OVERNIGHT MAIL

John Kropf
Acting Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Drive SW, Building 410
STOP-0550
Washington, DC 20528-0550



VIA OVERNIGHT MAIL

Under Secretary For Management
U.S. Department of Homeland Security
FOIA Requester Service Center Contact: Mark Dorgan
Washington, D.C. 20528

Freedom of Information Act Request

Dear Mr. Kropf and Mr. Dorgan:

Pursuant to the Freedom of Information Act, we respectfully request that the DHS search for and produce the following information if available. I hereby provide to you the following information pursuant to your web site information:

Point of Contact

Jon L. Roberts, Ph.D., J.D.
Senior Member
The Marbury Law Group, PLLC
11800 Sunrise Valley Drive
Reston Virginia, 20191
Tel: 703-391-2900

Description of Records Sought

- Published procedures concerning DHS procedures for dealing with suspicious packages for the period March 1, 2003 - present.
- Training materials for employees and security staff regarding procedures for dealing with suspicious packages for the period March 1, 2003 - present.
- Records concerning training given to DHS employees regarding how to deal with suspicious packages for the period March 1, 2003 - present (i.e. what was presented, to which groups, how often, materials used to train).

- Records concerning receipt and disposition of suspicious packages received or brought to the DHS for the period March 1, 2003 - present.
- Records concerning personnel actions taken against those who brought suspicious packages to the DHS for the period March 1, 2003 - present.
- Records concerning actions taken concerning the Undersecretary of Science & Technology, Jay Cohen, when Adm. Cohen brought a suspicious package/letter to VTA.
- Copies of brochures used by DHS to alert DHS employees on how to handle suspicious packages for the period March 1, 2003 - present..
- Information on the how the above requested brochure (if existing) was distributed (i.e. to all DHS employees, to those who ask, etc.) for the period March 1, 2003 - present.

I expect that many of these records would reside with in the Office of Security at DHS.

Agreement to Pay Reasonable Fees

I hereby agree to pay all reasonable fees required to search for and reproduce the requested materials.

Thank you in advance for your cooperation.

Very truly yours,


Jon L. Roberts, Ph.D., J.D.
Senior Member



Homeland Security

Privacy Office, Mail Stop 0655

March 26, 2009

The Honorable Maurice D. Hinchey
U.S. House of Representatives
City Hall, Third Floor
16 James Street.
Middletown, NY 10940

Re: **DHS/OS/PRIV/ 09-385**

Dear Representative Hinchey:

This acknowledges receipt in the Department of Homeland Security (DHS) Privacy Office of your February 27, 2009, letter, sent on behalf of your constituent, Mr. (b) (6) and of Mr. (b) (6) correspondence seeking records under the Freedom of Information Act (FOIA) concerning surveillance of his family. Your letter was received in this office on March 16, 2009.

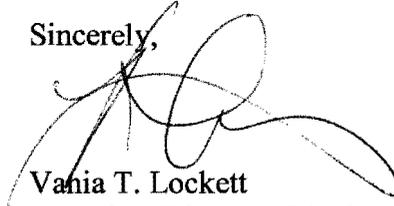
After careful review of Mr. (b) (6) correspondence, I have determined that his request is too broad in scope or did not specifically identify the records in which he is seeking. An individual's request for information pertaining to him/her is processed under both the FOIA and the Privacy Act to afford maximum access to records. DHS does not maintain a central index of records about individuals. For this reason, § 5.21(b) of the DHS Privacy Act regulations, 6 C.F.R. Part 5, require that the records be described with as much information as possible to ensure that our search of appropriate systems of records can find them with a reasonable amount of effort. In addition to the information Mr. (b) (6) provided, this description should include, the type of record being sought, the DHS component he believes created and/or controls the records, the precipitating event that he believes warranted the creation of records and the time period that he believes the records or files were created and compiled.

As for the portion of Mr. (b) (6) request seeking records regarding his family, the DHS regulations require, in the case of third party information requests, a statement from the individual verifying his or her identity and certifying that individual's agreement that records concerning him or her may be accessed, analyzed and released to a third party. See 6 C.F.R. § 5.21(f).

If he can provide sufficient additional information as described in the paragraphs above, we will undertake a search for responsive records. This action is not a denial of Mr. (b) (6) request and will not preclude him from filing other requests in the future. Upon receipt of a perfected request, he will be advised as to the status of his request.

Should you wish to contact this office again concerning this matter, please reference **DHS/OS/PRIV/ 09-385**. You may contact this office at our toll-free telephone number, 866-431-0486, or at 703-235-0790.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Lockett', with a large, stylized flourish extending to the right.

Vanja T. Lockett

Associate Director, Disclosure & FOIA Operations

WASHINGTON OFFICE:
2431 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3222
(202) 226-6335
www.house.gov/hinchey

MAURICE D. HINCHEY
22ND DISTRICT, NEW YORK

Congress of the United States
House of Representatives
Washington, DC 20515-3222

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
AGRICULTURE, RURAL DEVELOPMENT,
FOOD AND DRUG ADMINISTRATION,
AND RELATED AGENCIES
INTERIOR
FINANCIAL SERVICES
AND GENERAL GOVERNMENT
JOINT ECONOMIC COMMITTEE

February 27, 2009

Don Kent
Assistant Secretary for Legislative Affairs
Department of Homeland Security
301 7th Street SW, Mail Stop 0501
Washington, DC 20528



2009 MAR 16 PM 1:08

Dear Mr. Kent:

My constituent, Mr. (b) (6) has requested my assistance with regard to his request under the Freedom of Information Act as to why the Dept of Homeland security has him and his family under surveillance. I am enclosing information regarding this matter.

I would appreciate if you would review Mr. (b) (6) request and respond to me at my Middletown District Office listed below.

Thank you for your assistance in this matter.

Best regards.

Sincerely,

Maurice D. Hinchey

MDH:cmw
Enc.

Office of Legislative Affairs

MAR 16 2009

BINGHAMTON OFFICE:
100A FEDERAL BUILDING
BINGHAMTON, NY 13801
(607) 773-2768

ITHACA OFFICE:
123 SOUTH CAYUGA STREET
SUITE 201
ITHACA, NY 14850
(607) 273-1388

KINGSTON OFFICE:
291 WALL STREET
KINGSTON, NY 12401
(845) 331-4466

MIDDLETOWN OFFICE:
CITY HALL, THIRD FLOOR
16 JAMES STREET
MIDDLETOWN, NY 10940
(845) 344-3211

MONTICELLO OFFICE:
18 ANAWANA LAKE ROAD
MONTICELLO, NY 12701
(846) 791-7116

PRINTED ON RECYCLED PAPER

9/19

Address all correspondence to:
Congressman Maurice Hinchey
Attn: (b) (6)
City Hall 3rd Floor
16 James Street
Middletown, New York 10940

2009 MAR 16 PM 1:08

PRIVACY FORM

I hereby authorize Congressman Maurice Hinchey to request on my behalf, pertinent to the Freedom of Information and Privacy Act, access to information concerning me in the files of:

D.H.S. F.B.I. J.T.T.F.
(department or agency)

Congressman Hinchey is also authorized to see any materials that may be disclosed to that request, and to speak on my behalf.

NAME: (b) (6) OF BIRTH: 1/1

PHYSICAL ADDRESS: _____

Physical Address
↓

MAILING ADDRESS: (b) (6)
(b) (6)

(b) (6)

TELEPHONE: (Home) _____ (Work) _____

If no telephone number, please give number where you can be reached)

List any or all identifying numbers which might apply to your situation.

SOCIAL SECURITY: _____ VA: _____

IMMIGRATION "A" NUMBER: _____ DATE FILED: _____

CASE NUMBER: _____ OTHERS: _____

Briefly state the outcome you are seeking: FREE DOM OF INFORMATION

PERTAINING TO (b) (6)

Briefly state the nature of your problem (be specific): _____

UNWARRANTED SURVEILLANCE, WOULD LIKE TO KNOW WHY I AM UNDER INVESTIGATION

SIGNATURE: (b) (6) DATE: 2-12-09

2-11-09

(b) (6)

Honorable Congressman Maurice D. Hinchey
22nd District
City Hall, Third Floor
16 James Street
Middletown, NY 10940

RE: Harassing Surveillance against the (b) (6) Family by the Dept of Homeland Security (DHS), F.B.I., J.T.T.F., and any and all other unknown agencies.

Please find enclosed in this packet a log of the activity conducted against us our family by the Dept of Homeland Security. In turn, we are petitioning your office for redress from the activity outlined in our log. As described in the letter to the Honorable Congressman Bennie G. Thompson, Committee Chair of the Dept of Homeland Security (DHS) we are now petitioning your office as you are in fact our Elected Representative. Any and all assistance from your office would be greatly appreciated as we are seeking to resolve this matter and cooperate in a resolution however we can. Again, the (b) (6) family would like to thank you in advance for any assistance you may be able to afford us.

Sincerely,

The (b) (6) Family

7-7-08

(b) (6)

Honorable Congressman Bennie G. Thompson
Mississippi 2nd District
District Office
107 West Madison Street
P.O. Box 610
Bolton, Ms, 39041

RE: Harassing Surveillance against the (b) (6) Family by the Dept of Homeland Security (DHS).

Dear Mr. Congressman Bennie G. Thompson my name is (b) (6) and I just recently made my way to your office on the date of June 30th 2008. Unfortunately, I was unable to schedule an appointment to meet with you, and was in turn compelled to make my way to your office without at first securing an appointment. This of course was due primarily to our inability to contact your secretary at the given time when calling your office.

However, we could not allow anymore time to pass without a resolution to a situation that is by all civilized measure untenable and in need of an immediate solution or at the very least an investigation into why we as American Citizens are under constant, unabated, harassing surveillance. Surveillance that has hindered our ability to engage in our daily activities as law abiding Citizens.

Fortunately, however I was able to speak with District Manager (b) (6) to whom I expressed my gratitude for meeting with me and discussing the aforementioned matter on such short notice. It was after our brief meeting that Mr (b) (6) instructed me to send this letter in conjunction with any supporting information that would offer greater insight into me and my family's stated concerns.

Finally, we have made several visits to several of the offices of our locally elected officials and to no avail we have yet to secure a resolution. Hence we are petitioning your office and your committee Chairmanship of Homeland Security for reason as to why we are at the center of intense concern to the Dept of Homeland Security; if not then to ascertain the reasoning as to why we have been made the subject of unjustifiable, harassing, surveillance.

Sincerely,

The (b) (6) Family



Homeland Security

Privacy Office, Mail Stop 0655

March 30, 2009

Mr. Ted Bridis
The Associated Press
1100 13th St., NW, Suite 700
Washington, D.C. 20005-4076

Re: DHS/OS/PRIV 09-419/Bridis request

Dear Mr. Bridis:

This acknowledges receipt of your March 25, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), for records pertaining to a FOIA request previously submitted by you as well as records pertaining to the Telecommunications Service Priority (TSP), Government Emergency Telecommunications Service (GETS) and Wireless Priority Service (WPS) programs. Your request was received in this office on March 25, 2009. Specifically, you have requested the following records:

- Copies of the contents of the administrative folder and all correspondence related to your previous request, DHS/OS/PRIV 07-1107/Bridis request. Per your conversation with my office on March 27, 2009, we understand this to include records filed under any related tracking numbers, including NPPD07F137.
- Copies of records reflecting which people, organizations, companies and others have been issued authorization codes under the TSP program, including copies of forms SF 315 (TSP Request for Service Users), SF 314 (TSP Revalidation of Service for Users), SF 317 (TSP Action Appeal for Service Users), SF 319 (Service Reconciliation for Service Vendors) and SF 318 (Service Confirmation for Service Vendors), as submitted, dating from the inception of the TSP program.
- Copies of records reflecting which people, organizations, companies and others have been determined to be eligible for participation in the WPS and GETS programs, including copies of submitted GETS/WPS Request forms, dating from the inception of these programs.
- Copies of all reports about the TSP program produced by the National Communications System (NCS) manager under sections 10 (c)(2)(k) and 10 (c)(3) of NCS Directive 3.1 of August 2000, dating to the inception of the TSP program.

As it relates to your request for expedited treatment, your request is denied. Pursuant to 5 U.S.C. §552 (a)(6)(E)(i), each agency shall promulgate regulations providing for expedited processing of records. Accordingly, §5.5(d) of the DHS Interim FOIA and Privacy Act regulations, 6 C.F.R. Part 5, addresses the Department's criteria for granting expedited treatment. You do not qualify for either category.

Clearly, the lack of expedited treatment in this case will not pose an imminent threat to the life or physical safety of an individual. In addition, you have not detailed with specificity why you feel there is an urgency to inform the public about the aforementioned records. This urgency would need to exceed the public's right to know about government activity generally.

If you deem the decision to deny expedited treatment of your request an adverse determination, you may exercise your appeal rights. Should you wish to do so, you must send your appeal within 60 days of receipt of this letter to the following address: Office of the General Counsel, Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in Subpart A, Section 5.9, of the DHS Regulations. Your envelope and letter should be marked "Freedom of Information Act Appeal." Copies of the DHS regulations; available from http://www.dhs.gov/xfoia/editorial_0318.shtm; Internet; accessed 30 March 2009.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As the subject matter of your request is of substantial interest to two or more components of this Department or of substantial interest to another agency, we will need to consult with those entities before we issue a final response. Due to these unusual circumstances, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner; however, there are currently 91 open requests ahead of yours.

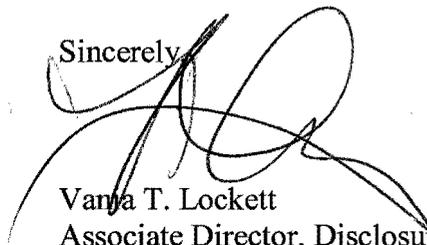
As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government;" (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant;" (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

Please be advised, should your fee waiver request be denied, provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. You stated in your request that you are willing to pay assessable fees up to \$250.00. You will be contacted before any additional fees are accrued.

We have queried the appropriate components of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **DHS/OS/PRIV 09-419/Bridis request**. Please refer to this identifier in any future correspondence. You may contact this office at 866-431-0486.

Sincerely,

A handwritten signature in black ink, appearing to be 'Vanya T. Lockett', written over the word 'Sincerely,'.

Vanya T. Lockett
Associate Director, Disclosure & FOIA Operations

(b) (6)

From: (b)(6) on behalf of Bridis, Ted (b)(6)
Sent: Wednesday, March 25, 2009 10:26 AM
To: FOIA
Cc: (b)(6)
Subject: AP FOIA request

Importance: High

March 25, 2009

FOIA
The Privacy Office
U.S. Department of Homeland Security
245 Murray Drive SW
STOP-0550
Washington, DC 20528-0550
Telephone: 703-235-0790
Facsimile: 703-235-0443
Email: foia@dhs.gov



Dear Ms. or Sir,

I am seeking to withdraw my pending request for records, "DHS/OS/PRIV 07-1107/Bridis request," which was originally submitted and received in your office on Sept. 14, 2007. I note that I never received copies of any records responsive to my request despite the fact that 18 months have passed.

Please consider this a new request under provisions of the Freedom of Information Act and the Electronic Freedom of Information Act, 5 U.S.C § 552; Department of Homeland Security regulation 6 C.F.R. § 5; and under President Barack Obama's Jan. 21, 2009, memorandum, in which he instructed: "... All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA."

First, I am seeking copies of the contents of the administrative folder and all correspondence related to my previous request, "DHS/OS/PRIV 07-1107/Bridis request."

I also am seeking copies of records reflecting which people, organizations, companies and others have been issued authorization codes under the Telecommunications Service Priority ("TSP") program administered by the National Communications System, which functions under the Office of Cyber Security and Communications within the National Protection and Programs Directorate of the Department of Homeland Security. These records include submitted copies of Form SF 315, "TSP Request for Service Users"; submitted copies of Form SF 314, "TSP Revalidation for Service Users"; submitted copies of Form SF 317, "TSP Action Appeal for Service Users"; submitted copies of Form SF 319, "Service Reconciliation for Service Vendors"; and submitted copies of Form SF 318, "Service Confirmation for Service Vendors." I am seeking copies of such records dating to the inception of the TSP program.

Additionally, I am seeking copies of records reflecting which people, organizations, companies and others have been determined to be eligible for participation in the Wireless Priority Service ("WPS") and the Government Emergency Telecommunications Service ("GETS") programs, which also are administered by the National Communications System. These records include copies of submitted "GETS/WPS Request Forms." I also am seeking copies of such records dating to the inception of those programs.

Additionally, I am seeking copies of all reports about the TSP program produced by the NCS manager under Sections 10(c)(2)(k) and 10(c)(3) of NCS Directive 3.1 of August 2000, which the manager must submit at least quarterly and semiannually to the Federal Communications Commission, the director of the Office of Science and Technology Policy and the TSP Oversight Committee. I am seeking copies of such records dating to the inception of the TSP program. Under Section 10(c)(2)(k) of this directive, the NCS manager must prepare

reports at least quarterly that include the numbers of requests processed for the various priority actions, and the priority levels assigned; relative percentages of services assigned to each priority level under each NS/EP category; any apparent serious misassignment or abuse of priority level assignments; and any existing or developing problem. Under Section 10(c)(3) of this directive, the NCS manager must prepare a report semiannually identifying each invocation of NS/EP treatment authorization of a priority provisioning for an NS/EP telecommunications service.

Please consider this an expedited request under the FOIA and under DHS regulation 6 C.F.R. § 5.5 (d)(1)(ii) as this information is urgently required to inform the public about an actual or alleged federal government activity, namely its efforts to maintain national security and emergency preparedness communications services during an attack, disaster or other crisis and the susceptibility of these efforts to misuse. I certify that I am a full-time employee for The Associated Press, the world's largest news-gathering organization with more than 1 billion readers, listeners and viewers.

Please release any information pursuant to my requests as it is received and/or reviewed by your office, rather than waiting to send me all the material I have requested.

As I am making this request on behalf of the AP for use in reporting the news, no fees may be assessed for searching or reviewing documents sought by this request, and no duplication fees should be charged to the AP for the first 100 pages of material (see 5 U.S.C. § 552(a)(4)(A)(ii)(II); 6 C.F.R. § 5.11(c)(1)). AP hereby consents to pay duplication charges up to a total not to exceed \$250, noting that duplication fees are set at 10 cents per page after the first 100 pages under 6 C.F.R. § 5.11(c)(2) and (d)(3)(i). Please notify me in advance before incurring any duplication charges in excess of this amount.

As you know, the Act permits you to reduce or waive the fees when the release of the information is considered as "primarily benefiting the public." I believe that this request fits that category and I therefore ask that you waive any fees.

If all or any part of this request is denied, please cite the specific exemption(s) that you think justifies your refusal to release the information and inform me of your agency's administrative appeal procedures available to me under the law.

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you.

(Signed)
Ted Bridis
The Associated Press
1100 13th St. NW, Suite 700
Washington, DC 20005-4076

(b)(6) voice
fax
cell

cc: (b)(6) assistant general counsel
The Associated Press

(b)(6)

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1898 and delete this e-mail. Thank you.

[IP_US_DISC]

msk dccc60c6d2c3a6438f0cf467d9a4938



Homeland Security

Privacy Office, Mail Stop 0655

April 2, 2009

Mr. Joe Goldberg
Assistant General Counsel
80 F Street, N.W.
10th Floor
Washington, D.C. 20001

Re: **DHS/OS/PRIV/09-420**

Dear Mr. Goldberg:

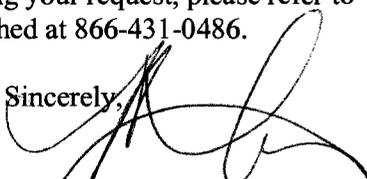
This acknowledges receipt of your March 17, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS). Your request was received in this office on March 25, 2009. You are seeking:

1. A list, containing position titles (not individual names) and position locations of civilian employees employed by the Agency who the Agency has designated as "exempt" from the Fair Labor Standards Act (FLSA).
2. The list, as designated in #1, above, is limited to those Agency employees who are (or at any time during the period designated by #3, below) members of a collective bargaining unit (CBU) of the American Federation of Government Employees (AFGE) recognized as the exclusive representative for any group of employees of the Agency (hereinafter referred to as "Designated Positions").
3. The information, as designated in #1 and #2, above, is limited to the time period of March 16, 2006, through the date of the production by the Agency (hereinafter referred to as the "Production Date").
4. A copy of the Position Description (PD), as well as any predecessor PD's (going back to March 16, 1999) of any Designated Position referred to in #1-3, above. This request is limited to the dates March 16, 2006, through the Production Date (except as to the predecessor PD's).
5. A copy of the Agency's employee evaluation plan (including critical performance elements) for each Designated Position as well as any predecessor evaluation plan (with critical performance elements) of any Designated Employees referred to in #1-3, above. This request is limited to the dates March 16, 2006, through the Production Date (with the exception of the predecessor employee evaluation plans which shall be provided from March 16, 1999, through the Production Date).
6. The information, as designated in #1-5, above, may be furnished in either hard (paper copy) or in a digital format readable by either Microsoft Excel or Microsoft Word. A key shall be provided by the Agency to allow the information received to be interpreted unless the information, as provided, is clearly self-explanatory. The Agency shall certify that the information and documents provided in response to this request are true and accurate copies of the information and/or documents they purport to be.

Upon initial review of your request, I have determined that the information you are seeking is under the purview of the DHS Management Directorate (MGMT). Therefore, I am referring your request to the FOIA Officer for MGMT, Mark Dorgan, for processing and direct response to you. You may contact that office in writing at U.S. Department of Homeland Security, Management Directorate, Washington, D.C. 20528 or via telephone at 202-447-3106.

If you need to contact this office again concerning your request, please refer to **DHS/OS/PRIV 09-420**. This office can be reached at 866-431-0486.

Sincerely,



Verna T. Lockett
Associate Director, Disclosure & FOIA Operations



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

John Gage
National President

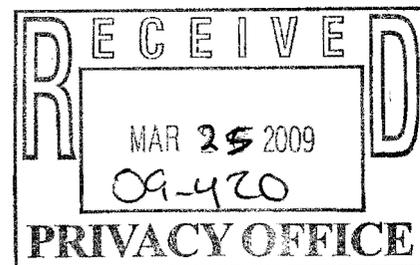
J. David Cox, Sr.
National Secretary-Treasurer

Andrea E. Brooks
National Vice President for
Women and Fair Practices

7d/260497

March 17, 2009

Department of Homeland Security
FOIA/Privacy Act Officer
The Privacy Office
245 Murray Drive, S.W.
STOP-0550
Washington, DC 20528-0550
toll-free number: (866) 431-0486
telephone number: (703) 235-0790
fax number: (703) 235-0443
e-mail address: foia@dhs.gov



Sir/Madam:

Re: FOIA Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (hereinafter "FOIA") Joe Goldberg (hereinafter the "Requestor") hereby requests that he be provided with the following information in the possession of your federal agency (hereinafter the "Agency"). The Requestor is a citizen of the United States and requests the information sought for non-commercial reasons. The Requestor hereby requests that the information and documents herein demanded be provided to the Requestor within thirty (30) days of the date of this communication.

The Request is as follows:

1. A list, containing position titles (not individual names) and position locations of civilian employees employed by the Agency who the Agency has designated as "exempt" from the Fair Labor Standards Act (hereinafter "FLSA").
2. The list, as designated in #1, above, is limited to those Agency employees who are (or at any time during the period designated by #3, below) members of a collective bargaining unit (hereinafter "CBU") of the American Federation of Government Employees (hereinafter "AFGE") recognized as the exclusive representative for any group of employees of the Agency (hereinafter referred to as "Designated Positions")
3. The information, as designated in #1 and #2, above, is limited to the time period of March 16, 2006, through the date of the production by the Agency to the Requestor of the information sought by this request (hereinafter referred to as the "Production Date") for



4. The Requestor further requests a copy of the Position Description (hereinafter referred to as the "PD") as well as any predecessor PD's (going back to March 16, 1999) of any Designated Position referred to in #1-3, above. This request is limited to the dates March 16, 2006, through the Production Date (except as to the predecessor PDs).
5. The Requestor further requests a copy of the Agency's employee evaluation plan (including critical performance elements) for each Designated Position as well as any predecessor evaluation plan (with critical performance elements) of any Designated Employees referred to in #1-3, above. This request is limited to the dates March 16, 2006, through the Production Date (with the exception of the predecessor employee evaluation plans which shall be provided from March 16, 1999, through the Production Date).
6. The information, as designated in #1-5, above, may be furnished in either hard (paper copy) or in a digital format readable by either Microsoft Excel © or Microsoft Word ©. A key shall be provided by the Agency to allow the information received to be interpreted unless the information, as provided, is clearly self-explanatory. The Agency shall certify that the information and documents provided in response to this Request are true and accurate copies of the information and/or documents they purport to be.

Should the Agency claim that any of the information sought is privileged or not subject to disclosure, the Agency shall provide all of the information sought that it does not claim is prevented from disclosure. The Agency shall specifically identify any information it seeks to withhold from disclosure and identify, with specificity, the grounds for the withholding of the specific information that it is withholding from disclosure.

As to the information in #1-6 the Requestor hereby requests that any fees anticipated by the Agency pursuant to 5 U.S.C. § 552(a)(4)(A) be waived, as the production of the information requested is in the public interest. The proper payment of federal employees under the FLSA is required, as a matter of law (5 U.S.C. § 207) and citizen review of the federal governments compliance with law is in the public interest and of interest to the general public. The information sought will be used for non-commercial purposes.

The information shall be provided to the Requestor at the address listed below:

Joe Goldberg
10th Flr.
80 F St. N.W.
Washington, D.C. 20001

The contact information for the Requestor is, telephone number (b)(6) and email at (b)(6)

I look forward to a timely acknowledgement of this FOIA request and the Agency's timely response.

Sincerely,

(b)(6)

A large black rectangular redaction box covers the signature area. The text "(b)(6)" is printed in the top-left corner of this box.

Joe Goldberg
Assistant General Counsel

EVAN BAYH
INDIANA

463 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1404
(202) 224-5623
http://bayh.senate.gov

1650 MARKET TOWER
10 WEST MARKET STREET
INDIANAPOLIS, IN 46204
(317) 554-0750

COMMITTEES:
ARMED SERVICES
BANKING, HOUSING, AND URBAN AFFAIRS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS
SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510-1404

March 30, 2009

Mr. Don Kent
Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Don:

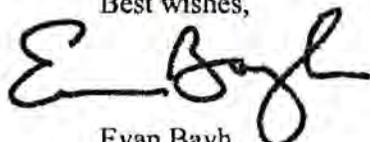
I have been contacted by (b) (6) regarding the attached correspondence which I trust is sufficient for you to understand his concerns.

I would appreciate you looking into this matter and responding to me on the points which have been raised by corresponding with me at:

10 West Market Street, Suite 1650
Indianapolis, Indiana 46204
Fax: (317) 554-0760

If you have any questions, please feel free to contact my Constituent Services Representative, (b) (6). Thank you for your time and assistance.

Best wishes,



Evan Bayh
United States Senator

EB/th

Enclosure

2009 APR -1 AM 7:26

EVAN BAYH

INDIANA

463 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1404
(202) 224-5823
http://bayh.senate.gov

1650 MARKET TOWER
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COMMITTEES:
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SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS
SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510-1404

March 30, 2009

Mr. Christopher Bliley
Associate Administrator of Congressional Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Room 3426 ARN
Washington, D.C. 20460

Dear Mr. Bliley:

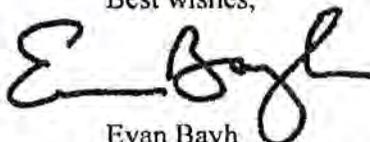
I have been contacted by (b) (6) regarding the attached correspondence which I trust is sufficient for you to understand his concerns.

I would appreciate you looking into this matter and responding to me on the points which have been raised by corresponding with me at:

10 West Market Street, Suite 1650
Indianapolis, Indiana 46204
Fax: (317) 554-0760

If you have any questions, please feel free to contact my Constituent Services Representative, (b) (6). Thank you for your time and assistance.

Best wishes,



Evan Bayh
United States Senator

EB/th

Enclosure

CONSENT FORM

CONSTITUENT INFORMATION

NAME: (b) (6)
ADDRESS: (b) (6)
E-MAIL: (b) (6)
TYPE OF BENEFITS APPLIED FOR: _____

DATE of BIRTH: (b) (6)
SOCIAL SECURITY NUMBER: (b) (6)
OTHER ID NUMBER: (b) (6) (US DoL OWCP)
TELEPHONE: (b) (6)

AT WHICH OFFICE DID YOU APPLY? 1

If other than own account, name of person whose account you're filing on and their account #:

NAME _____ SOCIAL SECURITY NUMBER _____

Briefly describe problem or inquiry (use reverse side if necessary):

(1) FOIA w/ US DHS FLETC Glynco, GA 1-24-09
Filed to obtain Accident Investigation Report with NO
Response

(2) US DoL OWCP ; NO PAY INCREASE SINCE 1-1-07 (CASE # (b) (6))
THIS HAS CAUSED A SERIOUS FINANCIAL ISSUE.

I request U.S. Senator Evan Bayh to:

- (1) Secure copy of Accident Investigation Report (US DHS FLETC)
- (2) Ascertain why I have NOT received A PAY INCREASE SINCE MY
ACCIDENT OF 8-14-07 THOUGH THOSE OVERSEEING PROGRAM HAVE RECEIVED TWO!

CONSTITUENT AUTHORIZATION

I am aware that the Privacy Act of 1974 prohibits the release of information in my file without my approval. I give my authorization to U.S. Senator Evan Bayh, or his staff representative designated by him, to _____ half to US DoL

Signed: (b) (6) US DHS METZ
Date: 3-26-09

Request must be signed by involved constituent or legally appointed guardian, and returned to U.S. Senator Evan Bayh, 1650 Market Tower, 10 West Market Street, Indianapolis, IN 46204 (317) 554-0750.

Name and Address of Guardian: _____

Inter-Office Information: Office Contacted: _____ Call/Visit 3/17/09 Staff Member (b) (6)

(3) Request the Hon. EVAN BAYH meet with me to discuss
The gross negligence of the US EPA who is responsible for
MY BRAIN DAMAGE.

COPY

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

Privacy Office, Mail Stop 0655

April 7, 2009

(b) (6)

Re: **FLETC FOIA09-054**

Dear Mr. (b) (6)

This acknowledges receipt of your follow up letter, dated March 26, 2009, regarding your Freedom of Information Act (FOIA) request to the Federal Law Enforcement Training Center (FLETC). The Department of Homeland Security (DHS) Office of Legislative Affairs received U.S. Senator Evan Bayh's letter regarding your request on March 30, 2009. The DHS Privacy Office received your supplemental inquiry regarding this request through the office of Senator Bayh via facsimile on the April 1, 2009. Your original request, dated January 24, 2009, was received by FLETC on January 27, 2009.

We have forwarded your correspondence to FLETC. Our colleagues at the FLETC FOIA office have informed us that they are in the midst of conducting a search for responsive records. If any records responsive to your request are located, they will be reviewed for determination of releasability and FLETC will respond directly to you. We make every effort to comply with your request in a timely manner. Please be assured that one of the processors in their office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **FLETC FOIA09-054**. Please refer to this identifier in any future correspondence. While this office is not directly processing your request, you may contact our office with any additional questions via telephone toll-free at 866-431-0486 or by calling 703-235-0790.

Sincerely,

A handwritten signature in black ink, appearing to read "W. H. Holzerland".

William H. Holzerland
Associate Director, Disclosure Policy
& FOIA Program Development